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SOUTH HAMS COUNCIL - THURSDAY, 19TH DECEMBER, 2013

Agenda, Reports and Minutes for the meeting

Agenda No Item

1. **Agenda Letter** (Pages 1 - 4)

2. **Reports**

Reports to Council:

a) Item 10 - Appointment of Head of Paid Service (Pages 5 - 8)

b) Item 11 - Member Allowances 2014/15 (Pages 9 - 22)

c) Item 12 - Business Rates Pooling in Devon (Pages 23 - 28)

3. **Minutes** (Pages 29 - 42)

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Agenda Item 1

Please reply to: Darryl White
Service: Corporate Services
Direct Telephone: 01803 861247
E-Mail: darryl.white@southhams.gov.uk

To: Chairman & Members of South Hams District Council

Our Ref: CS/DW

cc: Usual press and officer circulation

11 December 2013

Dear Councillor

A meeting of the **South Hams District Council** will be held in the **Council Chamber**, Follaton House, Plymouth Road, Totnes, on **Thursday, 19 December 2013 at 2.00 pm** when your attendance is requested.

Yours sincerely



Richard Sheard
Chief Executive

<p>FOR ANY QUERIES ON THIS AGENDA, PLEASE CONTACT DARRYL WHITE DEMOCRATIC SERVICES MANAGER ON DIRECT LINE 01803 861247</p>

A G E N D A

1. **Minutes** – to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Council held on 26 September 2013 (pages 1 to 14) and the special meeting of the Council held on 31 October 2013 (pages 15 to 23);
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 item 7 below);
3. **Confidential Business** – the Chairman to inform the meeting of any confidential item of business;
4. **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;
5. **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;
6. **Chairman's Engagements**;

7. **Business Brought Forward by the Chairman** – to consider business (if any) brought forward by the Chairman as reported under item 2 above;
8. **Questions** – to consider the following questions received in accordance with Council Procedure Rule 8.

From Cllr Baldry to Cllr Tucker, Leader of Council

1. The number of meetings of Full council has been reduced. It now appears that meetings of the Executive are 12 weeks apart. Who is taking Council decisions between meetings? Why are they not taken in public?

From Cllr Brazil to Councillor Hicks, lead Executive Member for Planning, Economy and Community

2. GVA has now published the final Strategic Housing Market Needs Assessment (SHMNA) for the South Hams. What is the timetable for the Council to debate and then draw conclusions from this report?
3. The SHMNA report contains economic forecasts that predict an increase in jobs of between 15% and 35% over a 20 year period to 2030. Given that in the last 20 years jobs in the UK have increased by 9.7% and by 10.7% for the 20 years before that and that since 1959 the number of jobs in the UK has risen by about 28% (over a period of 65 years), what weight do you feel the Council should give to these predictions?
4. The planning permission for Newton Sherford has now been signed off. What % of affordable housing without grant or clawback has the Council agreed with Red Tree and how does this compare with the adopted Local Development Framework Sherford Area Action Plan?
5. What is the average cost of agricultural land in the South Hams per acre?
6. Excluding exception and Village Housing Initiative sites, what is the average cost of agricultural land that receives planning permission for housing in the South Hams?

From Cllr Brazil to Cllr Tucker, Leader of Council

7. With the Chief Executive leaving, will the opportunity of sharing a Chief Executive with Teignbridge be explored and offered as a possible solution to our situation?

9. **Notice of Motion** – to consider the following motions received in accordance with Council Procedure Rule 10.1.

(a) **By Cllrs Gorman and Pannell**

“This Council (a) supports the principle of a Financial Transactions (aka Robin Hood) Tax and (b) urges Government to back implementation of this tax as a means of relieving some of the financial stress on Local Authorities and their residents.”

(b) **By Cllrs Hodgson and Hawkins**

“SHDC will support and resource where possible, projects that provide for local young people’s housing needs. These projects would be developed by young people in consultation with the SHDC Housing Officer and their local Town or Parish Council or Ward Member.”

(c) **By Cllrs Hodgson and Baldry**

“In the wake of the recent announcements to stop the extension of the Gloucestershire Badger cull due to not meeting targets and concerns about its effectiveness, this Council wishes to express its support for the implementation of a district-wide Bovine Tuberculosis (BTB) vaccination programme. This Council also recommends that the South Hams is designated a Badger Cull-free zone.”

(NOTE: For more info: www.theguardian.com/environment/2013/dec/02/failed-gloucestershire-badger-cull-tb-risk-cattle)

(d) **By Cllrs Hodgson and Gorman**

“Snaring is a cruel, indiscriminate and wholly unnecessary practice that has no place in modern society. Snares are thick wire nooses that are set to trap any animal perceived to be a pest or threat. The primitive design of a snare silently garrottes its victims and often leads to a painful and lingering death. Many protected mammals, such as badgers and otters, plus livestock and domestic pets are either caught, seriously injured, or killed by snares.”

(NOTE: For more info: www.snarewatch.org/about-the-law-and-snaring)

10. **Appointment of Head of Paid Service** – to consider a report which seeks the Council’s confirmation of the recommendation of the Appointments Panel and to share the reasoning behind the process adopted (circulated separately);
11. **Member Allowances 2014/15** – to consider a report which seeks to determine a new Scheme of Members’ Allowances for the 2014/15 Financial Year (circulated separately);

12. **Business Rates Pooling in Devon** – to consider a report which requests delegated authority for a decision to be made on whether the Council remains in the Devonwide Business Rates Pool for the 2014/15 Financial Year (circulated separately);
13. **Reports of Bodies** – to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies:-

Council Body		Date of Meeting	Minute Nos.	Page Nos.
a	Development Management Committee	25 September 2013	DM.22/13 – DM.26/13	24 - 28
b	Corporate Performance & Resources Scrutiny Panel *	3 October 2013	CP&R.09/13 – CP&R.21/13	29 - 41
c	Development Management Committee	30 October 2013	DM.27/13 – DM.31/13	42 - 48
d	Economy & Environment Scrutiny Panel	14 November 2013	EE.23/13 – EE.33/13	49 - 62
e	Salcombe Harbour Board	18 November 2013	SH.29/13 – SH.36/13	63 - 65
f	Community Life & Housing Scrutiny Panel	21 November 2013	CLH.20/13 – CLH.33/13	66 - 78
g	Corporate Performance & Resources Scrutiny Panel	28 November 2013	CP&R.22/13 – CP&R.xx/13	To follow
h	Development Management Committee	4 December 2013	DM.32/13 – DM.xx/13	To follow
i	Executive *	12 December 2013	E.38/13 – E.xx/13	To follow

* Indicates minutes containing recommendations to Council.

Members of the public may wish to note that the Council's meeting rooms are accessible by wheelchairs and have a loop induction hearing system.

**An optional lunch will be available for all Members
in the Dining Room at 1.00 pm**

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER
THIS AGENDA HAS BEEN PRINTED ON ENVIRONMENTALLY FRIENDLY PAPER**

If you or someone you know would like this publication in a different format, such as large print or a language other than English, please call Darryl White on 01803 861247 or by email at: darryl.white@southhams.gov.uk

AGENDA
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SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

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NAME OF COMMITTEE	COUNCIL
DATE	SOUTH HAMS – 19 DECEMBER 2013
REPORT TITLE	APPOINTMENT OF HEAD OF PAID SERVICE
Report of	CLLR JOHN TUCKER, LEADER, SHDC
WARDS AFFECTED	ALL

Summary of report: To seek the Council's confirmation of the recommendation of the Appointments Panel and to share the reasoning behind the process adopted.

