

**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 27 JULY 2017**

MEMBERS

* Cllr P K Cuthbert – Chairman

* Cllr M J Hicks – Vice-Chairman

* Cllr K J Baldry	* Cllr T R Holway
* Cllr H D Bastone	* Cllr E D Huntley
* Cllr J P Birch	* Cllr D W May
* Cllr J I G Blackler	* Cllr J A Pearce
* Cllr I Bramble	* Cllr J T Pennington
* Cllr J Brazil	* Cllr K Pringle
* Cllr D Brown	* Cllr R Rowe
* Cllr B F Cane	* Cllr M F Saltern
* Cllr R J Foss	* Cllr P C Smerdon
* Cllr R D Gilbert	* Cllr R C Steer
* Cllr J P Green	* Cllr R J Tucker
* Cllr J D Hawkins	* Cllr R J Vint
* Cllr P W Hitchins	* Cllr K R H Wingate
* Cllr N A Hopwood	* Cllr S A E Wright
* Cllr J M Hodgson	

* Denotes attendance

Officers in attendance and participating:

For all items: Head of Paid Service, Executive Director (Service Delivery and Commercial Development), Section 151 Officer, Deputy Monitoring Officer and Senior Specialist – Democratic Services

19/17 **URGENT BUSINESS**

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

20/17 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting and these were recorded as follows:-

Cllr M F Saltern declared a personal interest in Item 11: 'Sherford Community Trust' (Minute 28/17 below refers) by virtue of being a Director of the Ivybridge Academy Trust and remained in the meeting and took part in the debate on this matter.

QUESTIONS

Whilst questions on notice were not normally permitted at Special Council meetings, the Chairman advised that she, in consultation with the Leader of Council, had exercised her discretion to enable for two questions to be considered at this meeting. These questions were as follows:-

From Cllr Vint to Cllr Tucker, Leader of Council

In light of the Grenfell Tower Fire tragedy:

1. *What action have Social Landlords in the South Hams taken to:*

- (a) ensure that all their properties comply with current Fire regulations; and other Health and Safety regulations; and*
- (b) ensure that all premises have undergone a recent Home Fire Safety Inspection and that tenants have a copy of the relevant Certificates.*

Cllr Tucker's response advised that:-

- All social landlords had been required by the Homes & Community Agency (HCA) to produce a report, listing the buildings that they had, which were 18 metres high or above. In South Hams, Devon and Cornwall Housing (DCH) had one block of purpose built flats (in Salcombe) which was below 18 metres but as a precaution had been assessed and found to be compliant. In addition, DCH had assessed all properties of 4+ storey's;
- Devon and Somerset Fire and Rescue Service (DSFRS) had risk assessed all buildings of 5+ storeys in the County. This was following a Fire HQ instruction. Elizabethan Court in Totnes was assessed and found to be compliant. The old Dartmouth Hospital had not been assessed but this was planned;
- The fire service have had a central role in this process and had made numerous press releases and had worked with local social landlords; and
- DCH had checked that all fire notices and action plans were in place and had reassured their tenants through their communication channels.

2. *What action has this Council taken to:*

- (a) ensure that Social Landlords and any major private landlords are complying with all relevant Fire regulations and other Health and Safety regulations?*
- (b) ensure that Social Housing Tenants and the general public are aware of all relevant Fire regulations and other Health & Safety regulations and their associated rights as tenants?*

Cllr Tucker's response highlighted that:-

- Landlords on the House of Multiple Occupation (HMO) council list had been written to reminding them of their responsibilities. We also asked that they remind tenants on what to do in the event of a fire. There was also a section on smoke alarms. This letter would be followed up by an Environmental Health Specialist;
- Licenced HMO (3+ floors and 5 + tenants from 2+ households) were visited every five years, there were currently 11 in the South Hams. Where there was a significant time until the next inspection and it was felt it was higher risk, it would be visited as a priority outside of the established programme;
- For unlicensed HMO's where there were no statutory inspections, a desktop risk exercise had been undertaken and higher risk properties, particularly above commercial premises, would be visited over the coming months;
- Local social landlords had provided fire safety advice and reassurance for their tenants. All had claimed to have carried out fire risk assessments of their blocks of accommodation. This was not really applicable in the South Hams or West Devon due to the lack of high rise accommodation;
- The council had a statutory duty to respond to complaints from residents of poor housing conditions/ health and safety concerns. We had not seen a significant rise in complaints following the Grenfell fire; and
- The Council website was being updated with relevant links and information on fire safety.

