

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY 19 JULY 2018**

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies for absence			
*	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

Also in attendance and participating		
Item 7	E.15/18	Cllrs Baldry, Brazil, Pearce, Hodgson, Green
Item 8	E.16/18	Cllr Hodgson
Item 9	E.17/18	Cllrs Pennington, Bramble, Pearce, Green, Brazil
Item 10	E.18/18	Cllrs Baldry
Item 11	E.19/18	Cllrs Pearce
Item 12	E.20/18	Cllrs Green, Vint, Brazil, Hodgson, Pennington, Rowe
Item 13	E.21/18	Cllr Pennington
Item 14	E.22/18	Cllrs Brazil, Green, Vint, Rowe, Pearce, Hodgson
Item 15	E.23/18	Cllr Pennington
Item 17	E.25/18	Cllrs Green, Vint, Hodgson
Also in attendance and not participating		
Cllrs Blackler, Saltern, Brown, Huntley, Pringle, Steer, Holway & Hitchins		

Officers in attendance and participating		
All items		Group Manager Customer First and Support Services, s151 Officer and Specialist – Democratic Services
Item 7	E.15/18	Group Manager Commercial Services and Commissioning Manager - Waste
Item 10	E.17/18	Group Manager Business Development
Item 13	E.20/18	Senior Specialist Assets and Specialist Assets
Item 15	E.22/18	Operational Manager Environment Services
Item 18	E.25/18	Group Manager Business Development and COP Lead Assets

E.12/18 MINUTES

The minutes of the Executive meeting held on 14 June 2018 were confirmed as a true and correct record and signed off by the Chairman.

E.13/18 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 R J Tucker declared a personal interest in Item 15: Parking Order

Operational Amendments (Minute E.22/18 below refers), by virtue of the inclusion in the report of a recommendation to introduce parking permits in Dittisham which was within his Ward. He abstained from the vote on this item.

E.14/18 **PUBLIC QUESTION TIME**

It was noted that two public questions had been received in accordance with the Executive Procedure Rules, for consideration at this meeting, as follows:

Question 1 from Dr Richard Szczepura:

“Can the Council immediately publish a list of the sites being considered for development by SHDC, as referred to by Cllr Tucker in an article in the Totnes Times, 15 June 2018?”

In response, the Deputy Leader advised that no agreements had been entered into, that all assets were under review and as they came forward they would be given consideration.

Dr Szczepura asked a supplementary question as follows:

Can Cllr Tucker confirm for the record, the date that any discussions have taken place with interested parties?

The Deputy Leader advised that no discussions had taken place with interested parties.

Question 2 from Cllr Robert Vint:

With reference to Minute E.8/18 of 14 June 2018, has the Council currently entered into any confidentiality agreements with any third parties in relation to potential development of any Council-owned assets? Were any such agreements written or verbal and were they authored by the Council or by third parties?

In response, the Deputy Leader advised the following:

‘There are three parts in the response to this question:

1. No formal agreements have been made in relation to individual developments;
2. On 14 December 2017, the Group Manager (Business Development) entered into a mutual non-disclosure agreement with CCD Developments in relation to their Scoping Report – excerpts of which were appended to the exempt Executive report that was considered at the last meeting held on 14 June 2018 (Minute E.08/18 refers);

3. On 11 June 2018, the Section 151 Officer and Deputy Monitoring Officer held a telephone conversation with Mr Charlie Miller (the author of the previously referred to scoping report). The conversation was entirely confidential and, during this conversation, Mr Miller made it clear that he would always have an expectation of complete confidentiality when advising public sector organisations at this early stage of assessment and research.'

Cllr Vint asked a supplementary question as follows:

At whose request are the Council imposing confidentiality or are we being asked to abide by an outside party confidentiality agreement?

In response, the Deputy Leader advised that it was a combination of both.

E.15/18

WASTE PROCUREMENT PROJECT UPDATE

Members were presented with a report that included exempt appendices and provided an update on the progress of the Waste Procurement project. This was in line with the previous request from Members that key decisions during the procurement process be brought before Executive and Council. The report stated that approval of the first recommendation within this report would result in the procurement process continuing to the Final Solutions Stage and a further report being presented to Council on 6 December 2018.

The Lead Member for Commercial Services introduced the report, and explained that the evaluation of the bids was being undertaken on a 60% cost and 40% quality basis. He went on to explain that Members were being asked to commit to the next stage of the procurement process.

During discussion, the following points were made:

- One Member who sat on the Frontline Services Project Board assured Members that the Board Members provided robust and thorough challenge to the process and he supported moving forwards;
- Another Board Member stated that he could not see why the in house team could not provide the services as efficiently as an outsourced service provider;
- A number of Members were concerned that an in house 'shadow' bid had not been progressed. The Group Manager Commercial Services reminded Members that there had been a previous Council resolution not to prepare a shadow bid. Private sector operators invest significant sums into a bid, and shadow bids were seen to deter and frustrate competition;
- One Member stated that, if the service was outsourced, he would expect to see a corresponding review of the senior management structure;

- One Member raised the issue of external market issues impacting on the service and noted that these were matters outside the control of the Council;
- A Member asked that local options be considered that would involve and support local businesses. In response, the Group Manager Commercial Services confirmed that the contract documentation did look at supporting local sub-contractors where relevant.

