

**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT  
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 29 MARCH  
2018**

**MEMBERS**

\* Cllr P K Cuthbert – Chairman

\* Cllr M J Hicks – Vice-Chairman

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

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Head of Paid Service; Section 151 Officer; Group Manager – Business Development; Group Manager – Commercial Services; Deputy Monitoring Officer; Lead Specialist Waste Strategy; and Senior Specialist – Democratic Services

**71/17 URGENT BUSINESS**

The Chairman confirmed that she had no items of urgent business to be considered at this meeting.

**72/17 DECLARATIONS OF INTEREST**

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

Cllr R D Gilbert declared a Disclosable Pecuniary Interest in Item 6: 'Totnes Leisure Centre: Investment Arrangements' (Minute 75/17 below refers) and proceeded to leave the meeting during the discussion and vote on this matter.

## **FRONTLINE SERVICES (WASTE AND CLEANSING) PROCUREMENT**

Consideration was given to a report that detailed the Outline Solutions Stage of the Frontline Services (Waste and Cleansing) Procurement process.

In his introduction, the lead Executive Member emphasised that no formal decisions regarding future service provision were being sought at this meeting. The lead Member also highlighted the tight timescales that were associated with the procurement exercise and it was noted that a report on the next stage of the process would be presented to a Special Council meeting on 26 July 2018.

In discussion, the following points were raised:-

- (a) In reply to a question, it was reiterated that there were no risk implications to the Council at this stage of the process;
- (b) Members recognised the sheer volume of work that had been undertaken to reach this point and lead officers were consequently thanked for their hard work;
- (c) Before entering the process, officers confirmed that the service had been subjected to a rigorous benchmarking exercise;
- (d) A Member was of the view that any decision to ultimately move away from the existing provision of an in-house service would have to be extremely beneficial to the Council and its residents in order for him to be able to support such a recommendation. Moreover, the Member also expressed the view that a number of other local authorities were in fact in the process of bringing their waste and cleansing services back in-house;
- (e) In stating some scepticism over the accuracy of the supporting figures, a Member highlighted that the service had committed to making extensive savings over a number of years. However, these anticipated savings had never been realised. As a result, the Member advised that there was insufficient financial information in the published agenda papers for him to be able to support the recommendation.

It was then:

### **RESOLVED**

1. That the progress of the report be noted: and
2. That the view of the Frontline Services (Waste Procurement) Project Board be endorsed to continue to the next stage of the competitive dialogue process for waste collection, recycling and cleansing services.

The Council considered a report that provided an update of the overall financial position and detailed the formal proposals of the Executive to achieve a balanced Budget.

In his introduction, the Deputy Leader of Council particularly highlighted that the Strategy had already been considered by both the Executive and the Audit Committee at recent meetings. In addition to the presented agenda report containing an additional recommendation (part 6), the Deputy Leader also advised that the Audit Committee had asked for the Council to acknowledge that the recommendations relating to the CCLA Funds were not without risk. That being said, the Committee had still recommended approval of these proposals.

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

- (a) With regard to the proposals to invest in CCLA Funds, it was confirmed that external advice had been sought, with the opinion being that these constituted a valid investment for the Council to make;
- (b) It was recognised that a number of other local authorities had funds invested with the CCLA. These authorities included: Devon County Council; Mid Devon District Council and Exeter City Council;
- (c) With regard to the Icelandic Bank issue, the Section 151 Officer confirmed that she would provide a detailed response to an interested Member outside of this meeting;
- (d) The Audit Committee Chairman confirmed that the Committee had welcomed the proposal to extend the list of potential counterparties. It was also the hope of the Committee that the projected additional income of £25,000, that could be generated through this proposal, would prove to be a conservative estimate;
- (e) Some Members expressed their view that monies would be more appropriately invested in social and affordable housing opportunities instead of with the CCLA. In reply, the Leader informed that he remained committed to investigating such opportunities and those monies proposed to be invested into the CCLA Diversified Income Fund would be readily accessible at minimal penalty to the Council.

It was then:

### **RESOLVED**

1. That the prudential indicators and limits for 2018/19 to 2020/21 (as contained within Appendix A of the presented agenda report) be approved;
2. That the Minimum Revenue Position (MRP) statement that set out the Council's Policy on MRP (as outlined within Appendix A of the presented agenda report) be approved;

3. That the Treasury Management Strategy 2018/19 and the treasury prudential indicators 2018/19 to 2020/21 (as outlined within Appendix B of the presented agenda report) be approved;
4. That the Investment Strategy 2018/19 (as detailed at Appendix C of the presented agenda report); the detailed criteria (as outlined at Appendix D of the presented agenda report); and the Counterparty List (as set out at Appendix E of the presented agenda report) be approved;
5. That approval be given to investing £500,000 into the CCLA Local Authority Property Fund and £1 million into the CCLA Diversified Income Fund (as per Appendix H of the presented agenda report); and
6. That the proposal to externally borrow from the Public Works Loans Board for the Leisure Investment (as detailed in Section 5 of the presented agenda report) be approved.

75/17

### **TOTNES LEISURE CENTRE: INVESTMENT ARRANGEMENTS**

The Council considered a report that sought to amend a previous decision that related to an approved loan facility in Totnes Leisure Centre.

