

**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY 13 SEPTEMBER 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.30/18	Cllrs Baldry, Green, Pearce, and Pennington
Item 7	E.31/18	Cllr Green
Item 9	E.33/18	Cllr Green
Item 10	E.34/18	Cllrs Baldry, Bramble, Cuthbert, Green, Hodgson, Pennington and Rowe
Item 11	E.35/18	Cllrs Cuthbert and Rowe
Item 12	E.36/18	Cllrs Baldry, Brown, Cuthbert, Green, Hicks and Rowe
Item 14	E.38/18	Cllrs Green and Pearce
<b>Also in attendance and not participating</b>		
Cllrs Blackler, Brazil, Holway, Huntley, Pringle, Steer and Vint		

<b>Officers in attendance and participating</b>		
All items		Head of Paid Service, Group Manager Customer First and Support Services, s151 Officer and Specialist – Democratic Services
Item 9	E.33/18	Specialist Assets and Place Making
Item 10	E.34/18	Senior Specialist Environmental Health
Item 11	E.35/18	Specialist Benefits
Item 14	E.38/18	COP Lead IT

**E.26/18 MINUTES**

The minutes of the Executive meeting held on 19 July 2018 were confirmed as a true and correct record and signed off by the Chairman.

**E.27/18 URGENT BUSINESS**

The Chairman advised that there were two items of Urgent Business as follows:

Firstly, Cllr Bastone advised Members that the Council had become a member of the Institute of Customer Service, the purpose was to be able to benchmark against other organisations and learn from the best from both the private and public sectors.

A Customer Satisfaction Survey had been carried out with customers and with staff, and the results of the survey were being analysed. Cllr Bastone sought approval of Executive to request that Overview and Scrutiny Panel review the results and action plan at their meeting on 4 October, 2018, and report back their recommendations to the next Executive on 11 October, 2018. The Chairman of Overview and Scrutiny Panel had accepted the request, and the Executive agreed with the proposed way forward. The matter was urgent as Overview and Scrutiny were required to consider this matter at their next meeting on 4 October, 2018.

Secondly, the Leader advised that he had received a petition from the South Devon Liberal Democrat Group. The matter was urgent as there was a requirement under the petition rules to respond within ten days. In responding to the petition, the Leader made the following statement:

‘Councils have the right, as set out in legislation, to exclude members of the public from a meeting during an item of business where it is likely that confidential information would be disclosed to them, and councillors have an obligation under the Code of Conduct, not to disclose that information. The Council does keep residents informed when it can and will continue to do so in the future by various methods such as direct contact with town and parish councils, face to face meetings with residents and groups, email, website and social media. In respect of the particular issue that is the subject of the petition, the decision for this matter to remain confidential has been taken in line with the recommendations of the Council’s Monitoring Officer in order for the Council to protect its commercial interests.’

#### **E.28/18      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 Hopwood and Cllr R Gilbert both declared a disclosable pecuniary interest in item 10: Civil Penalties for breaches of Housing Standards Enforcement Notices by virtue of being landlords and they left the meeting for the duration of this item;

Cllr H Bastone declared a personal interest in item 10: Civil Penalties for breaches of Housing Standards Enforcement Notices by virtue of being an agent and he remained in the meeting and took part in the debate and vote on this item.

#### **E.29/18      PUBLIC QUESTION TIME**

It was noted that no public questions had been received in accordance with the Executive Procedure Rules, for consideration at this meeting.

E.30/18

**MEDIUM TERM FINANCIAL STRATEGY 2019/20 TO 2023/24**

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. The Council, along with other local authorities, had faced unprecedented reductions in Government funding since the Comprehensive Spending Review in 2010.

The Leader introduced the report. The s151 Officer responded to questions related to the Business Rates Pilot and the Negative Revenue Support Grant, and confirmed that a budget workshop would be taking place on 11 October, 2018.

It was then:

**RESOLVED**

That the Executive:

1. note the forecast budget gap for 2019/20 of £0.638 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. **RECOMMENDS** to Council to approve recommendations 1 to 10 as set out in the presented report.

E.31/18

**QUARTER 1 REVENUE BUDGET MONITORING 2018/2019**

Members were presented with a report that enabled monitoring of income and expenditure variations against the approved budget for 2018/19, and provided a forecast for the year end position.