It was then:

RESOLVED

1. That the progress of the project be noted, and the recommendation of the Front Line Services Project Board to continue to the next stage of the competitive dialogue process for waste collection, recycling and cleansing services for onward consideration at full Council be endorsed; and
2. That any changes necessary to harmonise the recycling collection services with the 'aligned waste service', as detailed in the Waste and Resource Strategy for Devon, be approved and introduced on 28 September 2020.

E.16/18 MEDIUM TERM FINANCIAL POSITION FOR 2019/20 ONWARDS

Members were presented with a report that set out the Council's Medium Term Financial Position over a rolling five year timeframe to 2023/24. This report represented a snapshot position statement, and future Member decisions on the budget strategy would inform figures within the Medium Term Financial Strategy to be presented to the Executive on 13 September 2018.

In introducing the report, the Leader drew attention to the projected budget gap and advised Members that the message from the recent Local Government Association Conference was that no further funding would be available and local authorities should aim to be self-funding.

The s151 officer explained the negative Revenue Support Grant, and that a consultation paper had been proposed by central government, the conclusion of which should form part of the finance settlement communication in December.

Finally, the Leader confirmed that lobbying was being undertaken on behalf of smaller district authorities by the LGA, the District Council Network and that Members should contact their local MP for support.

It was then **RESOLVED** that the Executive:

1. notes the forecast budget gap for 2019/20 of £0.995 million and the position for future years;
2. notes the current options identified and timescales for closing the budget gap in 2019/20 and future years, to achieve long term financial sustainability; and
3. agrees to maintaining the current Council policy on the minimum level of unearmarked reserves being £1,500,000.

E.17/18

ACTIVITIES TO SUPPORT ECONOMIC GROWTH

Members were presented with a report that sought approval of a strategy for commercial property acquisition and asset development within the district of South Hams, in line with the 'Enterprise' corporate strategic aim of creating places for enterprise to thrive and grow.

The Leader introduced the report, and outlined how the draft strategy would be presented to the Overview and Scrutiny Panel and Audit Committee, before being presented back to Executive on 13 September, 2018 prior to recommendation to full Council on 27 September, 2018. He also made it clear that the report was to present a strategy, not to set out individual sites. He confirmed that Ward Members would be kept informed of matters arising within their Wards, and finally, he advised that sometimes a project may not yield a high financial return (although it would cover its costs), but it may be progressed if it offered community benefit. It was his view that the strategy should not only focus on financial return, but also benefits to the residents and businesses within the district.

During discussion, Members were satisfied that the strategy would be presented to the wider membership for consideration and that Executive would take those views into account at their meeting in September, 2018. The Group Manager Business Development responded to specific questions relating to the proposed strategy. A Member asked that consideration be given to investment in properties above shops, and in so doing, supporting the economy and affordable housing. Another Member stated that she was pleased that the strategy was not just about investment in property, but also investment in people, but noted that people lived in the whole of the district, and not just the towns. As a result, villages and outlying areas should also benefit from investment.

It was then:

RESOLVED

That Council be **RECOMMENDED**:

1. to adopt the Commercial Property Strategy in principle, subject to the Overview and Scrutiny Panel being asked to

review the strategy and report back its findings to the Executive on 13 September 2018; and

2. to agree that the borrowing limit for the Strategy is a decision which will be part of the Medium Term Financial Strategy (presented to the Executive on 13 September and Council on 27 September), with the Audit Committee being asked to consider the Borrowing Strategy (part of the Treasury Management Strategy) of the Council, and report back to the Executive on 13 September. Depending on the recommendations from the various bodies, an updated Treasury Management Strategy, increasing the Borrowing Limits of the Council, will be presented to Council on 27 September, alongside the final commercial property strategy, for approval.

E.18/18 **NEWTON AND NOSS NEIGHBOURHOOD PLAN**

Members were presented with a report that sought approval of the 'making' of the Newton and Noss Neighbourhood Plan.

The Lead Member for Customer First introduced the report and made reference to the hard work of the local residents in getting the Plan approved. One of the local Ward Members echoed his comments and stated that producing a Plan required a significant amount of resource.

It was then:

RESOLVED

That the Newton and Noss Neighbourhood Plan be made.

E.19/18 **THURLESTONE NEIGHBOURHOOD PLAN**

Members were presented with a report that sought approval of the 'making' of the Thurlestone Neighbourhood Plan.

