

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD IN THE COUNCIL CHAMBER ON THURSDAY 21 SEPTEMBER 2023**

Members in attendance: * Denotes attendance ∅ Denotes apologies for absence			
*	Cllr V Abbott	*	Cllr N A Hopwood
∅	Cllr J P Birch (via Teams (<i>am only</i>))	*	Cllr J McKay (<i>am only</i>)
*	Cllr J Brazil (Chairman)	*	Cllr D M O'Callaghan
*	Cllr J M Hodgson (<i>am only</i>)	*	Cllr D Thomas (Vice Chairman)

Non-Executive Members also present either in person or remotely for all or part of the meeting:	
Cllrs Allen, Bonham, Carson, Dommett, Hancock, Hawkins, Long, Nix, Oram, Penfold, Rake, Steele	

Officers in attendance and participating:		
All items		Senior Leadership Team; Monitoring Officer; Head of Democratic Services; Assistant Director – Strategy; Principal Climate Change Officer; Head of Housing; Head of Revenues and Benefits; Assistant Director – Planning; Neighbourhood Plan Specialist; and Deputy Section 151 Officer

E.13/23 MINUTES

The minutes of the Executive meeting held on 28 June 2023 were confirmed as a true and correct record.

E.14/23 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 these were recorded as follows:

Cllr J Hodgson declared a personal interest in agenda item 14: 'Totnes Neighbourhood Plan' (Minute E.24/23 below refers) by virtue of being a member (in an observational capacity) of the Neighbourhood Plan Steering Group' and remained in the meeting and took part in the debate and vote on this item.

E.15/23 QUESTION TIME

The Leader informed that the following question had been received in accordance with the Executive Procedure Rules:

(a) **Question from Cllr Pannell**

‘South Hams is one of ten Councils across the Southwest which issued no fines for fly-tipping in 2021-22. Can the Lead Member assure me that a more robust approach to enforcement and prosecution will be taken to deter those who continue to blight our countryside and communities?’

In reply, the lead Member for Community Services and Operations advised that agenda item 11 (Minute E.21/23 below refers) set out the emerging corporate priority in relation to fly tipping. The Member stated that this illustrated the emphasis that would be given to this very important matter during this four-year Council term.

E.16/23 **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 discussion, reference was made to:

- the Leader being the lead Member for the Council Tax Reduction Scheme agenda item (Minute E.25/23 below refers);
- likely additional items to be included on the Plan for consideration at the next Executive meeting to be held on 30 November 2023 including:
 - o Waste Services Update;
 - o Umbrella Community Land Trust;
 - o Planning Enforcement Plan: Task and Finish Group Review; and
 - o Freeport: Task and Finish Group Review.

E.17/23 **DRAFT CORPORATE STRATEGY**

The Executive considered a report that set out the progress made in the preparation of the draft Corporate Strategy for the period 2024-28.

During the ensuing debate, reference was made to:

- (a) an amendment to the report recommendation. At the request of the Leader of the Main Opposition Group, an amendment to part 2 of the report recommendation was **PROPOSED** and **SECONDED** to delete reference to her being involved as a consultee in the delegation process prior to the Corporate Strategy being subject to public consultation. When put to the vote, the amendment was declared **CARRIED**;

- (b) the lack of reference to the agricultural industry in the Climate and Biodiversity section of the draft Strategy. The lead Member felt that the Climate and Biodiversity section should include at least some reference to the agricultural industry. In accepting the point, it was agreed that the Leader and Deputy Leader would discuss in detail with the lead Member following this meeting and would then ensure that minor amendments were made in accordance with part 2 of the report recommendation;
- (c) the contents of the Strategy. Members recognised that the actual test of whether the adopted Strategy was a success would be in its actual delivery and how realistic (and achievable) it proved to be;
- (d) the importance of engagement with parish councils. Members recognised the importance of the consultation not being too town council focused. Having been informed that Kingsbridge Town Council had invited representatives from the hinterland parish councils to attend a joint meeting, it was hoped that a similar approach could be replicated throughout the district;
- (e) comments received during the public consultation exercise. The Leader gave an assurance that every comment and representation received would be taken into account as the draft Strategy evolved.

