

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD IN THE REPTON ROOM ON THURSDAY, 14 OCTOBER 2021**

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr K J Baldry	*	Cllr T R Holway
*	Cllr H D Bastone (Vice Chairman)	*	Cllr N A Hopwood
*	Cllr J D Hawkins	*	Cllr J A Pearce (Chairman)

Also in attendance (in the Repton Room):
Cllrs Birch, Brazil, Spencer and Taylor

Also in attendance (remotely via Microsoft Teams):
Cllrs Abbott, Long, McKay, O'Callaghan, Pannell, Pringle, Reeve and Rowe

Officers in attendance and participating:		
All items		Senior Leadership Team; Monitoring Officer; Head of Housing; Specialist – Affordable Housing; Head of Development Management; Business Management – Case Management; and Democratic Services Manager

E.46/21 MINUTES

The minutes of the Executive meeting held on 16 September 2021 were confirmed as a true and correct record.

E.47/21 URGENT BUSINESS

The Chairman advised that she had no items of urgent business for consideration at this meeting.

E.48/21 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 but there were none made.

E.49/21 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.50/21 EXECUTIVE FORWARD PLAN

Members were presented with the most recently published version of the

Executive Forward Plan that set out items on the agenda for Executive meetings for the next four months. In noting the contents, Members welcomed the revised design and format of the Plan.

E.51/21 **RESPONSE TO THE HOUSING CRISIS**

A report in response to the Housing Crisis declared by the Council at its meeting held on 23 September 2021 was presented to the meeting. The report set out a series of responses to the declared Crisis that were proposed to be taken to tackle the identified issues.

The Leader introduced the report and set out the extent of the issues that had led to her submitting a Motion on Notice to the Council calling on Members to formally declare a Housing Crisis. Having declared a Crisis on 23 September 2021, the Leader also wished to record her thanks to officers for their swift response in ensuring that a report had been produced in time for this Meeting.

In discussion, reference was made to:-

- (a) the actual evidence of the impact caused by Airbnb. To gauge the actual impact, it was intended that a sample would be carried out at two locations in the South Hams before an assessment was they undertaken as to whether or not any further works were necessary;
- (b) the recognised national definition of 'affordable housing'. In citing how the current definition was wholly inappropriate in the South Hams, some Members felt that it was now time for the Council to adopt its own local definition;
- (c) a recent inaccurate press article. The local Ward Member for Charterlands highlighted the inaccuracies that had been contained within a recent press article and put on record his wish for Modbury Parish Council to take greater care when contacting the press;
- (d) an additional recommendation. Such was the significance of this subject matter that the Chairman of the Overview and Scrutiny Committee asked the Executive to consider requesting that the Committee also be given the opportunity to debate the report at its next meeting to be held on 4 November 2021. As a result, the following addition was **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED**:

'That the Overview and Scrutiny Committee be given the opportunity to comment on the published agenda report at its next meeting (to be held on 4 November 2021) before reporting its views back to the next Executive meeting (to be held on 2 December 2021).'

- (e) building additional housing. Members recognised that simply building more housing in its own right was not the answer to the Crisis.

It was then:

RESOLVED

1. That the proposed measures to address the identified Housing Crisis (as set out in Section 4 of the published agenda report) be approved;
2. That the revised Downsize Incentive Policy (as set out in Appendix 1 of the published agenda report) be adopted;
3. That a needs based (not proximity based) principle for the spending of affordable housing contributions (within the legal framework of the Community Infrastructure Levy Regulations 2010 – the governing regulations for planning agreements) be formally recognised and supported;
4. That Council be **RECOMMENDED** to agree to form a Community Benefit Society (CBS) and delegate authority to the Director of Place and Enterprise, in consultation with the Chief Executive; Section 151 Officer and Monitoring Officer and with the Leader of the Council to undertake full due diligence and the necessary steps to set up the CBS;
5. That the draft letter (as set out in Appendix 2 of the published agenda report) be sent to the Rt Hon Michael Gove (Secretary of State for Levelling Up, Housing and Communities); and
6. That the Overview and Scrutiny Committee be given the opportunity to comment on the published agenda report at its next meeting (to be held on 4 November 2021) before reporting its views back to the next Executive meeting (to be held on 2 December 2021).