In his introduction, the lead Executive Member was of the view that the proposals were an excellent opportunity for both the Leisure Centre and local residents.

In the ensuing discussion, reference was made to the Fusion annual presentation that was recently considered by the Overview and Scrutiny Panel (Minute O&S.102/17) and specifically the comment that had been expressed whereby there were outstanding issues still to be resolved between the organisation and Tadpool. In reply, the lead Executive Member expressed his confidence that those issues that had been referred to would be resolved in due course and he recognised that the local Ward Members had a key role to play in this respect.

It was then:

#### **RESOLVED**

That a loan facility to Fusion of up to £1.5 million (to be funded by prudential borrowing) be approved, subject to a Business Case also being approved by the COP Lead for Assets and the Section 151 Officer, in consultation with the Monitoring Officer, the Leader of the Council and the lead Executive Member, to be paid back over the lease period (~ 12 years).

**CALENDAR OF MEETINGS 2018/19**

A report was considered that proposed that the Council adopted the draft Calendar of Meetings for 2018/19.

During discussion, reference was made to:-

- (a) an amendment to the draft Calendar. Due to a clash with the date that had been set aside for Development Management Committee Site Inspections, an amendment to the draft Calendar was **PROPOSED** and **SECONDED** as follows:

*'That the following changes be incorporated to the draft Calendar:*

1. *That the Salcombe Harbour Board meeting be put back a week from 15 July to 22 July 2019; and*
2. *That the Salcombe Harbour Board meeting be put back a week from 9 September to 16 September 2019.'*

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

- (b) the proposed Annual Council meeting date in May 2019. Some disappointment was expressed that the date proposed would result in a clash with the Devon County Show;
- (c) syncing the approved Calendar. Once approved, it was confirmed that there was a means for the meeting dates to be downloaded and synced with the Calendar functionality on Member iPads;
- (d) the proposed Council meeting date on 6 December 2018. In light of a potential clash with the equivalent Full Council meeting at Devon County Council, a further amendment was **PROPOSED** and **SECONDED** as follows:-

*'That the Council meeting proposed for Thursday, 6 December 2018 start at the earlier time of 10.00am.'*

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

- (e) the provision for four Council meetings per year. A Member considered the provision for only four 'ordinary' Council meetings each year to be insufficient and felt that this was evidenced through the recent number of additional Special Council meetings that had been arranged. In reply, the Leader considered four meetings per year to be adequate, but did recognise the importance of giving as much notice as was practically possible when convening additional Special Council meetings.

In conclusion, a number of Members recognised the complexities associated with producing the draft Calendar and they wished to put on record their thanks to the Democratic Services Specialist for her hard work in this regard.

It was then:

### **RESOLVED**

That the Calendar of Meetings 2018/19 (as outlined at Appendix A of the presented agenda report) be approved, subject to the following changes being incorporated:

1. The Salcombe Harbour Board meeting being put back a week from 15 July to 22 July 2019;
2. The Salcombe Harbour Board meeting being put back a week from 9 September to 16 September 2019; and
3. The Council meeting on 6 December 2018 start at the earlier time of 10.00am.

77/17

### **EXCLUSION OF PUBLIC AND PRESS**

It was then:

### **RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

78/17

### **PROPERTY ACQUISITION**

An exempt report was considered that recommended that the Council delegated authority to conclude an acquisition of a vacant property unit.

In discussion, reference was made to:-

- (a) an amendment to the recommendation. It was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that the consultation process be extended to include both the lead Executive Member and the Leader of the Opposition Group;
- (b) the future approach for similar proposals. In response to some concerns over the lack of information contained within the published agenda report, the Leader gave a commitment to revisit the process that was followed in the event of similar future initiatives coming forward. For clarity, it was confirmed that this would include a proposal to re-constitute the Council's Invest to Earn Working Group in time for consideration at the Annual Council meeting.

It was then:

**RESOLVED**

1. That authority be delegated to the Community Of Practice Lead for Assets, in consultation with the Leader of the Council; the lead Executive Member for Strategy and Commissioning; and the Leader of the Opposition Group to negotiate terms and, if mutually acceptable, conclude the acquisition of a property in Dartmouth for Best Consideration and let the same property to a growing local business (as detailed in section 3 of the presented agenda report); and
2. That the acquisition be funded from the Economic Regeneration Projects Earmarked Reserve.

79/17

**RE-ADMITTANCE OF PUBLIC AND PRESS**

It was then:

**RESOLVED**

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

80/17

**REPORTS OF BODIES**

**RESOLVED**

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

- |     |                                  |                  |
|-----|----------------------------------|------------------|
| (a) | Development Management Committee | 7 February 2018  |
| (b) | Overview and Scrutiny Panel      | 8 February 2018  |
| (c) | Council Tax Setting Panel        | 23 February 2018 |
| (d) | Executive                        | 15 March 2018    |

**E.76/17: Council Charity Land**

**RESOLVED**

That the governance structure (as proposed in Section 2 of the presented agenda report) be approved.

(Meeting commenced at 2.00 pm and concluded at 3.40 pm)

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Chairman