

**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY 14 JUNE 2018**

<b>Members in attendance:</b>			
<b>* Denotes attendance</b>			
<b>∅ Denotes apologies for absence</b>			
*	Cllr H D Bastone	*	Cllr R J Tucker (Chairman)
*	Cllr R D Gilbert	*	Cllr S A E Wright (Vice Chairman)
*	Cllr N A Hopwood	*	Cllr K R H Wingate

<b>Also in attendance and participating</b>		
Item 6	E.04/18	Cllrs K J Baldry, J P Birch, I Bramble, P K Cuthbert, J Green, J M Hodgson, D W May, J A Pearce, J T Pennington, R J Vint
Item 7	E.05/18	Cllrs I Bramble, J Green, R Rowe and M F Saltern
Item 8	E.06/18	Cllrs J A Pearce and J T Pennington
Item 9	E.09/18	Cllrs K J Baldry, J P Birch, J M Hodgson, D W May, J A Pearce, J T Pennington, R C Steer and R J Vint
Item 10	E.08/18	Cllrs K J Baldry, J Birch, I Bramble, P K Cuthbert, J Green, J M Hodgson, J T Pennington and M F Saltern
Item 12	E.11/18	Cllrs K J Baldry, J P Birch and J A Pearce
<b>Also in attendance and not participating</b>		
Cllrs Brown and Hicks		

<b>Officers in attendance and participating</b>		
All items		Executive Director Service Delivery and Commercial Development, Group Manager Customer First and Support Services and Senior Specialist – Democratic Services
Item 6	E.04/18	Specialist (Place Making)
Item 7	E.05/18	Section 151 Officer
Item 8	E.06/18	Group Manager – Commercial Services; and Senior Specialist (Waste Strategy and Commissioning)
Item 9	E.07/18	Monitoring Officer
Item 10	E.08/18	Assets Community Of Practice Lead and Section 151 Officer
Item 12	E.10/18	Senior Specialist - Environmental Health

**E.01/18 MINUTES**

The minutes of the Executive meeting held on 26 April 2018 were confirmed as a true and correct record and signed off by the Chairman.

E.02/18      **DECLARATIONS OF INTEREST**

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

Cllr N A Hopwood declared a Disclosable Pecuniary Interest in Item 12(a): '*Reports of Bodies: Overview and Scrutiny Panel – 3 May 2018*' (Minute E.10/18 below refers) and specifically the recommendation arising from Minute O&S.114/17 ('*Feasibility of Installing Electric Car Charging Points in the Council's Public Car Parks*') by virtue of her business interests and left the meeting during the debate and vote on this recommendation.

E.03/18      **PUBLIC QUESTION TIME**

It was noted that no public questions had been received for consideration at this meeting.

E.04/18      **RELEASE OF S106 FUNDS FOR AFFORDABLE HOUSING PROJECTS**

Members were presented with a report that requested the release and allocation of Section 106 funds over £30,000 for affordable housing projects with Transition Homes Community Land Trust (CLT).

The Lead Member for Customer First introduced the report and reminded the meeting on a number of occasions that the Council's top Corporate Priority was affordable housing.

In the ensuing debate, reference was made to:-

(a) a motion to defer the recommendation. A motion to defer the recommendation to the next Executive meeting on 19 July 2018 was **PROPOSED** and **SECONDED**. In support of the motion to defer, the proposer and seconder made the following points:

- It was felt that a five week delay would not unduly affect the project and would enable for consultation to be undertaken in the meantime with Totnes Town Council and East Allington Parish Council;
- In light of concerns over the seemingly high build costs associated with the project, a deferral would also enable for more information and clarification to be sought in this respect.

In contrast, other Members did not support the motion and made the following points:

- The proposals presented an opportunity to progress a good quality affordable housing scheme (70% of which affordable housing) that had the support of the local Members from both Totnes and Dartington;
- With regard to the Fallapit House, East Allington development monies, these had been available since 2010 and no appropriate schemes had come forward yet from either the Parish Council or the local Ward Member. As a consequence, if these went unspent there was a risk that these could ultimately be lost by the Council.

When put to the vote, the motion was (by virtue of the Chairman's Casting Vote) declared **LOST**.

- (b) the principle of Section 106 deposits being spent elsewhere in the South Hams. It was acknowledged that the process for spending Section 106 Deposits for Affordable Housing was last reviewed by the Overview and Scrutiny Panel at its meeting on 6 July 2017 (Minute O&S.16/17 refers). That being said, some Members were uncomfortable that the process now enabled for monies that had been received for a development in one town/parish to be spent elsewhere in the district. However, other Members were content with the current process and stressed the importance of the wider membership taking the view that such monies were required to facilitate affordable housing provision across the whole of the South Hams.