Financial implications: The employment costs of the two Executive Directors will be shared equally between the two Authorities and will be met from existing budgetary provision.

RECOMMENDATIONS:

That Council:

- (i) endorses the move towards an Executive Director model as an interim measure pending the new senior management structure that will be developed within the agreed T18 programme timetable;
- (ii) confirms the Appointment Panel's recommendation as Head of Paid Service.

Officer contact:

Jan Montague, Head of Corporate Services, jan.montague@swdevon.gov.uk

1. BACKGROUND

- 1.1 The Constitution reserves to full Council the power to appoint the Chief Executive. Members who were present in 2010 may recall that on the last occasion when we appointed, this power was exercised after a joint Appointments Panel consisting of the two Leaders, the two Deputy Leaders and the two Leaders of the Opposition, considered applications through an external recruitment process.
- 1.2 On resignation of the present Chief Executive the joint Leaders and their Deputies met to consider how to move forward. It was felt to be important to move briskly to fill the gap to avoid any loss of momentum and to limit the uncertainty to the Senior Management Team (SMT) and staff at large.
- 1.3 Following consultation with SMT the Appointment Panel's preference was to seek an interim, internal arrangement in line with the following proposal.

2. THE PROPOSAL

- 2.1 Pending implementation of the Transformation Programme senior management structure the proposal is that we adopt an Executive Director model, with one of the two Directors taking on additional responsibility as the Head of Paid Service, with no separate Chief Executive as such.
- 2.2 The model reflects emerging good practice where districts have put such arrangements in place. There has been a trend in recent times not to replace Chief Executives like for like.
- 2.3 The commissioning model we are moving towards under the Transformation Programme lends itself to alternative arrangements. The retirement of the present post holder provides a real opportunity for us to test a different approach and learn from the experience as we design the new longer term structure. It could be a progressive step which may shape the future if it is successful. If not we will be in a position to return to a more traditional approach or adopt an alternative model.

3. LEGAL IMPLICATIONS AND STATUTORY POWERS

- 3.1 The appointment of a new Head of Paid Service is required by law to be subject to approval by full Council within each Authority.
- 3.2 The Head of Paid Service has to have an employment contract with both councils in order to fulfil the legal requirements of the post.
- 3.3 The Constitution reserves a number of powers to the Chief Executive. These powers and functions will be exercised by the Director appointed as Head of Paid Service.

4. FINANCIAL IMPLICATIONS

- 4.1 The employment costs of the two Executive Directors will be shared equally between the two Authorities and will be met from existing budgetary provision.

5. RISK MANAGEMENT

The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	The right management structure underpins the Councils' capacity to deliver all its corporate priorities
Considerations of equality and human rights:	None directly related to this report
Biodiversity considerations:	None directly related to this report
Sustainability considerations:	None directly related to this report
Crime and disorder implications:	None directly related to this report
Background papers:	None
Appendices attached:	None

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Impact on Council reputation	The Executive Director arrangements will not meet Member and Community needs and expectations	3	2	6	↔	Interim period. Roles will be clearly defined and regularly monitored	Leaders, Head of Paid Service, SMT
2	Impact on Service Delivery	SMT will not have the capacity to manage the loss of the Chief Executive role	3	2	6	↔	Backfilling arrangements will be considered and implemented where necessary	Head of Paid Service
3	Impact on Staff Morale	Lack of clarity on the interim management arrangements will lead to a loss of staff through resignation	2	2	4	↔	Clear communication with all staff and unions, through a variety of methods	Head of Paid Service

Direction of travel symbols ↓ ↑ ↔

AGENDA
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SOUTH HAMS DISTRICT COUNCIL

AGENDA
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NAME OF COMMITTEE	COUNCIL
DATE	19 December 2013
REPORT TITLE	Members' Allowances 2014/15
Report of	The Democratic Services Manager
WARDS AFFECTED	All

Summary of report:

To determine the new Scheme of Members' Allowances for the 2014/15 financial year.

Financial implications:

If Council supports the recommended increase in the Basic Allowance, the total budget increase would amount to £6,692.00 per annum.

RECOMMENDATION:

That the Council RESOLVES that the revised Scheme of Members' Allowances for 2014/15 (as shown at presented Appendix A) be adopted from 1 April 2014 and be in place until the Annual Council meeting in May 2015.

Officer contact:

Darryl White, Democratic Services Manager. Tel (01803) 861247

1. BACKGROUND

- 1.1 At its meeting on 5 December 2011, the Independent Panel on Members' Allowances felt that, unless the Scheme changed dramatically, the time was now right to align the Basic Allowance to a prescribed Index. The Panel proceeded to conclude that the Consumer Price Index should be the measure used for this purpose for the next four years.

2. ISSUES FOR CONSIDERATION

- 2.1 According to the Office of National Statistics, the Consumer Price Index stood at 2.7% in September 2013.
- 2.2 If Members are minded to agree to this increase, the Basic Allowance will increase by £117 from £4,343 to £4,460 per annum.
- 2.3 The proposed Scheme of Members' Allowances, that reflects this recommended increase, is shown at Appendix A.
- 2.4 A summary of the budget implications arising from this proposed increase is outlined at Appendix B.

Alternative Options

- 2.5 If Council is not minded to support the recommendation in this instance, the Panel has previously considered alternative options including:-
- aligning to the staff pay award. For 2013/14, Council staff received a 1% pay increase which would result in a revised Basic Allowance of £4,386 per annum;
 - multiplying the last LGA daily rate (£152.77) by 32 days. This would result in the Basic Allowance being increased to £4,889;
 - aligning to the Retail Price Index (which stood at 3.2% for September 2013). This would lead to a £139 increase in the Basic Allowance for 2014/15 to £4,482; and
 - maintaining the Basic Allowance at the current rate.

Potential Adjustment to the Current Scheme

- 2.6 For clarification purposes, officers are also recommending that the current practice whereby Member attendance at a conference, seminar or training course has to be 'signed off' by the Leader of Council and the Leader of the Opposition, should be formally included in the Scheme in order to be recognised as an Approved Duty.

T18 Programme and Boundary Review

- 2.8 In light of the implications arising from the T18 Programme and the Boundary Review, it is envisaged that the Scheme of Members' Allowances will require an extensive review during the spring of 2014, with a view to a new Scheme coming into effect after the May 2015 local elections.

- 2.9 As a consequence, it is recommended that a revised Scheme of Members' Allowances be adopted from 1 April 2014 and be in place until the time of the Annual Council meeting in May 2015.

3. RISK MANAGEMENT

The risk management implications are shown at the end of this report in the Strategic Risks Template.