The Deputy Leader presented the report. In response to questions regarding the loss of car parking income through machine breakdown, the Lead Member for Commercial Services advised that discussions were taking place with the contractor.

It was then:

**RESOLVED**

That the Executive note the forecast income and expenditure variations for the 2018/19 financial year and the overall projected overspend of £74,000 (0.8% of the total budget £8.983 million).

E.32/18

**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.

During discussion, he confirmed that a Debt Recovery report would be presented to the next meeting of the Audit Committee on 11 October, 2018.

It was then:

### **RESOLVED**

1. That in accordance with Financial Regulations, that the s151 Officer had authorised the write-off of individual South Hams District Council debts totalling £38,326.04 as detailed in Tables 1 and 2 be noted; and
2. That the write off of individual debts in excess of £5,000 totalling £52,344.65, as detailed in Table 3 of the presented report, be approved.

E.33/18

### **TAMAR VALLEY AONB MANAGEMENT PLAN 2019-2024 CONSULTATION DRAFT**

Members were presented with a report that outlined the process of the review of the Management Plan for the Tamar Valley AONB, the issues identified for consideration within the Plan review, and detailed the method by which members could contribute to the formal consultation response by the Council, with a view to bringing the final Plan to Executive for adoption in early 2019.

The Lead Member for Customer First introduced the report. The Specialist Assets and Place Making advised that the areas around planning still needed exploration.

It was then:

### **RESOLVED**

1. That the content of the Consultation Draft of the Management plan be noted, and members send any comments to the author of the report for incorporation into a formal Council consultation response before the end of October 2018;
2. That authority be delegated to the COP Lead Place making the final content of the formal Council consultation response; and
3. That the final version of the Management plan for 2019-2024 be brought to Executive prior to adoption in early 2019.

E.34/18

### **CIVIL PENALTIES FOR BREACHES OF HOUSING STANDARDS ENFORCEMENT NOTICES**

Members were presented with a report that outlined how Civil Penalties had been introduced by government legislation as an alternative to

traditional criminal law enforcement against landlords, mostly relating to Housing offences. Local Authorities had the power to set civil penalty amounts locally up to a statutory maximum. Civil Penalties allowed for a higher financial penalty than the currently low court fines, they would provide an effective deterrent and protect residents against rogue landlords, unscrupulous letting agents and other poor business practices. Civil penalties would also deliver more cost efficient and faster enforcement in the area of housing disrepair.

The Lead Member for Customer First presented the report. The Senior Specialist Environmental Health responded to questions. Members praised the report for clarity.

It was then:

### **RESOLVED**

That Council be **RECOMMENDED** to update the existing Enforcement Policy with the Civil Penalty Policy.

E.35/18

### **COUNCIL TAX REDUCTION SCHEME 2019/20**

Members were presented with a report that set out the annual requirement for Councils to revisit their existing council tax support scheme and decide whether to replace or revisit their scheme, the requirements for changing the scheme and the associated time constraints.

The Lead Member for Customer First presented the report. The Benefit Specialist responded to questions of clarity.

It was then:

### **RESOLVED**

1. That the proposal to consult on Option 1 (as set out in section 4 of the presented report) on a banded scheme which would assess the maximum level of Council Tax Reduction based on the net income of the claimant and partner, be approved; and
2. That the results of the consultation exercise be presented back to the Executive prior to a revised scheme being considered for approval by the Council.

E.36/18

### **REPORTS OF OTHER BODIES**

#### **a) Overview and Scrutiny Panel – 6 September 2018**

- i) **O&S.33/18: Medium Term Financial Strategy – Presentation**

It was noted that the Panel recommendations on the Strategy had already been taken into account during consideration of agenda item (Minute E.30/18 above refers).

**ii) O&S.34/18: Activities to Support Economic Growth**

Whilst there was not a specific recommendation to Executive under this item, the Executive noted the views of the Panel that were contained within the published minutes and the Leader made the following statement:

'In light of the views expressed by the Overview and Scrutiny Panel and Audit Committee on the draft Strategy last Thursday, I have consulted with my fellow Executive Members and we have concluded that an amended Strategy should be presented to the Council on 27 September 2018 that proposes the following revisions:-

1. That the Strategy contain two separate strands to the governance arrangements: one part for 'Development on Council Owned Land' and one part for 'Commercial Property Acquisitions in the South Hams';
2. That, for decisions relating to the 'Development on Council Owned Land', these become a delegated function of the Executive (assuming that the proposed expenditure complies with the Council approved total borrowing limits);
3. That, for decisions relating to the 'Commercial Property Acquisitions in the South Hams', delegated authority be given to the Head of Paid Service and Section 151 Officer, in consultation with the Members of the Executive. Executive Members will be given two clear working days to respond to a request and, in the event of three or more Executive Members expressing their opposition to the proposal, then the matter will proceed no further;
4. That, for decisions made to proceed on 'Commercial Property Acquisitions in the South Hams', a report will be presented (for noting purposes) to the next meeting of the Executive;
5. That, whilst a minimum net yield return of 2% is targeted, in some circumstances, e.g. where community benefits are likely to be achieved, a lower return may be acceptable;
6. That, based upon the specific governance concerns raised at the Overview and Scrutiny Panel meeting, the Investments Member Working Group be disbanded with immediate effect.

In line with the views of the Audit Committee and, with these governance arrangements being put in place, I will also be proposing that the Council report includes a recommendation for the total borrowing limit for the Strategy to be set at £60 million (to be capped at £30 million before 30 April 2019).'

It was then:

**RESOLVED**

That a report be presented to the meeting of Council on 27 September 2018 setting out a revised Commercial Property Acquisitions and Development Strategy.

**iii) O&S.35/18: Next Steps – Enabling Homes to meet the needs for all**

It was then:

**RESOLVED**

That the Executive agree the following principles:

1. That there is no requirement to form a South Hams District Council Housing Wholly Owned Company at this time;
2. That Council borrowing in order to acquire or develop affordable homes is acceptable in principle;
3. That affordable homes may be acquired or developed via the Community Housing Strategy OR through existing work with Registered Providers or Developers. (NB. these properties will be allocated in accordance with Local Lettings Plans and may be managed via the Council's Direct Lets Service; and
4. That the Council's affordable housing development / acquisition plans be guided as outlined in Section 5 of the presented agenda report.

**iv) O&S.38/18: TASK AND FINISH GROUP UPDATES**

**(a) Drug and Alcohol Abuse – Interim Report**

It was then:

**RESOLVED**

That the Executive spend £2,500 from the Repairs and Maintenance Earmarked Reserve to pay for the works necessary to design out the use of intravenous drugs in the male toilets at Coronation Road, Totnes.

**(b) Community Funding**

During debate on this item, some Members expressed concern over the reduction in funding to the South Devon Area of Outstanding Natural Beauty (AONB). It was **PROPOSED, SECONDED** and on being put to the vote declared **LOST**, that recommendation 2 be deferred to enable further discussions to take place with the AONB team.

It was then:

**RESOLVED**

That the Executive **RECOMMEND** to Council that:

1. the proposed funding reduction to the South Hams Community and Voluntary Service be endorsed in accordance with paragraph 5 of the presented agenda report; and
2. the proposed funding reduction to the South Devon Area of Outstanding Natural Beauty be endorsed in accordance with paragraph 5 of the presented agenda report.

**O&S.42/18: IT PROCUREMENT**

The Chairman confirmed that the Panel recommendation would be consideration during agenda item 14 (Minute E.38/18 below refers).

**b) Audit Committee – 6 September 2018**

**A.17/18: ACTIVITIES TO SUPPORT ECONOMIC GROWTH**

Whilst there were no specific recommendations from the Audit Committee to the Executive, the comments of the Audit Committee on the Commercial Property Strategy as set out in the agenda item 'Activities to Support Economic Growth', were noted by the Executive, and taken into account in the way forward proposed above and set out in the response to Minute O&S.34/18.



E.37/18      **EXCLUSION OF PUBLIC AND PRESS**

**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.38/18      **IT SYSTEMS PROCUREMENT**

Members were presented with an exempt report that sought direction on a preferred option in respect of the IT systems procurement.

The Lead Member for Customer First and Support Services presented the report.

It was then:

**RESOLVED**

That the Council be **RECOMMENDED** to endorse the ICT systems procurement and recommendations that are set out in the presented report.

***(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.30/18(3), E.34/18, E.36/18 a) iv) (b) and E.38/18 WHICH WERE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 27 SEPTEMBER 2018, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 24 SEPTEMBER 2018 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).***

(Meeting commenced at 10.00 am and concluded at 11.30 am)

---

Chairman