The Lead Member for Customer First introduced the report and made reference to the incredibly high percentage of residents who voted in favour of the Plan. One of the local Ward Members echoed his comments and repeated the earlier comments regarding the significant resource taken to achieve approval of a Neighbourhood Plan.

It was then:

RESOLVED

That the Thurlestone Neighbourhood Plan be made.

E.20/18 **REQUEST FOR A LONG LEASE TO TOTNES RUGBY CLUB**

Members were presented with a report that sought to delegate authority to the CoP lead Assets to proceed and finalise negotiations with Totnes Rugby Club to grant a new lease for a term in excess of 15 years.

The Leader introduced the report. The local Ward Members raised concerns that the officers responded to regarding the need for a 40 year lease and the ability of other groups to use the area.

It was then:

RESOLVED

That authority be delegated, to progress and conclude a new lease for Totnes Rugby Club at Borough Park in excess of 15 years, to the CoP Lead Assets, in consultation with the s151 officer, Monitoring Officer, Head of Paid Service and Leader of Council.

E.21/18 **BUSINESS RATES – LOCALLY ADMINISTERED BUSINESS RATE RELIEF POLICY**

Members were presented with a report that asked that they consider and recommend the policy to administer Year 2 of the four year funding agreement awarded by central Government, to support those who had seen an increase in their rates bill due to the 2017 revaluation exercise.

The Lead Member for Customer First introduced the report.

It was then:

RESOLVED

That Council be **RECOMMENDED** to adopt the Year Two Locally Administered Business Rate Relief Policy as set out in Appendix 1.

E.22/18 **PARKING ORDER OPERATIONAL AMENDMENTS**

Members were presented with a report that sought approval of a number of amendments to the South Hams Off Street Parking Places Order.

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

- a Member questioned whether the work undertaken on behalf of Dittisham Parish Council was re-charged to the Parish Council. In response, the Operational Manager Environment Services confirmed that this was the case;
- the Operational Manager Environment Services confirmed that enforcement work was undertaken for other organisations, including parish councils;
- with regard to whether Follaton House car park could continue to be used as a park and ride site for events, the Leader confirmed that arrangements could still be made to support specific events; and
- the concerns of a number of Members regarding the ability to safely leave their vehicles overnight at Follaton House when on Council business. In response, the Operational Manager Environment Services advised that the Facilities Team could help and the Group Manager Commercial Services suggested that the team circulate details in the Member's Bulletin.

It was then:

RESOLVED

That Council be **RECOMMENDED** that the following amendments are made to the South Hams Off Street Parking Places order:

1. Parking at Follaton House be permitted from 7.00am to 7.00pm only
2. Parking permits be introduced for car parks in Dittisham
3. To include more robust action in respect of the removal of vehicles from all South Hams District Council car parks
4. Torcross Layby to be included as one of the car parks where permit parking is permitted.

E.23/18 WRITE OFF REPORT

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

It was then **RESOLVED** that:

1. in accordance with Financial Regulations, that the s151 Officer had authorised the write-off of individual South Hams District Council debts totalling £182,040.46 as detailed in Tables 1 and 2 be noted; and
2. the write off of individual debts in excess of £5,000 totalling £93,336.11, as detailed in Table 3 of the presented report, be approved.

E.24/18 **REPORTS OF OTHER BODIES**

Overview and Scrutiny Panel – 28 June 2018

O&S.5/18: Executive Forward Plan: Homelessness Strategy Action Plan 2018/19

It was then:

RESOLVED

1. That the Homelessness Strategy Action Plan for 2018/19 (as outlined at Appendix 2 of the presented agenda report) be adopted with immediate effect;

E.25/18 **COUNCIL OWNED ASSET INVESTMENT AND DEVELOPMENT – PRIOR ENGAGEMENT: VERBAL UPDATE**

Following the commitment given at the previous meeting of the Executive (Minute E.08/18 refers), the Leader updated Members on recent meetings held with District Councillors from Ivybridge and Totnes and then meetings held with Town Council representatives from Ivybridge, Kingsbridge, Salcombe and Totnes. In his view, the meetings had been positive, and the Town Council representatives had appreciated being able to meet with the Leader and officers. The meetings were likely to be repeated in September. He advised that in most cases the discussions were around the need for affordable homes and the lack of car parking.

A Member asked about the impact on the JLP of new sites being added as a result of these discussions. One of the lead Members for the JLP explained how any impact would be minimal.

A small group of other Members did not feel it was appropriate that the meetings had taken place without District Councillors being able to attend. In response, the Leader advised that Town Councils were able to decide who should be invited, and that Ward Members would be kept informed of any developments.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.17/18, WHICH WAS A RECOMMENDATION TO THE COUNCIL MEETING TO BE HELD ON 24 SEPTEMBER 2018, AND E.21/18, WHICH WAS A RECOMMENDATION TO THE SPECIAL COUNCIL MEETING TO BE HELD ON 26 JULY, 2018 WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 30 JULY 2018 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

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

Chairman