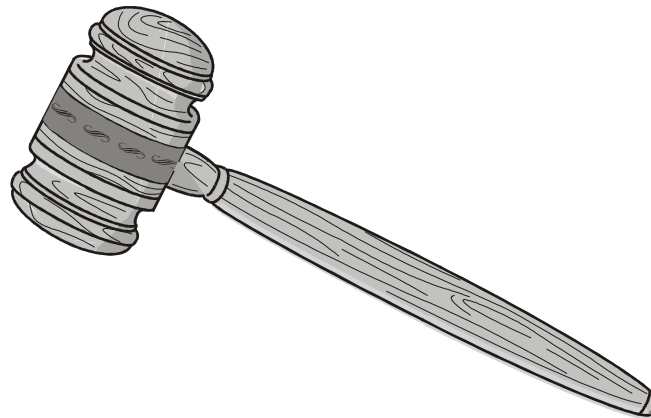
Corporate priorities engaged:	None directly related to this report.
Statutory Powers	The Local Authorities (Members' Allowances)(England) Regulations 2003.
Considerations of equality and human rights:	None directly related to this report.
Biodiversity considerations:	None directly related to this report.
Sustainability considerations:	None directly related to this report.
Crime and disorder implications:	None directly related to this report.
Background papers:	The Scheme of Members Allowances – April 2013; The notes of the Independent Panel on Members Allowances meeting held on 5 December 2011; and The Local Authorities (Members' Allowances)(England) Regulations 2003.
Appendices attached:	A: Copy of the proposed Scheme of Members' Allowances for 2014/15. B: Summary of the Budget Implications arising from the proposed increase.

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status			Mitigating & Management actions	Ownership	
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Statutory Requirement	The Council has a statutory requirement to adopt a Scheme of Allowances and to consider the recommendations of its Independent Panel in doing so.	4	1	4	↔	The Council considers the matter sufficiently far in advance of the start of the Financial Year to ensure that an amended scheme can be re-presented if the Council cannot agree approval.	Democratic Services Manager

Direction of travel symbols ↓ ↑ ↔

SOUTH HAMS DISTRICT COUNCIL



SCHEME OF MEMBERS' ALLOWANCES



**South Hams
District Council**

April 2014

SOUTH HAMS DISTRICT COUNCIL

SCHEME OF MEMBERS' ALLOWANCES

The Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:-

1. This scheme may be cited as the South Hams District Council Scheme of Members' Allowances, and shall have effect from 1 April 2014.

Basic Allowance

2. Subject to paragraph 9, for the period 1 April 2014 to the Annual Council meeting in May 2015, a basic allowance of £4,460 per annum shall be paid to each Councillor. This is intended to recognise the time commitment of Members to Council and constituency duties and costs relating to the use of the Members' home, postage, stationery and minor office equipment.

Special Responsibility Allowances

3. (a) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified below:-

	Amount per annum (£)
(i) Leader of the Council	13,380
(ii) Deputy Leader of the Council Chairman of Development Management Committee) 6,690 each)
(iii) Other Members of the Executive	4,460 each
(iv) Vice-Chairman of the Development Management Committee	2,230
(v) Chairmen of the Scrutiny Panels	3,345 each
(vi) Chairman of the Audit Committee	3,345
(vii) Chairman of the Licensing Committee	2,230
(viii) Chairman of Salcombe Harbour Board (to be paid from Board finances)	2,230
(ix) Minority Groups allowance	(<u>£8,920</u>) x 40 number in each group
(xi) Independent Persons (standards functions)	500 each

- (b) Allowances for Chairman and Vice-Chairman of Council:-

(i) Chairman of Council	4,460
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- (c) Subject to paragraph 9, the amount of each such allowance shall be the amount specified against that special responsibility in sub-paragraph (a) above. Where a Councillor is entitled to more than one Special Responsibility Allowance, only one such Allowance, equivalent to the higher entitlement, shall be paid.

Travelling Allowances

5. Those duties as set out at Schedule 1 will attract the payment of a travelling allowance at the following rates:-
- (a) The rate of travel by public transport shall not normally exceed the cheapest fare available, subject to the Democratic Services Manager exercising discretion in the case of special visits or where business needs to be transacted on the journey.
 - (b) The rates of travel by a Member's motor cycle shall be 24 pence per mile.
 - (c) The rates of travel by a Member's motor vehicle (other than a motor cycle) shall be 45 pence per mile.
 - (d) A supplement of 5 pence per mile for each passenger carried will also be paid.
 - (e) The actual amount incurred on any tolls, ferries or parking fees, including overnight garaging shall be reimbursed.
 - (f) The rates of travel by a Member's bicycle shall be 20 pence per mile.
 - (g) The rate of travel by taxi-cab shall not exceed:-
 - (i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
 - (ii) in any other case, the amount of the fare for travel by appropriate public transport.
 - (h) The rate of travel by a hired motor vehicle other than a taxi-cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Member, provided that the rate may be increased at the Democratic Service Manager's discretion (as in (a) above) to an amount not exceeding the actual cost of hiring.
 - (i) Where travel by air is the only effective means of travel or produces sufficient savings in time and / or other allowances, the rate shall not exceed the cheapest fare available.

Subsistence Allowances

6. (a) Subsistence allowances may be claimed to meet the costs of meals, refreshments, accommodation etc, in connection with the performance of an approved duty as specified at Schedule 1. The rates shall not exceed:-
- (i) in the case of an absence, not involving an absence overnight, from the usual place of residence:-
 - A. of more than 4 hours, £5.00 for breakfast;
 - B. of more than 4 hours, £5.00 for lunch;
 - C. of more than 4 hours, including the period 3.00 pm to 6.00 pm, £2.94 for tea;
 - D. of more than 4 hours, ending after 7.00 pm, £5.00 for an evening meal;
- provided that, for meetings such as Council, Committee or other Council body meetings, meals or refreshments may be provided by the Council, including on occasions where the absence from the residence may not exceed 4 hours.
- Where such meals are provided or paid for separately by the Council, the appropriate subsistence allowance shall not be paid to a Member, unless the Member has specifically indicated that he or she is unable or does not wish to take the meal provided by the Council, or otherwise where other unforeseen commitments prohibit the taking of the meal.
- (ii) in the case of an absence overnight from the usual place of residence, £79.82, or, for such an absence overnight in London or an annual conference of the Local Government Association or such other association of bodies as the Secretary of State may designate, £91.04.
- (b) The actual reasonable costs of meals taken on trains may be reimbursed. (This would replace the subsistence allowance for the appropriate meal period).

Dependants' Carers' Allowance

7. A Councillor may claim a carers' allowance in accordance with the provisions specified at Appendix A.

Renunciation

8. A Councillor may by notice in writing given to the Democratic Services Manager elect to forego any part of his entitlement to an allowance under this scheme.

Part-Year Entitlements

9. (a) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- (b) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:-
 - (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year, the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year (ie a pro-rata calculation will be made).
- (c) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- (d) Where this scheme is amended as mentioned in sub-paragraph (b), and the term of office of a period Councillor does not subsist throughout the period mentioned in sub-paragraph (b)(i), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.
- (e) Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.
- (f) Where a Councillor has been appointed on a temporary basis to a position which attracts a special responsibility allowance, that Councillor's entitlement shall, following a **Page 17** month period in that position, be to payment

of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year. Payment to the Councillor previously entitled to the special responsibility allowance shall, at the same point, cease.

