

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
REMOTELY VIA SKYPE ON THURSDAY 30 APRIL 2020**

MEMBERS

* Cllr R Rowe – Chairman

* Cllr R J Foss – Vice-Chairman

* Cllr V Abbott	∅ Cllr D W May
* Cllr L Austen	* Cllr J McKay
* Cllr K J Baldry	* Cllr D M O’Callaghan
* Cllr H D Bastone	* Cllr G Pannell
* Cllr J P Birch	* Cllr J A Pearce
* Cllr J Brazil	∅ Cllr J T Pennington
* Cllr D Brown	* Cllr K Pringle
∅ Cllr M Chown	* Cllr H Reeve
* Cllr J D Hawkins	* Cllr J Rose
* Cllr J M Hodgson	* Cllr P C Smerdon
* Cllr T R Holway	* Cllr B Spencer
* Cllr N A Hopwood	* Cllr J Sweett
* Cllr S Jackson	* Cllr B Taylor
∅ Cllr K Kemp	* Cllr D Thomas
* Cllr M Long	

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Deputy Chief Executive; Monitoring Officer; Section 151 Officer; Deputy Monitoring Officer and Senior Specialist – Democratic Services

83/19

MONITORING OFFICER STATEMENT

Based upon the feedback that had been received following the first Remote Council meeting held on 23 April 2020 (Minute 82/19 refers), the Chairman invited the Monitoring Officer to make a statement to the meeting that included the following points:

- In the event of the meeting lasting beyond two hours, then it would be adjourned to enable for a short break;
- Unless speaking, all microphones should be placed on mute;
- The Rules of Debate were highlighted and it was reaffirmed that the five minute time limit for speakers would be enforced at this meeting;
- The process for how Recorded Votes would be carried out was described to those in attendance; and
- The method by which Members should raise a ‘Point of Order’ was also outlined.

84/19

DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

85/19

BUSINESS BROUGHT FORWARD BY THE CHAIRMAN

The Chairman advised that she had agreed for two items to be brought forward to this meeting and she proceeded to invite the Leader to provide an update to the meeting on: the recent Central Government Funding Announcement; and the Calendar of Member Meetings.

(a) Recent Central Government Funding Announcement

The Leader advised that, on Wednesday, 29 April 2020, the Government had announced that it was allocating a further £1.6 billion to Local Authorities to support them during the Covid-19 Crisis. As part of this announcement, the Council was to receive £866,545. Whilst this was most welcome, the Leader was still a little disappointed that the allocation was linked to population numbers and not reflective of the actual financial impact on the Council.

(b) Calendar of Member Meetings

The Leader informed that, since the Council had adopted its Remote Meeting Procedure Rules (Minute 79/19 refers), the Head of Paid Service, in consultation with herself and the other Members of the Executive, had now determined a revised Calendar of Meetings up to the end of July 2020. In reply to a request, the Leader confirmed that this Calendar would be circulated to all Members.

Whilst a decision on those scheduled Member meetings beyond the end of July would be taken in due course, the Leader advised that it was her hope that the Council could revert to its adopted Calendar of Member meetings as soon as was practically possible.

86/19

2020/21 CAPITAL STRATEGY, 2020/21 TREASURY MANAGEMENT STRATEGY AND 2020/21 INVESTMENT STRATEGY

The Council considered a report that sought approval of the proposed Capital Strategy, Investment Strategy and Treasury Management Strategy for 2020/21, together with their associated prudential indicators.

In discussion, reference was made to:-

- (a) an amendment to the 2020/21 Treasury Management Strategy was **PROPOSED** and **SECONDED** as follows:

'That the Council approves the 2020/21 Treasury Management Strategy, subject to the list of primary considerations being updated to include environmental responsibilities.'

Despite receiving assurances that environmental responsibilities (and most notably Climate Change) were a consideration in the draft Strategy, some Members felt that these should have additional emphasis and be given equal status to the primary considerations that were listed (security, liquidity and yield).