In reply to a supplementary question, Members were given assurances that the Council had reminded each of its Registered Social Landlords of their Health and Safety responsibilities.

22/17

PROPOSAL FOR A SINGLE COUNCIL FOR SOUTH HAMS AND WEST DEVON

Members were presented with a comprehensive report that set out recommendations from the SH/WD Joint Steering Group (JSG) to agree in principle to establish a single second tier Council for South Hams and West Devon from 1 April 2020.

Prior to the introduction on this agenda item, the Chairman considered the request of a Member to suspend the five minute time limit for speeches. Having considered this request, the Chairman did not give her consent for the time limit to be suspended.

During their combined introduction, the Leader and Deputy Leader made reference to:-

- the recent Member event that had been held with representatives from the Department of Communities and Local Government (DCLG) and the Local Government Association (LGA). By way of an update, the Leader highlighted three key details arising from this event that had an impact on the content of the published agenda report. These details were as follows:

1. The implementation date for a new Council would need to be put back from the initially anticipated 1 April 2019 to 1 April 2020;
 2. The Local Government Boundary Commission for England review would need to be concluded before the new Council was formed, with the 2019 Borough and District Council elections being delayed by a year to 2020; and
 3. There was the potential to introduce a longer time period to equalise Council Tax.
- the potential for investment opportunities. In highlighting potential opportunities, the Deputy Leader cited an example whereby the proposals may enable for investment to be made in areas such as affordable housing for key workers.

In the ensuing debate, reference was made to:-

- (a) an amendment. The following amendment was **PROPOSED** and **SECONDED**:-

'That the Council:

1. *agree to consider establishing a single second-tier Council for South Hams and West Devon from 1 April 2020;*
2. *proceed to consultation with the public and stakeholders from early August to the end of September 2017 and the Council to agree the final contents of the consultation document prior to its publication;*
3. *agree to hold a local referendum on establishing a single second-tier Council for South Hams and West Devon from 1 April 2020; and*
4. *agree to bring to the Council as soon after the expiry of the referendum as is practically possible the result of the referendum for consideration by the Council.'*

In support of the amendment, the proposer and seconder were of the view that a local referendum would be a more democratic method of consultation on the proposal. In reply, other Members felt that the anticipated cost of holding a referendum (estimated to be in the region of £130,000) would not be a good use of public monies at this time.

When put to the meeting, the amendment was declared **LOST**;

- (b) a further amendment was then **PROPOSED** and **SECONDED** as follows:-

That the Council:

1. *agree to consider establishing a single second tier Council for South Hams and West Devon from 2024;*
2. *agree to holding a referendum in South Hams with a view to raising Council Tax to meet our current financial challenges to 2024; and*

3. *request to West Devon Borough Council that they also hold a referendum to raise their Council Tax to bring their financial situation into stability and on a par with South Hams District Council by 2024.*

Whilst recognising the spirit of the amendment, some Members were of the view that, such were the budgetary pressures facing both councils between now and 2024, that they would not be able to support this amendment.

When put to the meeting, the amendment was declared **LOST**;

- (c) the proposals effectively seeking to assist West Devon Borough Council. In opposing the proposal, a Member felt that it was inappropriate for South Hams District Council Taxpayers to effectively be asked to pay more in order to assist a neighbouring council. In response, other Members highlighted the budget gap facing South Hams District Council and, in light of the shared services agenda, the financial health of both councils was considered to be fundamentally interlinked;
- (d) the draft consultation document. A number of Members stated their disapproval at the quality of the draft consultation document. These Members felt that, as drafted, the document was disingenuous and unbalanced. In addition, a Member specifically asked that the published consultation document made it absolutely clear that an upwards equalisation in Council Tax would only affect residents who lived in the South Hams.