- (g) Where this scheme is amended as mentioned in sub-paragraph (b), and a Councillor has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (b)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Claims and Payments

- 10. (a) **A claim for travelling and subsistence allowance under this scheme must be made in writing signed by the claimant member within two months of the date of the meeting in respect of which the entitlement to the allowance arises. Claims which do not comply with this timescale will only be accepted by the Democratic Services Manager in exceptional circumstances. Members are encouraged to submit a claim every month with any such claims being accompanied by receipts.**
- (b) Payments shall be made on a monthly basis along with payments for the basic and any special responsibility allowances. Such payments will be made direct to the bank or building society account of the Member's choice.
- (c) Where a payment under this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

Suspension

- 11. If a Member is suspended or partially suspended from his responsibilities or duties as member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the proportion of the basic allowance, any special responsibility allowance and travelling and subsistence allowance payable to him/her in respect of the period for which he is suspended or partially suspended may be withheld by the authority.

SCHEDULE 1

APPROVED DUTIES

There is specified as an approved duty for the purpose of the payment of travelling and subsistence allowances, attendance at:-

- (a) meetings of the Council, its Committees, the Executive and Scrutiny Panels, subject, in each case of attendance at any bodies of which a Councillor is not a Member, to the prior invitation of the relevant Chairman;
- (b) meetings of other bodies to which the authority makes appointments, or of any committee or sub-committee of such a body;
- (c) any other meeting the holding of which is authorised by the authority, or a committee, group of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee, provided that:-
 - (i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the authority is not so divided, it is a meeting to which the authority is a member;
- (d) the following types of meetings, provided that where the authority is divided into two or more political groups, Members of at least two such groups have been invited:-
 - (i) briefing and other meetings relating to activities of the Council or matters affecting the District;
 - (ii) meetings relating to future change in local government;
- (e) the opening of tenders in accordance with Standing Orders by the relevant nominated Members;
- (f) a meeting of any association of authorities of which the authority is a member.
- (g) a meeting of any town or parish council within their electoral ward, and of which they are not already a member.
- (h) training events, conferences and seminars which have been endorsed by the Leader of Council and the Leader of the Main Opposition Group.

In addition, Members may claim travelling and subsistence allowances for meetings or events not otherwise provided for in this scheme when asked in writing to attend by a member of the Senior Management Team, when such attendance is in the interests of the Council or in pursuance of its policies.

Duties excluded by these provisions are those in respect of which the Member receives remuneration otherwise than under this scheme.

For further information, please contact:-

Anna Gribble
Member Services Admin Assistant
Tel: (01803) 861113
e-mail: anna.gribble@southhams.gov.uk

Darryl White
Democratic Services Manager
Tel: (01803) 861247

e-mail: darryl.white@southhams.gov.uk

South Hams District Council

Dependants' Carers' Allowance

An allowance of up to £6.19 per hour (or part) (equivalent to the minimum wage in local government) may be claimed when a carer for a dependant has been engaged to enable a councillor to carry out an approved duty (as specified in Schedule 1).

A carer will be any responsible person who does not normally live with the councillor as part of that councillor's family.

An allowance will be payable if the dependant being cared for:-

- is a child under the age of 14
- is an elderly person; or
- has a recognised physical or mental disability

who normally lives with the councillor as part of that councillor's family and should not be left unsupervised.

For meetings or duties within the Council's boundaries, the allowance will be paid for the duration of the meeting or otherwise approved duty plus an allowance for up to one hour's total travelling time before and after the meeting.

The actual cost of care will be reimbursed, up to a maximum of £6.19 per hour.

The level of allowance will be reviewed on an annual basis effective from 1 April and shall be in line with the national minimum wage.

Printed and Published by:-

South Hams District Council
Follaton House
Plymouth Road
TOTNES
Devon, TQ9 5NE

Scheme of Members' Allowances

Budget Provision in 2013 / 2014 (excluding travel, subsistence and carers' allowances):

Basic Allowance (4,343 x 40)	£173,720	
Special Responsibility Allowance	£ 76,200	(Not including Chairman of Salcombe Harbour Board allowance, which is paid separately from Board finances)
Total	£ 249,920	

Proposed Allowances for 2014/ 2015

Basic Allowance	£4,460
Total (x 40 Members)	£178,400

Special Responsibility Allowances

	Ratio	Allowance (£)
Leader of Council	3 x basic	13,380
Deputy Leader	1.5 x basic	6,690
Chairman of Development Management Committee	1.5 x basic	6,690
Other Executive Members (of which there are 6)	1 x basic x 6	26,760
Vice Chairman of Development Management Committee	0.5 x basic	2,230
Chairmen of Scrutiny Panels (of which there are 3)	0.75 x basic x 3	10,035
Chairman of Audit Committee	0.75 x basic	3,345
Chairman of Licensing Committee	0.5 x basic	2,230
Chairman of Salcombe Harbour Board	0.5 x basic	(2,230)
Minority Groups Allowance (of which there are 3)	2 x basic / 40 x no. in each group	2,007
Chairman of Council	1 x basic	4,460
Vice Chairman of Council	0.25 of Council Chairman	1,115
Independent Persons (Standards functions) of which there are 3)	3 x £500	1,500
Total		78,212

OVERALL INCREASE IN BUDGET PROVISION FROM 2014 / 2015 ON 2013 / 2014: £256,612.00 – £249,920 = £6,692.00

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AGENDA ITEM 12

SOUTH HAMS DISTRICT COUNCIL

AGENDA ITEM 12

NAME OF COMMITTEE	Council
DATE	19 December 2013
REPORT TITLE	Business Rates Pooling in Devon
Report of	Head of Finance & Audit
WARDS AFFECTED	All

Summary of report:

This report requests delegated authority for the S151 Officer (Head of Finance and Audit), in consultation with the Leader, Executive Portfolio Holder for Finance and Senior Management Team, to make a decision for the District Council on remaining in the Devonwide Business Rates Pool for the financial year 2014/15, in the light of the announcements due at the end of December 2013 regarding the finance settlement.

Financial implications:

The potential gain to the Devon region from pooling in 2013/14 is currently estimated to be around £0.5 million. South Hams District Council's share of the pooling gain is currently estimated to be just under £20,000 in 2013/14. If South Hams decided to withdraw from the pool in 2014/15, the Devonwide Business Rates pool would collapse and would not be able to be re-constituted until the financial year 2015/16.