E.52/21 **TENANCY STRATEGY REVIEW 2021**

Consideration was given to a report that sought approval of an updated Tenancy Strategy for 2021.

During discussion, the following points were raised:-

- (a) Members felt that the Council should ask that, wherever possible, Housing Associations do not sell their properties on the open market in the South Hams;
- (b) It was noted that the information regarding those registered for affordable housing within Devon Home Choice was more regularly reviewed and there was confidence expressed that the total of 768 applicants in Bands A-D was an accurate figure;

- (c) Members recognised that the information contained within both the published agenda report and the updated draft Strategy further illustrated the Housing Crisis that had now been declared.

It was then:

RESOLVED

1. That the updated Tenancy Strategy for 2021 (as set out at Appendix 2 of the published agenda report) be approved; and
2. That delegated authority be granted to the Head of Housing, in consultation with the lead Executive Member, to make any necessary minor amendments prior to publication of the Strategy.

E.53/21

PLANNING IMPROVEMENT PLAN – PHASE 2 RESOURCES

Consideration was given to a report that set out the latest phase (phase 2) of the Planning Improvement Plan. In particular, the report outlined the assessed need in terms of additional planning and legal specialist officers to support the planning and enforcement functions.

In discussion, reference was made to:-

- (a) the challenges around the recruitment of both planning and planning enforcement officers. Whilst recognising that there was a national shortage of planning and planning enforcement officers, it was hoped that the proposed additional resource would result in more manageable workloads for officers thereby acting as an incentive to remain within the employ of the Council. In addition, the desperate need for additional support to be provided to the Head of Development Management was recognised;
- (b) streamlining the process in the future. The Chairman of the Development Management Committee was of the view that the current process of having to formally seek the approval of Members to increase resources was time consuming and should therefore be streamlined. As a result, Members asked that potential means of streamlining the process be presented to the Executive meeting to be held on 2 December 2021 as part of Phase 3 of the Plan;
- (c) the use of temporary agency staff. It was recognised that the proposal to increase resources within the team should result in a reduced dependency upon temporary agency staff.

It was then:

RESOLVED

1. That Council be **RECOMMENDED** to employ six additional permanent posts (shared with West Devon Borough Council) being four planning specialists and two legal specialists at an annual costs of £164,000 (the Council share of the costs) to be funded from additional planning income;
2. That Council be **RECOMMENDED** to increase the staffing budget by £164,000 and to increase the planning income target for 2022/23 onwards by £164,000; and
3. That a further phase 3 report be presented to the next Executive meeting to be held on 2 December 2021.

E.54/21 **WRITE-OFF REPORT**

A report was considered that informed Members of the proposal to write-off a series of debts with a value of more than £5,000 for the period from 1 April 2021 to 30 September 2021.

In discussion, the following points were raised:-

- (a) Members welcomed the comments of the Section 151 Officer whereby all local authorities in Devon were currently working towards a consistent means of performance reporting Business Collection rates;
- (b) The Executive wished to put on record its thanks to local residents and businesses for continuing to pay their Council Tax and Business Rates in such incredibly difficult circumstances.

It was then:

RESOLVED

1. That, in accordance with Financial Regulations, it be noted that the Section 151 Officer has authorised the write-off of individual South Hams District Council debts totaling £65,298.71 (as set out in Tables 1 and 2 of the published agenda report); and
2. That the write-off of individual debts in excess of £5,000 (totaling £41,165.18 and as detailed in Table 3 of the presented agenda report) be approved.

E.55/21 **ENHANCING BIODIVERSITY ON COUNCIL GREEN SPACES – CONSULTATION FEEDBACK**

Members considered a report that set out the results of the public consultation exercise undertaken during the summer of 2021 into the principle of enhancing biodiversity on Council green spaces.