Whilst having sympathy with the intention of the amendment, some Members were of the view that it would not be appropriate at this time to place further restrictions on the Council's Treasury Management Strategy.

The Section 151 Officer also gave a commitment to provide a written response to Members on how environmental responsibilities would be taken into account as part of the adopted 2020/21 Strategy.

In accordance with Council Procedure Rule 15.5, a recorded vote was then called for on the amendment and the voting was recorded as follows:

For the motion (13): Cllrs Abbott, Baldry, Birch, Brazil, Hodgson, Jackson, Long, McKay, O'Callaghan, Pannell, Rose, Sweett and Thomas.

Against the motion (14): Cllrs Austen, Bastone, Brown, Foss, Hawkins, Holway, Hopwood, Pearce, Pringle, Reeve, Rowe, Smerdon, Spencer and Taylor.

Abstentions (0): None.

Absent (4): Cllrs Chown, Kemp, May and Pennington

and the vote on the amendment was therefore declared **LOST**.

- (b) the draft 2020/21 Capital Strategy. A Member cited the recent commercial investment decision to purchase a property in Dartmouth and felt that the lack of transparency in that decision-making process was regrettable. As a consequence, the Member was of the view that the Capital Strategy should be considered at a future meeting of the Audit Committee.

It was then:

RESOLVED

1. That the Council approves the 2020/21:
 - a. Capital Strategy (as attached at Appendix A of the presented agenda report);
 - b. Treasury Management Strategy (as attached at Appendix B of the presented agenda report); and
 - c. Investment Strategy (as attached at Appendix C of the presented agenda report); and

2. That delegated authority be given to the Section 151 Officer, in consultation with the Members of the Executive, to make minor amendments to these Strategies if required throughout the 2020/21 Financial Year.

87/19

NOTES ARISING FROM THE INFORMAL EXECUTIVE MEETING HELD ON 19 MARCH 2020

IE.5/19: Council Tax Reduction for Care Leavers and Council Tax Premium for Long Term Empty Property

RESOLVED

1. That an increase be effected in the Council Tax Premium from the current 50% to the relevant maximums set down in the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018;
2. That, with effect from 1 April 2020 onwards, the Council Tax Premium be increased to 100% for properties that have been empty for 2 years or more**;
3. That, with effect from 1 April 2020, the Council Tax Premium be increased to 200% for properties that have been empty for 5 years or more**;
4. That, with effect from 1 April 2021, the Council Tax Premium be increased to 300% for properties that have been empty for 10 years or more**;

(** any period of not exceeding six weeks, where the property is not empty, shall be disregarded for the purposes of calculating the two year period).

5. That the increases in the Council Tax Premium for the 2020/21 Financial Year be effective from 1 October 2020, to allow for affected Council Taxpayers to take action (independently or with assistance from the Council) to bring their property back in to use (NOTE. the increase for 2021/22 will take effect from 1 April of that year).

IE.8/19: Parking Permit Review

In discussion, the lead Executive Member gave a number of assurances that the Council would be given a further opportunity to consider the outcome of the Public Consultation exercise.

It was then:

RESOLVED

1. That the permit charges and permits be amended in accordance with Appendix A of the agenda report presented to the Informal Executive meeting;

2. That the proposed Parking Permit Review be deferred at least until the Autumn (i.e. not before 1 September 2020);
3. That, with immediate effect, Parking Permits be put back on sale at their existing prices; and
4. That it be acknowledged that consultation has been undertaken with towns and parishes and a further 21-day public consultation will be undertaken, but will not commence before the Council has restored its parking charges in its car parks.

IE.9/19: Statement of Community Involvement

In opposition to the Statement of Community Involvement (SCI), a Member made particular reference to Principle 7: 'Responsibility and Accountability' and her belief that this was not being upheld. Furthermore, the Member expressed her disappointment at the lack of assurance in the SCI with regard to how community concerns and views would be taken into account in the decision-making process.