RECOMMENDATIONS:

It is recommended that:

- i) **Delegated authority is given to the S151 Officer (The Head of Finance and Audit), in consultation with the Leader, Executive Portfolio Holder for Finance and Senior Management Team, to make a decision for the District Council on remaining in the Devonwide Business Rates Pool for the financial year 2014/15, in the light of the announcements due at the end of December 2013 regarding the finance settlement.**

- ii) **Delegated authority is given to the S151 Officer (The Head of Finance and Audit), in consultation with the Senior Management Team, to approve the content of the NNDR1 return (estimate of business rates income) for the Council for 2014-2015, as set out in Section 3.4**

Officer contact:

Lisa Buckle, Head of Finance,
01803 861413 lisa.buckle@swdevon.gov.uk

1. BACKGROUND OF THE BUSINESS RATE RETENTION SCHEME

- 1.1 The way that Councils receive income from Business Rates changed from 1 April 2013. Business Rates retention was introduced to enable authorities to be able to retain a share of any growth that is generated in Business Rates revenue in their areas.
- 1.2 The reality is that some authorities earn more in business rates than they used to receive from the previous formula grant. While there are other authorities who earn much less. So the Government has levelled the playing field through a mixture of “top-ups” and “tariffs”. At the beginning of each year, the government will carry out calculations to ensure that councils with more business rates income than their current baseline funding level will make a tariff payment to government. Similarly, where council’s have greater needs than their business rates income, they will receive a top-up payment from the government. South Hams District Council and other Devon Districts are Tariff Authorities. Devon County Council, Plymouth and Torbay are ‘Top Up’ Authorities.
- 1.3 The government will make available safety net payments if a Council’s business rates income falls by a certain amount. This will provide support if, for example a major local employer closes. The safety net is set at 7.5% and the maximum levy is now 50%. This means that South Ham’s exposure to losses is around £126,000 (being 7.5% of the baseline funding level of £1.685 million). The levy is the amount the Government takes from any business rates growth over the business rate baseline, for each Authority.

2. BUSINESS RATES POOLING IN DEVON

- 2.1 The business rate retention scheme allows authorities to voluntarily form a business rates retention pool. Local authorities within a pool are treated as a single authority, with all tariffs and all top ups being combined and a single levy rate being applied. At an early stage the Government encouraged Councils to ‘pool’.

3. THE DEVON BUSINESS RATES POOLING ARRANGEMENT

- 3.1 The ‘Devon Pool’ distributes pooled funds using a “no worse off” basis. Funds are distributed to each member authority to a position no worse than it would have been had the pool not existed. Clearly this is only possible if the pooling arrangements result in an aggregate financial position that is no worse than would have been the case had the pool not existed. The membership of the Devon pool consists of the eight District Councils in Devon and Devon County Council, Torbay Unitary and Plymouth Unitary, with Plymouth acting as the Lead Authority for the pool.

- 3.2 Where pooling generates a net gain, the additional resources (above and beyond the 'no worse off' basis) are distributed in the following proportions:-
50% of the gain are distributed using each authority's baseline funding level and 50% of the gain are distributed using NDR baseline. The same proportion is used if pooling generates a net loss.
- 3.3 There is no entitlement to safety net funding should a high degree of negative growth be experienced by the pool. Current modelling anticipates that the potential gain to the Devon region from pooling in 2013/14 is estimated to be around £0.5 million. South Hams District Council's share of the pooling gain is currently estimated to be just under £20,000 in 2013/14.
- 3.4 The statutory Government Return, the NNDR1, is completed by the Council each year and gives a prediction of the Business Rates income that will be generated. This form is now required to be approved by the Council each year. As this is an arithmetical calculation based on factual figures, it is recommended that Council delegate approval of the figures within this return to the S151 Officer, in consultation with the Senior Management Team (SMT).

4. LEGAL IMPLICATIONS

- 4.1 As per Article 4 of the Council's Constitution, Council is responsible for approving the policy framework and the budget. As funding from Business Rates is a significant part of the funding for the Council's overall revenue budget, any decision on Pooling must be taken by Full Council. Councils will have 28 days from the provisional local government finance settlement (anticipated late December) to withdraw from prospective pools. Any withdrawal at that stage by any of the Councils currently within the Devon pool would mean that the whole Devon pool could not proceed for another financial year.
- 4.2 The Council would be in a position to be able to make a decision on remaining in the Devonwide pool for 2014/15, once the finance settlement has been announced in late December and the figures have been analysed. Further monthly monitoring is also currently taking place on each Council's business rates income position. There is no Council meeting scheduled for early January 2014 and therefore delegated authority is requested for this decision.

5. FINANCIAL IMPLICATIONS

- 5.1 The potential gain to the Devon region from pooling in 2013/14 is currently estimated to be around £0.5 million. South Hams District Council's share of the pooling gain is currently estimated to be just under £20,000 in 2013/14. If South Hams District Council decided to withdraw from the pool in 2014/15, the

Devonwide Business Rates pool would collapse and would not be able to be re-constituted until the financial year 2015/16.

6 OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Statutory powers:	Business Rates Retention Scheme
Considerations of equality and human rights:	None directly related to this report.
Biodiversity considerations:	None directly related to this report.
Sustainability considerations:	None directly related to this report.
Crime and disorder implications:	None directly related to this report.
Background papers:	Council – 13 December 2012
Appendices attached:	None

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Risk of a Member Authority Leaving the Devon Pool	Volatility – if the Council or one of the other Member Authorities chooses not to pool once the Finance Settlement is announced, the full risks associated with business rates income volatility will be held entirely with the Council.	4	4	16	↔	Careful analysis of the financial impact of being in the pool and of being independent.	H of F&A Other Local Authorities
2	Future funding levels (if the Council is exposed to business rates income volatility)	A significant drop in overall funding could have a detrimental impact on reserve levels.	4	2	8	↔	Close monitoring of the changes in business rates throughout the year. Maintaining a healthy level of reserves to mitigate any potential drop in funding.	H of F & A, H of CS & IT
3	Assumptions used for modelling the effects of business rates pooling	Risk of assumptions used for modelling scenarios for pooling turning out to be significantly different to what happens in reality.	5	2	10	↔	Close monitoring of the assumptions used. These have been based on historical patterns of business rates income and predicted growth from informed knowledge.	H of F&A Other Local Authorities

Direction of travel symbols ↓ ↑ ↔

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MINUTES OF THE MEETING OF COUNCIL

HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY, 19 DECEMBER 2013

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr M J Hicks
*	Cllr A D Barber	*	Cllr P W Hitchins (Vice Chairman)
*	Cllr H D Bastone	*	Cllr J M Hodgson
*	Cllr J H Baverstock	*	Cllr T R Holway
*	Cllr J I G Blackler	*	Cllr L P Jones
*	Cllr I Bramble	*	Cllr D W May
∅	Cllr J Brazil	∅	Cllr C M Pannell
*	Cllr C G Bruce-Spencer	*	Cllr J T Pennington
*	Cllr B F Cane	*	Cllr R Rowe
*	Cllr B E Carson (Chairman)	*	Cllr M F Saltern
*	Cllr R J Carter	*	Cllr P C Smerdon
∅	Cllr B S Cooper	*	Cllr J W Squire
*	Cllr S E Cooper	*	Cllr R C Steer
*	Cllr P Coulson	*	Cllr M Stone
*	Cllr P K Cuthbert	*	Cllr R J Tucker
*	Cllr R J Foss	*	Cllr R J Vint
*	Cllr R D Gilbert	*	Cllr L A H Ward
*	Cllr A S Gorman	*	Cllr J A Westacott MBE
*	Cllr M J Hannaford	*	Cllr K R H Wingate
*	Cllr J D Hawkins	*	Cllr S A E Wright

Item No.	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Chief Executive, Monitoring Officer and Democratic Services Manager

36/13 **MINUTES**

The minutes of the meeting of the Council held on 26 September 2013 and the special meeting of the Council held on 31 October 2013 were both confirmed as a correct record and signed by the Chairman.