In discussion, reference was made to:-

- (a) the levels of responses received during the public consultation exercise. Members commended the levels of public responses received which were felt to be excellent;
- (b) contrasting views. Whilst respecting the results of the public consultation exercise, some Members expressed their reservations over the principles of relaxing cutting regimes and long grass. It was the view of these Members that the public were often not so supportive when areas began to look scruffy and unkempt. In contrast, other Members reminded their colleagues that the Council had declared a Climate Change and Biodiversity Emergency and that these proposals should therefore be embraced;
- (c) the use of signage. The importance of explanatory signage (that contained the Council logo) on sites was recognised.

It was then:

RESOLVED

1. That the support shown through the public consultation exercise for the principle of increasing the biodiversity value of Council owned land by the proposed approach to site management be noted;
2. That, in response to this support, it be noted that officers are drawing up a site-by-site Grounds Maintenance schedule that will be circulated to Members and Town and Parish Councils for comment; and
3. That a report be requested to be added to the Executive Forward Plan for the meeting to be held on 27 January 2022 to consider the detailed proposals, equipment specification, revenue and capital expenditure to deliver the biodiversity gain.

E.56/21

GARDEN WASTE COLLECTIONS

Consideration was given to a report that presented a range of options to identify whether or not it would be possible to restore the garden waste collection service in the short term or to provide a single collection for all residents ahead of the winter.

During discussion, the following points were raised:

- (a) It was noted that the report that underpinned this agenda item was published just before this Executive meeting had started due to alternative solutions being sought right up until the last minute;

- (b) A number of Members expressed their upset, reluctance and disappointment that they were being asked to continue the suspension of garden waste collections until Spring 2022;
- (c) Members acknowledged that a one-off collection of garden waste by FCC Environment would unfortunately result in significant additional disruption to the statutory residual and recycling collections;
- (d) The Chairman of the Overview and Scrutiny Committee highlighted the presentation delivered by FCC representatives at its meeting held on 13 October 2021 and the totally unsatisfactory responses that were provided by the representatives to Member questions. The Member proceeded to highlight the public perception that the Council was not being sufficiently robust in its dealings with FCC and reminded the meeting that the delivery of a garden waste collection service was part of their contractual obligations;
- (e) Members recognised that the shortage of qualified HGV drivers was a national problem and that a number of other local authorities were experiencing similar issues. Notwithstanding this issue, a Member also expressed the view that FCC Environment had woefully underestimated the number of drivers and operatives that it would require to deliver the new service;
- (f) The tireless work of all Members on the front line dealing with multiple constituent complaints and the lead officers who were trying to deliver service improvements were recognised;
- (g) An additional recommendation was **PROPOSED** and **SECONDED** that read as follows:

'That delegated authority be granted to the Director for Customer Service and Delivery, in consultation with the Leader of Council and the lead Executive Member, to produce a letter to be sent on behalf of the Executive to all residents in the South Hams that provides an update on the waste and recycling collection service.'

In discussion on the addition, Members felt that it was now right and proper for the Council to write to all of its residents setting out the current position and, when put to the vote, the addition was declared **CARRIED**;

- (h) At this point, Members wished to discuss the exempt minute of the Overview and Scrutiny Committee at its meeting held on 13 October 2021. As a result, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED**:

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 items of business as the likely disclosure of exempt

information as defined in paragraph 3 of Schedule 12A to the Act is involved.

The Executive then considered and discussed the view of the Overview and Scrutiny Committee meeting (as set out at Exempt Appendix A to these minutes) and reached an agreed conclusion.

It was then **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that the press and public be re-admitted to the meeting.

It was then:

RESOLVED

1. That the Executive has considered the range of options (as set out in section 4 of the published agenda report) and agrees to continue the suspension of garden waste collections until Spring 2022;
2. That a further report be produced by the Director for Customer Service and Delivery (to be presented to the next Executive meeting to be held on 2 December 2021) on future options; and
3. That delegated authority be granted to the Director for Customer Service and Delivery, in consultation with the Leader of Council and the lead Executive Member, to produce a letter to be sent on behalf of the Executive to all residents in the South Hams that provides an update on the waste and recycling collection service.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.51/21 PART 4 AND E.53/21 PARTS 1 AND 2 (WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 25 NOVEMBER 2021) WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 25 OCTOBER 2021 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 3:00 pm and concluded at 5.20 pm)

Chairman