As a way forward, it was suggested that delegated authority should be given to the SH/WD Joint Steering Group (JSG) to agree the final contents of the consultation document prior to its publication. As a further assurance, it was agreed that all Members would be invited to make their comments on a revised draft document prior to the JSG taking its final decision, with the Chairman of Council and Chairman of the Overview and Scrutiny Panel also having a key advisory role in this process.

To ensure that, prior to its publication, any consultation document could be considered to be balanced, some Members felt that an independent person (e.g. a representative from the Local Government Association) should review the final draft version. As a consequence, the following addition was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED** and became part of the substantive motion:-

'That the Council task an independent person with reviewing the final version of the draft consultation document prior to its publication.'

In addition, some Members felt that, such were the extent of the changes required to the consultation document, that these would take time to be deemed acceptable. Therefore, the following addition was **PROPOSED** and **SECONDED**:

'That the consultation period runs for a six week period from 24 August to 5 October 2017.'

When debated, the majority of Members did not support this addition that would effectively shorten the consultation period and reference was made to some community consultation effects that would take place before 24 August 2017.

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

- (e) the Commercial Property Acquisition Strategy. Some Members expressed their disappointment that colleagues at West Devon Borough Council had recently decided to approve and implement a Commercial Property Acquisition Strategy. In the event of the One Council proposal being approved, these Members were frustrated that the risks associated with such a Strategy would then become a risk for South Hams residents;
- (f) alternative options to bridge the budget gap. A number of Members asked that all other possible alternative options be presented (and informally considered) before the One Council proposal was re-considered in October 2017.

In accordance with Council Procedure Rule 15.5, a recorded vote was then undertaken on the motion. The voting on this motion was recorded as follows:-

- For the motion (22): Cllrs Bastone, Blackler, Brown, Cane, Cuthbert, Foss, Gilbert, Green, Hawkins, Hicks, Hitchins, Holway, Hopwood, May, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Wingate and Wright.
- Against the motion (8): Cllrs Baldry, Birch, Bramble, Brazil, Hodgson, Huntley, Pennington and Vint.
- Abstentions (1): Cllr Pearce
- Absent (0):

It was then:

RESOLVED

That the Council:

1. agree to consider establishing a single second-tier Council for South Hams and West Devon from 1 April 2020;
2. proceed to consultation with the public and stakeholders from early August through to the end of September 2017, with delegated authority being given to the SH/WD Joint Steering Group to agree the final contents of the consultation document prior to its publication;

3. agree to bring back to Council for consideration (as soon after the expiry of the consultation period as is practically possible) the outcome of the consultation together with the final Proposal for submission to the Secretary of State; and
4. task an independent person with reviewing the final version of the draft consultation document prior to its publication.

23/17

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 paragraphs 3 and 5 of Schedule 12A to the Act is involved.

24/17

DELIVERY OF BEST VALUE FOR MONEY FRONT LINE SERVICES

Consideration was given to an exempt report that set out how the SH/WD Joint Steering Group had been tasked by both Councils to consider options to achieve financial sustainability and address the forecast budget deficit for both Councils; one of those options was to look at the way in which front line services were provided and designed.

In discussion, Members were given assurances that the proposed recommendations were not, at this stage, committing the Council to establishing a Wholly Owned Company.

It was then:

RESOLVED

That action is taken, based upon the advice of the SH/WD Joint Steering Group, to

1. test the front line services in scope through competitive dialogue processes with combined processes with combined procurements where the services allow;
2. consider the outcome of the market engagement, benchmark and report back to the next full Council the viability (subject to full compliance with the relevant laws) of a Wholly Owned Company preparing a bid if a competitive and sustainable price for service can be proven against benchmarked current costs with external market place; and

3. continue to test market costs and income opportunities during the summer period to further inform the market position.

25/17 **RE-ADMITTANCE OF PUBLIC AND PRESS**

RESOLVED

That the public and press be re-admitted to the meeting.

26/17 **COMMERCIAL PROPERTY ACQUISITION STRATEGY**

The Council considered a report that presented the draft Commercial Property Acquisition Strategy.