37/13 **URGENT BUSINESS**

The Chairman advised that he had agreed for one item of urgent business to be raised at this meeting in relation to the Council's Local Government Finance Settlement. This item was considered urgent in light of it being recently announced and would be considered under agenda item 7 (Minute 40/13 below refers).

38/13 DECLARATIONS OF INTEREST

Members 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:-

Cllrs B F Cane, R J Foss, D W May, P C Smerdon, R C Steer and R J Tucker all declared a Disclosable Pecuniary Interest in Item 9(c): 'Notices of Motion' (minute 41/13(c) below refers) by virtue of their respective involvement in the agricultural industry and each left the meeting during consideration of this item.

Cllrs J I G Blackler and B F Cane both declared a personal interest in Item 8 'Question 4' (minute 40/13 (4)) below refers) in relation to the Sherford new town and both remained in the meeting when the response to this question was given.

Cllrs B E Carson and M F Saltern both declared a Disclosable Pecuniary Interest in Item 13(i): 'Reports of Bodies – Executive: 12 December 2013' (Minute 45/13(i) below refers) specifically in relation to the Affordable Housing Capital Programme item by virtue of their involvement with the Devon and Cornwall Housing Board and advised that they would leave the meeting in the event of any discussion taking place on this matter.

39/13 CHAIRMAN'S ENGAGEMENTS

The Chairman made specific reference to:

- his attendance at the Rowcroft Hospice 'Celebration of Christmas' service which had been held at Buckfast Abbey on Sunday, 15 December 2013;
- his Christmas Party which had been held on Friday, 6 December 2013. The Chairman wished to thank those Members and officers who had attended this event; and
- the decision to cancel the Joint Scrutiny Panel meeting to discuss the 2014/15 Budget. The Chairman informed that, with the agreement of the Chairmen of the Scrutiny Panels, the decision had been taken to replace this meeting with an informal all Member session with officers from Financial Services in attendance to answer any questions on the Budget. In response to concern being expressed that this would prevent Scrutiny Members from making formal recommendations on the Budget, the Leader confirmed that any Member could present their recommendations to the Executive meeting on 23 January 2014.

40/13 LOCAL GOVERNMENT FINANCE SETTLEMENT

As referred to above (Minute 37/13 refers), the Leader introduced a briefing note which had been tabled on the Local Government Finance Settlement and highlighted that the position was £50,000 better than had been anticipated for 2014/15 and £43,000 better than expected for 2015/16.

In discussion, reference was made to:-

- the very low settlements received by other rural local authorities. In highlighting some examples, a Member emphasised the importance of SPARSE continuing to lobby government in an attempt to ensure that rural authorities received a fairer settlement;
- appreciation that this matter had been presented to Council at the earliest opportunity;
- potential capping thresholds. In reply to a question, it was confirmed that the government had indicated that Council Tax increases could be capped at 2%, however, this could change. Regarding town and parish council precepts, no indication had been given in respect of whether any increases would be subject to capping.

41/13 QUESTIONS

From Cllr Baldry to Cllr Tucker, Leader of Council

1. *The number of meetings of Full council has been reduced. It now appears that meetings of the Executive are 12 weeks apart. Who is taking Council decisions between meetings? Why are they not taken in public?*

In reply, Cllr Tucker advised that no decisions had been taken outside of either the Executive or the public arena, but it had just so happened that agenda items were few and far between during this twelve week period. In contrast, the number of agenda items for the Executive meetings in December 2013 and January 2014 were extensive.

From Cllr Brazil to Councillor Hicks, lead Executive Member for Planning, Economy and Community

2. *GVA has now published the final Strategic Housing Market Needs Assessment (SHMNA) for the South Hams. What is the timetable for the Council to debate and then draw conclusions from this report?*
3. *The SHMNA report contains economic forecasts that predict an increase in jobs of between 15% and 35% over a 20 year period to 2030. Given that in the last 20 years, jobs in the UK have increased by 9.7% and by 10.7% for the 20 years before that and that since 1959 the number of jobs in the UK has risen by about 28% (over a period of 65 years), what weight do you feel the Council should give to these predictions?*

With the agreement of the Chairman, Cllr Hicks proceeded to respond to these questions together. In respect of the SHMNA, Cllr Hicks advised that this was just one element in the local plan preparation process and would be considered in conjunction with other factors (e.g. growth predictions) to inform this process. As a consequence, the consultants would be providing the Council with a number of wide ranging targets.

Similarly, regarding Question 3, Cllr Hicks advised that this would also be determined by further information gained from other sources. In failing to see the connection between the South Hams and the UK, Cllr Hicks also stated that the South Hams was not reflective of the UK as a whole.

4. *The planning permission for Newton Sherford has now been signed off. What % of affordable housing without grant or clawback has the Council agreed with Red Tree and how does this compare with the adopted Local Development Framework Sherford Area Action Plan?*

Firstly, Cllr Hicks wished to put on record that the site was not called 'Newton Sherford' and the name of the development was in the hands of the developer, who could review the name if they so wished.

In respect of the 'clawback mechanism', the decision was taken by the Development Management Committee for the base percentage of affordable housing to be set at 20%. This was not necessarily a fixed level, with it being reviewed at certain stages in the development (e.g. another viability assessment was required at the stage of house build number 700). Whilst the percentage of affordable housing would not drop below the baseline throughout the development, there was a possibility that it could increase as the project evolved.

5. *What is the average cost of agricultural land in the South Hams per acre?*

Cllr Hicks advised that this was a difficult question to answer since land was worth what a buyer was willing to pay for it. Having said that, Cllr Hicks informed that such land was valued in the range of £2,000 - £10,000 per acre, with the price depending on a number of factors (e.g. quality of land and access).

6. *Excluding exception and Village Housing Initiative sites, what is the average cost of agricultural land that receives planning permission for housing in the South Hams?*

In response, Cllr Hicks advised that ordinarily the value of land with planning permission was kept secret. However, based upon those occasions when the value was known by the Council, such land with planning permission for housing was worth anything between ten and twenty times more than without.

From Cllr Brazil to Cllr Tucker, Leader of Council

7. *With the Chief Executive leaving, will the opportunity of sharing a Chief Executive with Teignbridge be explored and offered as a possible solution to our situation?*

In reply, Cllr Tucker referred to agenda item 10 (Minute 42/13 below refers).

41/13 **NOTICE OF MOTION**

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

(a) By Cllrs Gorman and Barber

“This Council (a) supports the principle of a Financial Transactions (aka Robin Hood) Tax and (b) urges Government to back implementation of this tax as a means of relieving some of the financial stress on Local Authorities and their residents.”

In his introduction, the proposer requested that parts (a) and (b) of his motion be voted upon separately and made particular reference to:-

- working class people currently having no alternative to the austerity measures;
- the current system not working;
- the average UK household debt (including mortgages) standing at over £54,000 in October 2013;
- the annual report generated by the Citizens Advice Bureau (CAB). The report suggested that client contact with the CAB had increased by 11%, with major enquiries in relation to benefits and debt management also increasing dramatically;
- the proposals being accepted by a number of other countries. In addition, a number of local authorities had also supported similar motions;
- the Financial Transactions Tax potentially generating hundreds of millions of pounds;
- the need to lobby government to ensure fairness and justice for ordinary families and businesses.