Such was the extent and length of the debate on this point, that the following motion was **PROPOSED** and **SECONDED**:

*'That the Overview and Scrutiny Panel be asked to undertake a review into the process for Spending Section 106 Deposits for Affordable Housing.'*

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

- (c) fuel poverty. A Member highlighted the associated difficulties experienced by low income families regarding fuel poverty and the cost of heating a home. As a consequence, it was noted that one of the reasons for the seemingly high build costs for this development were the measures being put in place to help to prevent fuel poverty;
- (d) the proposed use of the Fallapit House, East Allington monies. As a way forward and, in light of the concerns expressed over the proposal to use these monies, an alternative proposal was **PROPOSED** and **SECONDED** as follows:

*'£87,124.50 – from the Riverside, Totnes development to spend on an affordable housing scheme at Clay Park, Dartington with Transition Homes Community Land Trust.'*

When put to the vote, this alternative proposal was considered to be more appropriate and was declared **CARRIED**.

- (e) shared learning opportunities. The local Ward Member advised that the CLT was fully prepared and committed to sharing its knowledge and experiences with other parties who were considering setting up a CLT.

It was then:

### **RESOLVED**

1. That the release or allocation of s106 funds for Affordable Housing projects as set out below be approved:
  - (a) £87,124.50 – from the Riverside, Totnes development to spend on an affordable housing scheme at Clay Park, Dartington with Transition Homes CLT;
  - (b) £11,704.00 from Elwell House, Totnes to spend on an affordable housing scheme at Clay Park, Dartington with Transition Homes CLT; and
  - (c) £9,025.00 – from the Warlands Garage, Totnes to spend on an affordable housing scheme at Clay Park, Dartington with Transition Homes CLT; and
2. That the Overview and Scrutiny Panel be asked to undertake a review into the process for Spending Section 106 Deposits for Affordable Housing.

## **E.05/18 TRANSFORMATION PROGRAMME (T18) CLOSEDOWN REPORT**

Members were presented with a report that set out the detail of the Transformation Programme (T18) project, which was a radical transformation that led to the most significant change in the way that the Council worked for more than 40 years. The workforce had been reduced by 30% with all staff roles changed to be flexible and responsive to the needs of the customer. The report set out the details of the different workstreams within the overall Transformation Programme.

The Leader introduced the report and, in the ensuing discussion, the following points were raised:-

- (a) The Executive recognised that the report had been considered at length by the Overview and Scrutiny Panel at its meeting on 3 May 2018 (Minute O&S.112/17 refers) and was happy to accept each of its recommendations;

- (b) A number of Members wished to pay tribute to the work of officers during what had been some very difficult times and it was to the great credit of staff that the Council had reached this point. Furthermore, praise was also extended to the Members themselves, who had equally experienced some difficult times and particular credit was given to the Leader of the Council for the way that he had managed the membership through the Programme;
- (c) With regard to the total shared services savings of £3.9 million, the Section 151 Officer confirmed that she would provide a breakdown of these figures to interested Members.

It was then:

**RESOLVED**

- 1) That the recommendations of the Overview and Scrutiny Panel meeting of 3 May 2018 (Minute O&S.112/17) as set out in section 2.9 of the presented agenda report be accepted; and
- 2) That the contents of the T18 Transformation Programme Closedown report and the benefits realised (as set out in Section 8 of the presented agenda report) be endorsed.

E.06/18

**WASTE AND RECYCLING HAULAGE CONTRACT AWARD**

Members were presented with a report that sought approval to award the contract for Municipal Waste Haulage to the highest scoring bidder following a competitive open procurement process.

The Lead Member for Commercial Services introduced the report and, in discussion, reference was made to:

- (i) the scoring mechanism. Officers confirmed that, during the scoring process, consideration was given to the geographical location of bidders;
- (ii) the garden waste contract. It was clarified that the current garden waste contract was covered by the separate Devon County Council contractual arrangements;
- (iii) the additional financial costs. Following further analysis, officers confirmed that it was anticipated that the actual additional financial costs of awarding the new contract would be closer to £25,000 than the figure quoted in the presented agenda report (£45,000).

It was then:

**RESOLVED**

- 1. That the decision to award the contract for Municipal Waste Haulage to the highest scoring bidder ('Bidder A') as outlined in exempt Appendix A be approved; and

2. That any minor changes considered necessary to the terms as highlighted be delegated to the Commissioning Manager (Waste), in consultation with the Lead Executive Member for Commercial Services.