It was then:

RESOLVED

1. That the draft Corporate Strategy (as set out at Appendix A of the presented agenda report) be endorsed;
2. That authority be delegated to the Assistant Director Strategy, in consultation with the Leader and Deputy Leader of the Council to apply any final amendments to the draft Corporate Strategy prior to commencement of the public consultation exercise;
3. That the formal consultation on the draft Strategy be commenced;
4. That the Senior Leadership Team and Assistant Director Strategy be instructed to support Executive Lead Members in the development of detailed delivery and resourcing plans for the Strategy; and
5. That an Advisory Group for Economy and Jobs be established.

E.18/23

CLIMATE CHANGE & BIODIVERSITY EMERGENCY VERBAL UPDATE – STANDING AGENDA ITEM

The lead Member for Climate Change and Biodiversity provided the following update:

- he had held a number of conversations with local farmers and food producers and providers, which had proven to be incredibly helpful; and
- a key stakeholder meeting had been arranged to be held on 10 November 2023. Whilst the lead Member did not wish for this meeting to be open to all interested parties to attend, he did commit to investigating the merits of livestreaming the meeting and/or providing a recording that could be made publicly available.

E.19/23 **PROGRESS UPDATE ON HOUSING PROJECTS**

The Executive considered a report that provided an update on the various Housing projects taking place across the South Hams.

In discussion, the following points were raised:-

- (a) As part of investigating all possible housing solutions, a Member asked that the merits of constructing smaller timber frame units and the use of houseboats be included as part of these investigations;
- (b) With regard to the properties at St Anns Chapel, some Members asked that every step be taken to ensure that these were allocated to local residents. Officers made reference to the Housing Act and specifically the 'reasonable preference criteria' and committed to providing a Briefing Note to Members outside of this meeting. In addition, the Leader asked that the Overview & Scrutiny Committee give consideration to undertaking a review into the Local Lettings Policy;

The Chairman of the Audit & Governance Committee also informed that it was intention to ask that his Committee undertake a review into the St Anns Chapel project to ascertain what (if any) lessons could be learned.

It was then:

RESOLVED

1. That the progress in the purchase of 7 properties through the Local Authority Housing Fund 1 (LAHF 1) be noted;
2. That the additional purchase of an 8th property as a result of achieving an underspend from the agreed budget for LAHF 1 be approved;
3. That participation in Local Authority Housing Fund 2 (LAHF 2) and purchase an additional 3 properties (the maximum permitted) be approved;

4. That £475,000 from the capital receipts reserve to match fund expenditure for LAHF 2 to purchase 3 properties be approved;
5. That the progress on construction of the 8 new homes for rent at St Anns' Chapel be noted and the management arrangements, including the local lettings policy and rent, and to commence the advertising and letting of the properties through Devon Home Choice as soon as available be agreed; and
6. That the marketing and subsequent sale of the 3 open market properties at St Anns Chapel be agreed in accordance with the approved business case.

E.20/23

DELIVERING OUR STRATEGIC OUTCOMES FOR HOUSING

A report was considered that set out a series of options to address the Council's ambitions regarding Housing.

During debate, particular reference was made to:

- (a) the relationship between the Thriving Towns & Villages and Plymouth Policy Areas. Whilst acknowledging that it was a fine balancing act, the need to provide a reasonable blend of development between the two Policy Areas was noted;
- (b) agricultural need. It was requested that all aspects of agricultural need be given detailed consideration as part of the upcoming Joint Local Plan review;
- (c) the proposal to present a report on an umbrella Community Land Trust (CLT). Without wishing to pre-empt the contents of the report, some Members provided their initial thoughts on the concept of an umbrella CLT and advised that they were looking forward to reviewing the report at the next Executive meeting;
- (d) being given first refusal on properties being disposed of by Housing Associations. In citing the levels of frustration experienced by local communities when Housing Associations disposed of homes within the district, widespread support was expressed for the proposal whereby the Council sought first refusal on these.

It was then:

RESOLVED

1. That, where possible, all plan led housing meets or exceeds policy levels of affordable and social housing, including open market mix and tenure;

2. That the existing policies of the Joint Local Plan (JLP) be refined to ratchet up affordable housing outcomes in the new plan period;
3. That a subsequent report detailing the mechanisms, resources, costs and outcomes of an umbrella Community Land Trust (CLT) for the district be considered by the Executive at its meeting to be held on 30 November 2023;
4. That work be commenced on securing an RP (Registered Provider) delivery partner that can work within a CLT framework or direct with the Council as is required;
5. That a framework be prepared for a targeted acquisitions programme to mitigate ultra rural RP property disposals and support targeted groups in high need. The framework to set out financial envelope, governance arrangements, value for money test, demonstrable need evidence base and be presented to the Executive at its meeting on 30 November 2023;
6. That first refusal be requested on all homes being disposed of in the District by Housing Associations.
7. That every opportunity to secure good quality temporary accommodation be supported;
8. That the formation of a housing company not be progressed at this time.