In discussion particular reference was made to:-

- (a) £65 billion raised and 1.1 million people employed by the financial centre in London. By imposing this tax, a Member highlighted that we could potentially be sending our financial institutions to other countries. In reply, another Member highlighted that it was also of importance for funds to be re-distributed equally and reminded those present that the economic situation was created by the relatively unregulated financial market;
- (b) the proposal having the support of leading economists and promoting market stability. In so doing, it was felt that the tax would not affect high street services;
- (c) Stamp Duty already constituting a form of Financial Transactions Tax;
- (d) the merits of the motion. Some Members questioned the merits of this motion being presented to the Council.

In conclusion, the proposer wished to request a recorded vote. However, in accordance with Council Procedure Rule 15.5, there was insufficient support amongst the Council for this request.

When put to the vote, both parts of the motion were declared **LOST**.

(b) **By Cllrs Hodgson and Hawkins**

“SHDC will support and resource where possible, projects that provide for local young people’s housing needs. These projects would be developed by young people in consultation with the SHDC Housing Officer and their local Town or Parish Council or Ward Member.”

In her introduction, the proposer made reference to:-

- the presentation given by young residents during the Informal Council session earlier that day;
- there being no simple solution to this problem;
- the motion intending to give a commitment to local young people that the Council was doing everything it could to help them;

In discussion, particular reference was made to:-

- (a) this being an issue where the Council could potentially make a real difference. By working together with partner agencies, a Member felt that this was an issue where a real difference could be made to ensure that local young people had a prosperous future in the South Hams;
- (b) the Affordable Housing Development Plan Document (DPD). A Member commented that the DPD was amenable to innovative solutions and the energies of young residents should be harnessed by agencies to support them in their housing needs;
- (c) a new homelessness prevention officer, who was due to start work with the Council in the new year;
- (d) the housing problems also being faced by older residents. In highlighting that the ratio between average wages and house prices in the South Hams was continuing to increase, it was noted that older residents and young families were also struggling;
- (e) the possible merits of weighting affordable housing towards young people and basing it upon their level of need;

The proposer concluded the debate by informing the Council that it was her hope for a meeting to be held with the local MP on this issue early in the new year.

It was then:-

RESOLVED

That SHDC will support and resource where possible, projects that provide for local young people's housing needs. These projects would be developed by young people in consultation with the SHDC Housing Officer and their local Town or Parish Council or Ward Member.

(c) **By Cllrs Hodgson and Baldry**

"In the wake of the recent announcements to stop the extension of the Gloucestershire badger cull due to not meeting targets and concerns about its effectiveness, this Council wishes to express its support for the implementation of a district-wide Bovine Tuberculosis (BTB) vaccination programme. This Council also recommends that the South Hams is designated a badger cull-free zone."

In her introduction, the proposer made reference to:-

- this being a national issue and her questioning the humanity, efficiency and costs of this culling exercise;
- the effectiveness of the pilot culling exercise. Indeed, the proposer commented that some research had suggested that the exercise had in fact resulted in an increase in BTB in that area;
- her views that a vaccination programme would be a more suitable alternative than culling which was inhumane, inefficient and unscientific. In addition, the proposer informed that a vaccination programme could in fact be cheaper than culling and would maintain good relations between all parties;
- a live e-petition on the Devon County Council website, which was asking for signatories to support the saving of Devon's badgers from culling.

In discussion particular reference was made to:-

- (a) a number of Members having declared a Disclosable Pecuniary Interest (DPI) and left the meeting. Some Members expressed their regret that these declarations had resulted in the experts in this matter being forced to leave the meeting during the debate;
- (b) the difficulty in finding a solution to this problem. Some Members acknowledged that there was no scientific evidence that badgers were totally responsible for BTB. However, they also commented that the vaccination process was not far enough developed yet to be considered wholly effective;
- (c) comments in opposition to the motion. In stating their opposition to the motion, some Members highlighted: the need for more understanding in relation to the costings, the need for the badger population to be reduced and the impact of BTB on cattle;

In her concluding comments, the proposer informed that the motion had been tabled at the request of a resident and stated that there was good rationale in active management rather than culling.

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

(d) **By Cllrs Hodgson and Gorman**

“Snaring is a cruel, indiscriminate and wholly unnecessary practice that has no place in modern society. Snares are thick wire nooses that are set to trap any animal perceived to be a pest or threat. The primitive design of a snare silently garrottes its victims and often leads to a painful and lingering death. Many protected mammals, such as badgers and otters, plus livestock and domestic pets are either caught, seriously injured, or killed by snares.”

In her introduction, the proposer conducted a PowerPoint presentation, during which particular reference was made to:-

- the extent of animal cruelty arising from the use of snares;
- the fact that snares were still legal to be used across the UK under certain conditions;
- the findings of the 2012 DEFRA report on the humaneness of snaring in England and Wales. The proposer informed that the findings clearly supported the need for an end to the manufacture, import, sale and use of snares across the UK. In addition, the report also illustrated that the voluntary Code of Practice was ineffective;
- the need for local authorities to act in the absence of adequate national legislation.

An amendment was then **PROPOSED** and **SECONDED** which sought inclusion of an additional sentence at the end of the motion as follows:

‘This Council bans the use of snares on South Hams District Council owned land.’

In discussion, the ability to enforce this ban at this time was questioned and when put to the vote, this amendment was declared **LOST**.

A subsequent amendment was then **PROPOSED** and **SECONDED** which sought inclusion of an additional sentence at the end of the motion as follows:

‘Therefore, this Council will write to DEFRA expressing its concerns over snaring.’

When put to the vote, this amendment was declared **CARRIED**.

It was then:-

RESOLVED

Snaring is a cruel, indiscriminate and wholly unnecessary practice that has no place in modern society. Snares are thick wire nooses that are set to trap any animal perceived to be a pest or threat. The primitive design of a snare silently garrottes its victims and often leads to a painful and lingering death. Many protected mammals, such as badgers and otters, plus livestock and domestic pets are either caught, seriously injured, or killed by snares.

Therefore, this Council will write to DEFRA expressing its concerns over snaring.

42/13 **APPOINTMENT OF HEAD OF PAID SERVICE**

A report was considered which sought the Council's confirmation of the recommendation of the Appointments Panel and to share the reasoning behind the process adopted.