## E.07/18 **EXCLUSION OF PUBLIC AND PRESS**

Having been **PROPOSED** and **SECONDED**, some Members felt that it was wholly inappropriate for the agenda item entitled: '*Council Owned Asset Investment and Development*' to be considered in exempt session. In taking the point a step further, the Members felt that it was in fact in the public interest for this agenda item to be debated in public session and therefore disclosed to the general public.

In response, other Members recognised the importance of early consultation in such matters, but agreed with the comments of the Monitoring Officer whereby it was also essential for the Council to protect its commercial interests.

The Leader also gave notice of his intention to propose (at the appropriate time) an amendment to the agenda report that would help to allay a number of the concerns being raised.

Some Members expressed their deep frustrations that some of the contents of the exempt report had seemingly already been disclosed to members of the public and such actions were felt to cast a shadow over the entire membership.

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.

## E.08/18 **COUNCIL OWNED ASSET INVESTMENT & DEVELOPMENT**

Members were presented with an exempt report that set out opportunities arising from meetings of the Investment Member Group.

The Leader introduced the report and **PROPOSED** an alternative recommendation as follows:

1. That Council be **RECOMMENDED** to approve the expenditure of up to a maximum of £150,000 in order to prepare a detailed business case for each of the proposed Council-owned asset investment and development opportunities (as detailed in Section 3 and Appendix 1 of the presented agenda report), subject to prior engagement with relevant Town and Parish Councils and local Ward Member(s) on their aspirations for their communities having taken place before the Special Council meeting on 26 July 2018;
2. That the Executive receive a verbal update on the outcome of this prior engagement at its next meeting on 19 July 2018, with the Executive Forward Plan being updated accordingly; and
3. That Council be **RECOMMENDED** to agree that officers conclude an appropriate procurement process to commission the work required to produce individual business cases for the identified Asset Investment and Development opportunities.

This recommendation was subsequently **SECONDED** and debated. During which, there was widespread support for the alternative recommendations.

It was then:

#### **RESOLVED**

1. That Council be **RECOMMENDED** to approve the expenditure of up to a maximum of £150,000 in order to prepare a detailed business case for each of the proposed Council-owned asset investment and development opportunities (as detailed in Section 3 and Appendix 1 of the presented agenda report), subject to prior engagement with relevant Town and Parish Councils and local Ward Member(s) on their aspirations for their communities having taken place before the Special Council meeting on 26 July 2018;
2. That the Executive receive a verbal update on the outcome of this prior engagement at its next meeting on 19 July 2018, with the Executive Forward Plan being updated accordingly; and
3. That Council be **RECOMMENDED** to agree that officers conclude an appropriate procurement process to commission the work required to produce individual business cases for the identified Asset Investment and Development opportunities.

E.09/18 **READMITTANCE OF THE PRESS AND PUBLIC**

It was then:

**RESOLVED**

That the press and public be readmitted to the meeting.

E.10/18 **72 SECONDS OF SILENCE**

At 12 noon, the meeting proceeded to stand and observe the national 72 seconds of silence for the victims of the Grenfell Tower Fire Tragedy, which occurred on 14 June 2017.

E.11/18 **REPORTS OF OTHER BODIES**

**(a) Overview and Scrutiny Panel – 22 March 2018**

**O&S.113/17 Update on the Urban Fringe Delivery Team and Sherford Strategic Review**

Despite the concerns that had been raised by the Panel, a Member expressed his deep frustration that the Sherford Road closure had now been delayed further.

**O&S.114/17 Feasibility of Installing Electric Car Charging Points in the Council's Public Car Parks**

For clarity, the Panel recommendation was **PROPOSED** and **SECONDED** with the addition whereby the proposed strategy should only be endorsed *on the understanding that the EU funding is obtained.*'

In discussion, officers gave an assurance that, if the proposal sought expenditure of more than £20,000, then a further report would be presented back to Members.

Another Member made the point that this initiative was already being well received in the Totnes community and was sending a very positive message.

It was then:

**RECOMMENDED**

That Council be **RECOMMENDED** that the proposed Strategy for the installation of an electric vehicle charging network in Council Car Parks be endorsed, subject to steps being taken to advance the proposed installation date as outlined in paragraph 2.6 of the presented agenda report (late 2019) and only on the understanding that the EU funding is obtained.



**(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.08/18 PARTS 1 AND 3 AND E.11/18(a), WHICH ARE RECOMMENDATIONS TO THE SPECIAL COUNCIL MEETING TO BE HELD ON 26 JULY 2018, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 25 JUNE 2018 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

(Meeting commenced at 10.00 am and concluded at 12.15 pm)

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Chairman