Having been invited to introduce the report, the lead Executive Member for Business Development advised that, having given the issue plenty of consideration since the recent meetings of the Audit Committee and the Overview and Scrutiny Panel, he would not be asking the Council to consider the report at this time.

It was therefore his wish that the proposal be deferred until the Council could better mitigate the risk concerns that had been identified, with the Strategy then being brought back to the Council if and when it was deemed appropriate.

27/17 **2017/18 TREASURY MANAGEMENT STRATEGY**

In light of the deferral of the Commercial Property Acquisition Strategy (Minute 26/17 above refers), Members were informed that the proposed revisions to the 2017/18 Treasury Management Strategy were no longer required at this time.

28/17 **ESTABLISHMENT OF THE SHERFORD COMMUNITY TRUST**

A report was presented that recommended that the Council approve the Constitution of the Sherford Community Trust and the Schedule of Payments.

In discussion, it was noted that some minor typographical errors had been picked up in the published Articles Of Association, which had subsequently been amended.

It was then:

RESOLVED

1. That the Constitution of the Sherford Community Trust and the Schedule of Payments be approved;

2. That the Commissioning Manager be appointed as a Director of the Sherford Community Trust;
3. That the Executive Director and Head of Paid Service be appointed (and given delegated authority) to act on behalf of the Council at Member meetings of the Sherford Community Trust.

29/17

REPORTS OF BODIES

RESOLVED

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

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| (a) | Development Management Committee | 10 May 2017 |
| (b) | Overview and Scrutiny Panel | 18 May 2017 |

O&S.8/17: Overview and Scrutiny Annual Report

RESOLVED

That the Annual Report for 2016/17 be approved, subject to the Sherford Development paragraph (page 44 of the agenda report presented to the Panel refers) being amended.

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| (c) | Licensing Committee | 25 May 2017 |
| (d) | Development Management Committee | 7 June 2017 |
| (e) | Audit Committee | 22 June 2017 |
| (f) | Executive | 29 June 2017 |

E.04/17: Events Policy Update

A Member sought clarification regarding the proposed standard administration fee for each event of £55. In reply, it was confirmed that, for repeat events, if each one was listed on an application, then a one-off fee of £55 would be incurred.

It was then:

RESOLVED

1. That the proposed policy (as detailed in Appendix 1 of the agenda report presented to the Executive) be approved, subject to minor wording changes being delegated to the Group Manager – Commercial Services, in consultation with the lead Executive Member;
2. That the Events Task and Finish Group be formally dissolved; and
3. That, once live, the Policy be reviewed annually and the fees levied be reviewed as part of the regular SHDC fee and charge setting process.

E.05/17: Pay and Display Charges Review

RESOLVED

That Pay and Display charges be amended in accordance with the revised Appendix 1 (of the agenda report presented to the Executive) following consultation with local communities.

E.06/17: Reports of Other Bodies

(a) Overview and Scrutiny Panel – 16 May 2017

(i) O&S.9/17: Task and Finish Group Updates – Waste and Recycling

RESOLVED

That a charge of £35 per container be imposed on new standard 180 litre wheeled bins for any newly built properties and for any householder requests to be in receipt of additional bins.

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| (g) | Development Management Committee | 5 July 2017 |
| (h) | Overview and Scrutiny Panel | 6 July 2017 |
| (i) | Executive | 20 July 2017 |

E.15/17: Transfer of Land to Salcombe Town Council

RESOLVED

1. That the principle of an asset transfer of land in Salcombe (indicatively shown on the plan at Appendix 1 and described in paragraph 1.2 of the presented report) based on the detail set out in the presented agenda report be supported;
2. That a parcel of land be disposed of on the Berry for best consideration, outlined in blue in presented Transfer Plan 1 of the agenda report presented to the Executive;
3. That authority to conclude detailed negotiations and the disposal of the Area A land be delegated to the COP Lead Assets, in consultation with the Section 151 Officer, Head of Paid Service and Leader of Council.

(Meeting commenced at 2.00 pm and concluded at 4.25 pm)

Chairman