In introducing the agenda item, the Leader of Council provided an update to the Council in respect of the steps which had been taken since the Chief Executive had announced his retirement. In so doing, the Leader informed that:-

- both he and the Leader of West Devon Borough Council had felt it important to react quickly to the announcement. The main drivers behind this view were the need to limit the uncertainty to the Senior Management Team (SMT) and all staff and the need to maintain the momentum of the T18 Programme;
- there were initially considered to be three options to replace the Chief Executive. These were: an internal recruitment process; an external recruitment process; and an external temporary agency replacement. As the interim appointment would be for a relatively short period of time, the Leaders concluded that an internal appointment would be the most desirable option;
- the proposed Executive Director model was increasingly commonplace in the public sector and there were a number of local authorities who had adopted this Model. In addition, the proposal would present an opportunity to test a different approach to our structure;
- the proposed model would see the two existing Corporate Directors become Executive Directors, with there being a further re-distribution of work amongst SMT;
- there was no competitive interview process for the Head of Paid Service role. Members noted that only one of the two Corporate Directors had expressed an interest in becoming the Head of Paid Service. The Appointment Panel (comprising of the Leader, Deputy Leader and Leader of the Main Opposition Group of both Councils) was re-convened on Monday, 16 December, with both Corporate Directors being interviewed;

- following these interviews, the Panel was unanimous in its recommendations whereby the Corporate Director (AR) should be appointed the Executive Director with an external focus and take on the role of Head of Paid Service (with effect from 1 January 2014), with the Corporate Director (TW) being appointed the Executive Director with an internal focus and being the lead for the T18 Programme;
- the Appointment Panel had concluded that the appointments should be fixed term secondments from 1 January 2014 to 31 December 2014, or earlier if the new senior management structure was put in place before this date. The proposed three month overlap before the Chief Executive retired on 31 March 2014 was considered to be an appropriate transition period;
- to test the effectiveness of this approach, the Leader made reference to the additional recommendation whereby a review into the model be undertaken by the Appointment Panel in June 2014;
- in terms of remuneration, pay advice had been sought nationwide. As a result, the Panel was recommending that both Executive Directors be paid a salary of £85,000 per annum, with an additional £4,000 supplement paid to the Head of Paid Service to reflect the responsibilities associated with the role. When considering the current salaries of the Corporate Directors and the Chief Executive, there would be an additional cost of £4,800 to the Council between 1 January and 31 March 2014. However, this would be offset by the savings arising from the Chief Executive retiring on 31 March 2014, which would result in (assuming that the secondments remained in place until 31 December 2014) Council savings in the region of £39-40,000. The Leader also advised that a report may be presented to a future Council meeting which sought to uplift the salaries of some SMT members to reflect the taking on of some additional responsibilities.

It was then:

RESOLVED

1. That the move towards an Executive Director model as an interim measure from 1 January 2014 until 31 December 2014, or such time when the new senior management structure is put in place (whichever is the earlier), be endorsed;
2. That the Corporate Director (AR) and the Corporate Director (TW) be appointed to the roles of Executive Directors on the terms as outlined by the Leader in the detailed minutes above, with the Corporate Director (AR) also being assigned the role of Head of Paid Service; and
3. That the effectiveness of the new Executive model be reviewed by the Appointment Panel in June 2014.

43/13 MEMBERS ALLOWANCE 2014/15

Consideration was given to a report that sought to determine the new Scheme of Members' Allowances for the 2014/15 Financial Year.

In discussion, it was **PROPOSED** and **SECONDED** that the Basic Allowance be increased by 1% in line with the 2013/14 staff pay award.

As a general point, a Member expressed her regret that it was increasingly difficult to enable the younger generation to be able to stand for Council.

It was then:

RESOLVED

That for 2014/15, the Scheme of Members Allowances be amended to reflect that the Basic Allowance be increased by 1%.

(NOTE: in accordance with Council Procedure Rule 15.6, Cllrs Cuthbert and Saltern requested that their abstention from the vote be recorded. In addition, Cllr Squire requested that his vote against this motion also be recorded).

44/13 BUSINESS RATES POOLING IN DEVON

The Council considered a report that requested delegated authority for a decision to be made on whether or not the Council remained in the Devonwide Business Rates Pool for the 2014/15 Financial Year.

In discussion, reference was made to the need to tread carefully in this regard and for a detailed assessment to be made to consider whether the benefits of remaining in the Pool would outweigh the risks.

It was then:

RESOLVED

1. That delegated authority be given to the Section 151 Officer (The Head of Finance and Audit), in consultation with the Leader, lead Executive Member for Finance and Audit and the Senior Management Team, to make a decision for the District Council on remaining in the Devonwide Business Rates Pool for the 2014/15 financial year, in light of the announcements due at the end of December 2013 regarding the finance settlement; and
2. That delegated authority be given to the Section 151 Officer (The Head of Finance and Audit), in consultation with the Senior Management Team, to approve the content of the NNDR1 return (estimate of business rates income) for the Council for 2014/15 as set out in Section 3.4 of the presented agenda report.

45/13 **REPORTS OF BODIES****RESOLVED**

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

- | | | |
|-----|--|-------------------|
| (a) | Development Management Committee | 25 September 2013 |
| (b) | Corporate Performance & Resources Scrutiny Panel | 3 October 2013 |

CP&R.14/13: Councillors Annual Attendance**RESOLVED**

That the practice of annually reporting the attendance statistics to the Corporate Performance and Resources Scrutiny Panel be discontinued.

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|-----|--|------------------|
| (c) | Development Management Committee | 30 October 2013 |
| (d) | Economy & Environment Scrutiny Panel | 14 November 2013 |
| (e) | Salcombe Harbour Board | 18 November 2013 |
| (f) | Community Life & Housing Scrutiny Panel | 21 November 2013 |
| (g) | Corporate Performance & Resources Scrutiny Panel | 28 November 2013 |

CP&R.26/13: Standards Complaints Update and the Role of the Independent Persons

A Member wished for the Panel's thanks to be extended to the two Independent Persons who had attended this Panel meeting.

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| (h) | Development Management Committee | 4 December 2013 |
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- (i) Executive 12 December 2013

E.41/13: Budget Proposals 2014/15

RESOLVED

1. That the Financial Strategy be accepted as the foundation document for the Council's budget setting process as set out in Appendix A of the presented report;
2. That the minimum level of the General Fund Balance (unearmarked General Fund revenue reserve) be maintained at £1.5 million; and
3. That any unallocated New Homes Bonus received in 2013/14 be transferred to the Capital Programme Reserve.

E.44/13: Council Tax Reduction

A Member questioned whether the proposed hardship fund would be adequate to help those claimants who were experiencing severe financial difficulties. In reply, it was noted that there would be opportunities to review the fund throughout the year.

RESOLVED

That the implementation of the proposed cost neutral local Council Tax Reduction Scheme be agreed with the following changes:

- a. An 80% maximum liability restriction meaning that working age claimants pay a minimum of 20% towards their Council Tax bill;
- b. A property valuation Band D restriction meaning that working age claimants living in larger properties do not receive greater levels of support than those living in small properties;
- c. An exception hardship fund to help those claimants experiencing severe financial difficulties.

E.48/13 (b): Economy & Environment Scrutiny Panel 14.11.13
i) EE.26/13 Fees and Charges Report

RESOLVED

That the proposed fees and charges be approved as set out in the published agenda report as part of the budget setting process for 2014/15 subject to the following amendments:

- a. That the Natural Environment and Recreation Manager, in consultation with the Head of Assets and the local ward Member, be granted discretion to waive the £50 administration fee for charitable organisations booking events in parks and open spaces;
- b. That the vehicle licence charge for wheelchair accessible taxis be £110 for Hackney Carriages and £100 for Private Hire Taxis; and
- c. That the proposed increased charges for riding schools not be applied.

(Meeting commenced at 2.00 pm and concluded at 4.15 pm)

Chairman