E.21/23

DELIVERING STRATEGIC PRIORITIES THROUGH COMMUNITY SERVICES AND OPERATIONS

Members considered a report which sought agreement to align the Council's Street Cleansing service with the Community Services and Operations team to deliver services more effectively.

In the ensuing debate, reference was made to:

- (a) the street cleaning and cleansing operation. A number of Members repeated their longstanding requests to be in receipt of the programme and/or schedule of works. If this was not possible in the short-term, a Member asked that a broad idea of frequency of street cleaning visits per town and parish area could be made available to all Members. In reply to a question, the lead officer cited the response to the recent floods in the South Hams and confirmed that the schedule of works for street cleaning was sufficiently flexible to be able to respond to unforeseen (ad-hoc) events;

- (b) the condition of the mechanical street sweepers. Some Members were of the view that the mechanical street sweepers were no longer reliable or fit for purpose. Officers agreed with this viewpoint and informed that they were exploring putting forward a capital bid to upgrade the sweepers as part of the 2024/25 budget setting process;
- (c) the proposals to align service resources. A Member expressed the hope that, as part of the service review into aligning resources, all Members would be consulted, with the consequent outcome being to build upon the existing capacity and resilience of the team. Officers replied that they would look to convene a meeting of the Community Services Advisory Group prior to the report being presented back to the next Executive meeting;
- (d) the lack of a lengthsman service. Members highlighted that, in many instances, town and parish councils were struggling to recruit lengthsman. As part of the initiative to explore commercial opportunities, Members therefore felt that there was scope for the Council to explore delivering an opt-in commercial service to interested town and parish councils.

It was then:

RESOLVED

1. That the overall approach to improving Community Services and Operations (as set out in section 3 of the presented agenda report) be endorsed;
2. That a progress update from the Lead Executive Member be considered by the Executive in March 2024;
3. That the opportunity to provide greater support to community groups and volunteers working across the district to deliver better outcomes for their local environment be noted; and
4. That the Lead Executive Member for Community Services works with the Lead Executive Member for Community Development to align resources to provide a defined Community Development team and bring a report setting out the Community Development plans to the next Executive meeting in November 2023.

E.22/23

SUPPORTING OUR CARE LEAVERS: COUNCIL TAX

A report was considered that sought approval for the adoption of a Council Tax Discount Scheme relating to Care Leavers.

In discussion, Members welcomed the leading role that had been taken on by the Council in the development of this Scheme and wished to record their thanks to the Chief Executive for being instrumental in this regard.

It was then:

RESOLVED

That, with effect from 1 October 2023, Council be **RECOMMENDED** to adopt a Council Tax Discount Scheme for Care Leavers.

E.23/23 PLANNING IMPROVEMENT PLAN UPDATE

The Executive considered a report that provided an update on the progress made against key elements of the Planning Improvement Plan.

In discussion, the following points were raised:

- (a) To provide more meaningful information, it was hoped that the performance figures relating to Extensions on Time, could be separated between those that had been requested by the Council and those requested by applicants. Once separated, it was the wish for the lead Member that those requested by the Council were reduced;
- (b) It was hoped that the Overview & Scrutiny Committee would accept the recommendation to establish a Task and Finish Group to develop a new Planning Enforcement Plan. Such is the timely nature of this matter, it was also hoped that the Group would be able to report its conclusions to the next Executive meeting to be held on 30 November 2023;
- (c) As a plea, the lead Member referenced the role that all Members played in the service and asked that, when consulted for a delegated decision, all Members reply to officers as soon as was practically possible;
- (d) A number of Members highlighted the limitations and restrictions of the current IT portal for planning and were assured that a vast majority of these would be overcome as part of the new IT software that was to be rolled out;
- (e) Several Members expressed their concerns over the use of Planning Performance Agreements (PPAs). Following a debate on the merits of PPAs, it was agreed that a discussion would be held on them at a future informal Executive briefing and, until that discussion had taken place, officers confirmed that no new PPAs would be entered into by the Council;

- (f) It was agreed that consideration should be given to how best to obtain both qualitative and quantitative feedback information from applicants and agents once their respective planning applications had been determined by the Council;
- (g) Members noted that there would be a procedural change for dealing with requests to vary Section 106 agreements which would result in consequent minor changes being required to the Council Constitution and this proposal was supported by the meeting.