It was then:

RESOLVED

That, subject to West Devon and Plymouth agreeing likewise, the Statement of Community Involvement (SCI) be formally adopted under Section 23 of the Planning and Compulsory Act 2004.

IE.10/19: Follaton House Strategic Accommodation Review

In her introduction, the Leader advised of her intention to propose an alternative recommendation that would seek to defer the decisions of the first two parts of the recommendation on the review in light of the impact of the Covid-19 Crisis. For clarity, the Leader informed that her alternative recommendation was not seeking to reject the original recommendations generated at the Informal Executive meeting but to simply defer them for further consideration at a later date. Furthermore, the Leader was intending to propose that part 3 of the recommendation would not be included as part of the deferral and could therefore come into immediate effect.

In the ensuing debate, reference was made to:-

- (a) a general acknowledgement that 2021 was likely to be a very busy year for weddings; and
- (b) the Arboretum. In citing the success of Kingsbridge in Bloom as an example, a Member was of the view that Totnes should consider establishing a similar Community/Voluntary Group to be responsible for the maintenance and upkeep of the Arboretum.

It was then:

RESOLVED

That, in light of the current pandemic, the Accommodation Strategy Member Working Group be reconvened to consider **recommendations 1 and 2** (below) as part of the Council's future Recovery Plan to the Covid-19 Crisis, with a further report being presented back to the Executive at a future date:

1. That South Hams District Council remains at Follaton House for the foreseeable future, recognising that the net accommodation costs (£150,000 as set out in paragraph 4.4 of the presented agenda report to the Informal Executive meeting) represent good value for money;
2. That the Council considers developing a wedding venue in the Listed Building (with effect from 2021) and that the Accommodation Strategy Member Working Group and officers agree a plan of how the interior of Follaton House should be reshaped before officers procure a more detailed cost plan and tender for associated improvement works to the House and Garden. (NOTE. a sum of up to £30,000 be allocated from the Land and Development Earmarked Reserve for this purpose); and
3. That a sum of £25,000 be allocated from the Land and Development Earmarked Reserve to undertake infrastructure improvements to Follaton Arboretum to enhance use of the site by staff, tenants and visitors and also to support biodiversity and carbon capture in response to the Council's commitment to tackle climate change. (NB. this funding will enable match funding to be sought for improvement works).

(NOTE. Cllr Baldry requested that it be noted that he did not support the proposal at part 1 of the above resolution).

IE.11/19: Implementing a New Recycling Service

In light of the potential impact on the project timescales of the Covid-19 Crisis, it was confirmed that a Waste Update would be considered at the Informal Council session to be held on 21 May 2020.

It was then:

RESOLVED

1. That the progress and future plan in relation to the implementation of the new recycling service be noted;

2. That approval be given to the increase in the cost of building the new depot at Ivybridge, (as set out in Appendix A of the agenda report presented to the Informal Executive meeting), to be funded by internal borrowing and to build this increased cost into the Budget for 2021-22. (NB. this amounts to an increase of £25,600 in paying back the borrowing costs per year, as set out in Appendix A);
3. That approval be given to the increase for the capital costs of the containers and their distribution (as set out in Appendix A of the agenda report presented to the Informal Executive meeting) to be funded by internal borrowing and to build this increased cost into the Budget for 2021-22. (NB. this amounts to an increase of £8,852 in paying back the borrowing costs per year, as set out in Appendix A); and
4. That approval be given to the increase from £125,000 to £175,000 for the one-off costs of implementation of the Devon Aligned Service. (NB. the increase of £50,000 to be funded from the New Homes Bonus Earmarked Reserve in 2020/21).

88/19

LOAN AND RELEASE OF CAPITAL HOUSING GRANT TO SUPPORT COMMUNITY HOUSING PROJECTS

The Council considered a report that presented an update on the following two Community Housing Schemes:

1. South Brent Community Land Trust; and
2. St Ann's Chapel.

In discussion, there was widespread support expressed for the work undertaken by the current and previous local Ward Members and the lead officers.