It was then:

RESOLVED

1. That progress made on delivery of the Planning Improvement Plan and update on performance be noted;
2. That the return to the advertising of applications in accordance with the adopted Statement of Community Involvement with effect from 1 October 2023 be noted ; and
3. That the Overview and Scrutiny Committee be **RECOMMENDED** to set up a Task and Finish Group to further develop the new approach to enforcement and report back to a future meeting of the Executive.

E.24/23 TOTNES NEIGHBOURHOOD PLAN

Members considered a report that sought approval for a referendum on the Totnes Neighbourhood Plan

In discussion, reference was made to:

- (a) an addition to part 4 of the report recommendation. In his introduction, the lead Member advised that, at the appropriate time, he would be **PROPOSING** an addition to part 4 of the report recommendation that read as follows:

*'4. That the Totnes Neighbourhood Plan, as modified as recommended by the Examiner (attached at Appendix B of the presented agenda report) proceed to referendum, **subject to deletion of reference to Appendix E: 'Former Dairy Crest Site Development Brief' in the introductory contents section;***

When put to the vote, this addition was declared **CARRIED**;

- (b) a request to proceed to Referendum as quickly as possible. Whilst accepting the associated statutory timescales, Members asked that officers work swiftly to ensure that the Plan proceeded to Referendum.

It was then:

RESOLVED

1. That the Examiner's report for the Totnes Neighbourhood Plan (as set out at Appendix A to the presented agenda report) be noted;
2. That each of the recommendations made by the report and the reasons for them be noted;
3. That it be agreed that the Totnes Neighbourhood Plan meets the Basic Conditions and is compatible with the Convention Rights, subject to being modified as recommended by the Examiner;
4. That the Totnes Neighbourhood Plan, as modified as recommended by the Examiner (attached at Appendix B of the presented agenda report) proceed to referendum, subject to deletion of reference to Appendix E: '*Former Dairy Crest Site Development Brief*' in the introductory contents section;
5. That the referendum area not be extended beyond the Totnes Neighbourhood Plan Area (as shown on the map at Appendix D of the presented report);
6. That the Assistant Director Planning be authorised to publish the Decision Statement (as set out at Appendix E of the published agenda report); and
7. That the Returning Officer be instructed to conduct a referendum on the Totnes Parish Neighbourhood Plan.

(At this point (12.50pm), the meeting was adjourned and reconvened at 1.30pm).

E.25/23

PROPOSED CHANGES TO THE COUNCIL TAX REDUCTION SCHEME 2024/25

The Executive was 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.

With no debate ensuing, it was then:

RESOLVED

1. That the proposed public consultation on a Council Tax Reduction Scheme for 2024/25 (as detailed in section 3 of the presented agenda report) be approved; and
2. That the results of the public consultation exercise are presented back to the Executive prior to a Council Tax Reduction Scheme for 2024/25 being considered for approval by the Council.

E.26/23 INTEGRATED PERFORMANCE MANAGEMENT REPORT JANUARY 2023 – JUNE 2023

Members considered a report that provided an update on the progress made against the Council's adopted strategy and key projects. The report covered the periods Quarter 4 of 2022/23 and Quarter 1 of 2023/24.

In discussion, the following points were raised:

- (a) Lead officers were thanked for their efforts in the successful transition of the waste service returning in-house;
- (b) In respect of the performance figures relating to Freedom of Information requests, it was noted that more detailed analysis of these figures would be undertaken by officers.

It was then:

RESOLVED

That the contents of the Integrated Performance Management Report (as contained in Appendix A of the presented agenda report) be noted.

E.27/23 2022 / 23 FINAL REVENUE AND CAPITAL OUTTURN

Members considered a report that provided the draft Revenue and Capital Outturn position for 2022/23 and also provided a schedule of the Reserve balances at 31 March 2023.