It was then:

RESOLVED

1. That a secured loan be awarded to South Brent Community Land Trust (of up to £360,000) as part of the overall capital project budget for Community Housing; and
2. That £100,000 be allocated from the Affordable Housing Capital Programme Budget towards delivering St Ann's Chapel Community Housing Scheme.

(At this point (3.50pm), the Chairman adjourned the meeting for a fifteen minute break).

PAY POLICY STATEMENT AND PAY AND REWARD STRATEGY

Members considered a report that sought adoption of the Pay Policy Statement and the Pay and Reward Strategy for 2020/21.

In discussion, a Member felt that, given the current economic and financial challenges, Senior Officers should consider a voluntary reduction on their salaries.

It was then:

RESOLVED

1. That the Pay Policy Statement 2020/21 (as outlined at Appendix A of the presented agenda report) be adopted; and
2. That the Pay and Reward Strategy 2020/21 (as outlined at Appendix B of the presented agenda report) be adopted.

ANNUAL REVIEW OF THE COUNCIL CONSTITUTION

The Council gave consideration to a report that presented the Annual Review of the Council Constitution.

In discussion, the following points were raised:-

- (a) An amendment to the motion was **PROPOSED** and **SECONDED** that read as follows:

'That the Council notes the changes made under paragraphs 2.1 and 2.2, with the exception of the adoption of temporary Procedural Rules for conducting remote meeting and acknowledges the following:

That there is no provision within the statutory Remote Meeting Regulations that provides for the elimination of the right of Members to submit written Questions and Motions to Full Council meetings and have them dealt with in accordance with the Constitution and as such will reinstate such provisions at the next Full Council meeting.'

In presenting his amendment, the proposer thanked the Leader for her earlier update regarding the Calendar of Meetings (Minute 85/19(b) above refers) which had gone some way to alleviating his concerns. However, the Member did retain his concerns over the lack of provision in the adopted Remote Meeting Procedure Rules for Members to be able to ask Questions and Motions on Notice at Council meetings.

In the subsequent debate on the amendment, reference was made to:-

- the public concern over the inability for Members to ask Questions and Motions on Notice. In response to some Members highlighting the extent of public concerns, the Leader countered that she had only been made aware of two residents who had made formal representations to the Council;
- the intention of preventing Questions and Motions on Notice at Council meetings not being to suppress democracy but to save officer time at this extremely difficult time;
- the comments of the Deputy Monitoring Officer. At the invitation of the Chairman, the Deputy Monitoring Officer reminded the meeting that the Regulations were only in place for a temporary period and emphasised that Remote Meetings were only to be convened in instances where they were 'required to be held'.

At this point and, in accordance with Council Procedure Rule 15.5, a recorded vote was then called for on the amendment and the voting was recorded as follows:

For the motion (13): Cllrs Abbott, Baldry, Birch, Brazil, Hodgson, Jackson, Long, McKay, O'Callaghan, Pannell, Rose, Sweett and Thomas.

Against the motion (14): Cllrs Austen, Bastone, Brown, Foss, Hawkins, Holway, Hopwood, Pearce, Pringle, Reeve, Rowe, Smerdon, Spencer and Taylor.

Abstentions (0): None.

Absent (4): Cllrs Chown, Kemp, May and Pennington

and the vote on the amendment was therefore declared **LOST**.

- (b) Officers confirmed that the revised Calendar of Meetings to the end of July 2020 would be published on the Council website.

It was then:

RESOLVED

1. That the changes made under paragraphs 2.1 and 2.2 of the presented agenda report be noted;
2. That the Council agrees and formally adopts the amendments to its Constitution (as summarised in paragraph 2.4 of the presented agenda report and fully outlined at Appendix A), subject to inclusion of the following amendments:

'The Head of Development Management shall have authority (until 7 May 2021) to determine (in consultation with the Chairman and Vice Chairman of Development Management Committee, ward members and the Monitoring Officer) planning applications, Listed Building consents, advertising consents, TPO confirmations and works to trees submitted by Officers (or an immediate family member) and Members (or immediate family members and including a Councillor's agent or professional advisor). In all other respects such applications will be determined in accordance with the Delegation to Officers set out in the DM Committee's Terms of Reference and 'Delegation to Officers' set out in the Constitution.'

3. That the Council adopts its Constitution for the forthcoming year with immediate effect:

<https://www.southhams.gov.uk/article/3689/Our-Constitution>

91/19

GRANT THORNTON EXTERNAL AUDIT PLAN

The Council considered the External Audit Plan produced by Grant Thornton that provided an overview of the planned scope and timing of the statutory audit.

Following an introduction from the Section 151 Officer, there were no questions or issues raised and it was then:

RESOLVED

That the contents of the Grant Thornton External Audit Plan be noted.

92/19

SHARED SERVICES METHODOLOGY 2019/20

Members considered an annual report that set out the methodology and mechanisms that were being used to calculate the cost allocations between the Council and West Devon Borough Council.

In response to a question, the Section 151 Officer informed that, as part of the Council's Recruitment Strategy, each post was re-employed to the same Council from which the vacancy had arisen.

It was then:

RESOLVED

That the methodology of the Shared Services apportionment of costs between the Council and West Devon Borough Council for 2019/20 (as outlined at Appendix A of the presented agenda report) be noted.

93/19

BUDGET BOOK 2020/21

Consideration was given to a report that presented the Council's Budget Book for 2020/21.

With no issues or questions raised, it was then:

RESOLVED

That the contents of the Budget Book for 2020/21 be noted.

94/19

2020/21 INTERNAL AUDIT PLAN

The Council considered a report that sought approval of the draft 2020/21 Internal Audit Plan.

In discussion, it was confirmed that the Council's Risk Management Framework was being amended and would be presented to the next Audit Committee meeting to be held on 23 June 2020.

It was then:

RESOLVED

1. That the report be approved; and
2. That the draft Internal Audit Plan for 2020/21 (as outlined at Appendix A of the presented agenda report) be approved.

95/19

REPORTS OF BODIES

RESOLVED

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

- (a) Salcombe Harbour Board – 27 January 2020
- (b) Audit Committee – 6 February 2020
- (c) Development Management Committee – 12 February 2020

96/19

EXCLUSION OF PUBLIC AND PRESS

Whilst the following report had been published as an exempt agenda item, the Monitoring Officer advised the meeting that it could be considered in the public domain as long as the questions and debate did not focus on financial or staffing information.

In the event that the questions and debate did enter these areas, then the Monitoring Officer recommended that the Council would then need to approve a motion to move into exempt session.

97/19

USE OF EMERGENCY POWERS

The Council considered a report that advised of the decision taken by the Deputy Chief Executive to pay Fusion Lifestyle £104,500 for the three-month period April to June 2020.

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

- (a) The suggestion that the Informal Council session to be held on 21 May 2020 would include an update on Fusion was welcomed. In addition, some Members requested that, in advance of this Briefing, Fusion be invited to produce a briefing paper that set out the situation from the perspective of their organisation;
- (b) It was confirmed that Fusion representatives had contacted all 18 of their partner local authorities and, at the time of this meeting, 14 had decided to take a similar course of action, with the other 4 authorities still being in negotiations with the organisation;
- (c) As a general point, a Member was disappointed at the lack of consultation with the wider membership prior to the Emergency Powers provisions being utilised in this instance.

It was then:

RESOLVED

That the urgent action taken by the Deputy Chief Executive (as set out in paragraph 2.5 of the presented agenda report) be noted.

(Meeting commenced at 2.00 pm and concluded at 5.30 pm)

Chairman