In discussion, particular reference was made to:

- (a) the previous Council administration. Members thanked their colleagues who had led the Council during 2019/23 for their sound financial management;

- (b) the figures being draft. The Section 151 Officer confirmed that the figures were considered to be in draft form because they were still subject to being external audited.

It was then:

RESOLVED

That the draft Revenue and Capital outturn figures for the 2022/23 financial year including the overall Revenue outturn position of a surplus of £57,000 for 2022/23 (0.5% of the total Budget £10.464 million) be noted.

E.28/23

REVIEW OF CAPITAL PROGRAMME (CAPITAL PROGRAMME MONITORING) AND REVIEW OF EARMARKED RESERVES

Members considered a report that provided an update on the progress of individual schemes within the approved capital programme, including an assessment of their budgets and financial position.

In discussion, the following points were raised:

- (a) A local Ward Member highlighted the desperate need to revisit the car parking strategy for Salcombe and hoped that alternative proposals for the Shadycombe car park would come forward in the near future. In reply, the Leader highlighted the positive initial meetings that been held with both Devon County Council and the town council in an attempt to improve the parking arrangements in Salcombe;
- (b) Whilst the proposal was to withdraw the Whitestrand capital project from the scheme, Members had requested that a review be carried out into the entire infrastructure around Salcombe Harbour.

It was then:

RESOLVED

That Council be **RECOMMENDED** to:-

- 1) withdraw three capital projects from the current Capital Programme, being Whitestrand replacement of toilets and showers (£659,993), the currently unallocated residual housing capital budget (£85,157) and the Contingency Capital Budget (£268,184). This would free up capital resources of £1.013m which is potentially available for future corporate priorities and can be re-purposed;
- 2) withdraw Shadycombe car park and Sherford Commercial Land Acquisition from the Capital Programme and to note that this would not free up any capital resources;

- 3) continue to progress all other capital projects, in line with the existing capital projects within the overall Capital Programme;
- 4) note the content of the Capital Programme Monitoring Report in Appendix B of the published agenda papers which shows the current expenditure on capital projects between April 2023 and July 2023 of £1.400m, being 13% of the profiled budget for 2023/24 (the first four months of the financial year); and
- 5) approve the outcome of the review of revenue reserves, releasing revenue reserves of up to £1.541m which is potentially available to support the delivery of the emerging Corporate Strategy.

E.29/23 **REVENUE BUDGET MONITORING REPORT 2023 / 24**

Members considered a report that provided a forecast for the year end budget position and that also enabled them to monitor income and expenditure variations against the approved budget for 2023/24

In discussion, the following points were raised:

- (a) The spiralling costs associated with Homelessness – Temporary Accommodation were recognised as a cause for concern and it was felt that these costs were likely to continue to increase;
- (b) Following a discussion on the annual staff pay award, the recruitment and retention measures that were implemented as part of the 2023/24 budget setting process had been deemed to be relatively successful and the Chief Executive committed to providing a more detailed update to a future informal Executive session.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2023/24 financial year and the overall projected surplus of £79,000 (0.7% of the total Budget £11.738 million), be noted.

E.30/23 **MEDIUM TERM FINANCIAL STRATEGY (2024 / 25 – 2026 / 27)**

Consideration was given to a report that presented the Council's Medium Term Financial Strategy from 2024/25 to 2028/29.

In discussion, particular reference was made to:

- (a) the intention to arrange the annual all-Member budget workshop during the Autumn;
- (b) an anticipation that the financial gains to the Council from being part of the Business Rates Pool could be close to £400,000. This news was welcomed by Members;
- (c) the second homeowners Council Tax premium. The Section 151 Officer advised that the Levelling Up Bill was still awaiting Royal Assent. As a result, the earliest opportunity that the Council could apply the premium would not now be before 1 April 2025.

It was then:

RESOLVED

1. That the forecast budget gap for 2024/25 of £382,194 (2.9% of the projected Net Budget of £13.05million) and the position for future years be noted; and
2. That the Senior Leadership Team and Executive Members be tasked with bringing back further options of how to close the predicted budget gap for 2024/25, as part of future budget reports (once more detail of the Local Government Finance settlement is known), for Members' consideration.

(Meeting commenced at 10.00 am and concluded at 2.15 pm)

Chairman

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.22/23 AND E.28/23 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 28 SEPTEMBER 2023, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 2 OCTOBER 2023 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULES)