

**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY 14 SEPTEMBER 2017**

<b>Members in attendance:</b>			
<b>* Denotes attendance</b>			
<b>∅ Denotes apologies for absence</b>			
*	Cllr H D Bastone	*	Cllr R J Tucker
*	Cllr R D Gilbert	*	Cllr S A E Wright
*	Cllr N A Hopwood	*	Cllr K R H Wingate

<b>Also in attendance and participating</b>		
Item 6	E.22/17	Cllrs Brazil, Cuthbert, Green, Pearce, Pennington and Saltern
Item 8	E.24/17	Cllrs Baldry, Green, Hodgson and Pennington
Item 9	E.25/17	Cllrs Pearce and Pennington
Item 12	E.28/17	Cllrs Baldry, Brazil, Hodgson and Pearce
<b>Also in attendance and not participating</b>		
Cllrs Blackler, Bramble, Brown, Foss, Hicks, May and Steer		

<b>Officers in attendance and participating</b>		
All items		Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services
Item 6	E.22/17	Specialist (Place Making)
Item 7	E.23/17	Specialist Manager
Item 8	E.24/17	Section 151 Officer
Item 12	E.28/17	Group Manager – Commercial Services and Lead Specialist (Waste Strategy)

**E.19/17 MINUTES**

The minutes of the Executive meeting held on 20 July 2017 were confirmed as a true record and signed off by the Chairman.

**E.20/17 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 none were made.

**E.21/17 PUBLIC QUESTION TIME**

It was noted that one public question had been received by Cllr Baldry as follows:

*'Please can the Leader let us have an interim report on responses so far to the One Council Consultation?'*

In reply, Cllr Tucker advised that the consultation period ran until Sunday, 8 October 2017 and over twenty community consultation events had been arranged. To date, it was noted that public attendance at those events already held had been variable. However, the support of (both local Ward and Executive) Members and officers at these sessions had been commendable. Finally, Cllr Tucker stressed that the purpose of these events was to raise awareness of the One Council proposal and was not a lobbying exercise.

E.22/17

## **RELEASE OF S106 FUNDS FOR AFFORDABLE HOUSING PROJECTS**

Members were presented with a report that requested the release and allocation of Section 106 funds over £30,000 for two affordable housing projects: Butterpark in Ivybridge and East Portlemouth Community Land Trust.

The Lead Member for Customer First introduced the report and responded to some Member questions.

In the ensuing debate, reference was made to:-

- (a) the Butterpark, Ivybridge project. A number of Members paid tribute and congratulated Ivybridge Town Council for leading upon and progressing this initiative. In taking the point a step further, Members also hoped that other town councils could follow the lead of Ivybridge Town Council and progress similar schemes in their own towns;
- (b) the East Portlemouth Community Land Trust proposal. Some Members were uncomfortable with the principal of effectively using Section 106 funds to subsidise rents. However, these Members also recognised that the scheme had been initially delivered without any public subsidy and they did not wish to penalise tenants, but nonetheless stated that they would prefer to allocate the proposed £60,000 to support the delivery of future schemes by the Trust.

As a way forward, it was therefore concluded that a decision on this matter should be deferred to a future meeting, with an informal meeting being held in the meantime between lead officers; the lead Executive Member; the local Ward Member, Cllr Hopwood; and representatives from the Trust;

- (c) the proposed delegated authority for future Section 106 spends. An amendment was **PROPOSED** and **SECONDED** to part 3 of the officer recommendation to reflect the point that not all Section 106 spends were used from within the Ward that they were derived. The amended wording read as follows:

'That, for future Section106 spends below £30,000, authority be delegated to the Place Making Community of Practice Lead in consultation with local Ward Member(s) for the projects *and (if different) where the Section 106 monies were derived from.*'

When put to the vote, this amendment was declared **CARRIED**.

It was then:

### **RESOLVED**

1. That approval be given to the release or allocation of Section 106 funds for Affordable Housing projects as set out below:
  - a. £31,291 – from the 23 Western Road, Ivybridge development to spend on an affordable housing scheme at Butterpark, Ivybridge;
  - b. £97,845 – from Torhill Cottages, Godwell Lane, Ivybridge to spend on an affordable housing scheme at Butterpark, Ivybridge;
2. That a decision on whether to release or allocate £60,000 from the Gara Rock Hotel development to spend on East Portlemouth Community Land Trust be deferred to a future meeting to enable for further negotiations to take place; and
3. That, for future Section106 spends below £30,000, authority be delegated to the Place Making Community of Practice Lead in consultation with local Ward Member(s) for the projects and (if different) where the Section 106 monies were derived from.

E.23/17

### **THE GOVERNMENT'S PROPOSED 20% INCREASE IN PLANNING FEES**

Members were presented with a report that recommended that Council increase its planning fees by 20% when the legislation was amended to allow for such an increase. It was further recommended that an appraisal be undertaken of resource and performance levels across the wider planning function to ascertain the best use of the additional resource, to be approved by the Head of Paid Service in consultation with the Section 151 officer and Leader of Council.

The Lead Member for Customer First introduced the report.

In the subsequent discussion, Members expressed their support for these proposals and emphasised the importance that Central Government be lobbied to ensure that this legislation was in place as soon as was practically possible.

It was then:

**RESOLVED**

That Council be **RECOMMENDED** that:

1. Planning fees be increased by 20% once primary legislation was confirmed; and
2. An appraisal be undertaken of resource and performance levels across the wider planning function to ascertain the best use of the additional resource, to be approved by the Head of Paid Service, in consultation with the Section 151 Officer and the Leader of the Council.

E.24/17

**BUSINESS RATES PILOT 2018/19 AND POOLING ARRANGEMENTS FOR 2018/19**

Members were presented with a detailed report that recommended to Council to apply to become a business rates pilot for 2018-19, as part of a Devonwide business rates pilot bid, to pioneer new pooling and tier-split models.

The Leader introduced the report and emphasised that, in the event of the pilot being unsuccessful, then the Council would seek to be reinstated into the Devon Business Rates Pool for 2018-19.

In discussion, reference was made to:-

- (a) the support of other local authorities. It was confirmed that the bid could only be submitted if it had the support of all the local authorities in Devon;
- (b) the 100% Business Rates Retention Scheme. Members acknowledged that one of the benefits of being in the pilot would be the ability to help shape the new Scheme. That being said, some Members did express their scepticism that the Scheme would ever be implemented.

It was then:

## **RESOLVED**

That Council be **RECOMMENDED**:

1. to apply to become a business rates pilot for 2018-19, as part of a Devonwide business rates pilot bid, to pioneer new pooling and tier-split models;
2. to delegate to the Section 151 Officer, in consultation with the Leader, Deputy Leader and Head of Paid Service, to agree the detail of the business rates pilot bid (in conjunction with Devon Local Authority s151 colleagues) with respect to the financial aspects and overall governance of the pilot bid; and
3. that, in the event of the Devon pilot bid being unsuccessful, South Hams District Council applies to re-join the Devon Business Rates Pool for 2018-19.

E.25/17

### **LOCAL AUTHORITY CONTROLLED COMPANY (LACC) PROJECT REVIEW AND CLOSURE REPORT**

Members were presented with a report that set out a review of the Local Authority Controlled Company Project and closure of that project.

The Leader introduced the report and, in discussion, the following points were raised:-

- (a) It was confirmed that the Project Review and Closure Report had been inadvertently published as an exempt paper and, upon the conclusion of this meeting, this document would be released into the public domain;
- (b) A Member was disappointed that the report was focused on process as opposed to outcomes. In citing some examples where she felt that the project had failed, the Member hoped that lessons had been learned for the future. In response, the Leader advised that such projects had to be investigated in an attempt to bridge the Council's budget gap and he saw such work as a fundamental part of the role of a Senior Officer. In addition, the Leader stated that the detailed pensions information had not been available any earlier in the process and the agenda papers and notes arising from meetings of the SH/WD Joint Steering Group were now made available to the wider membership.

It was then:

## **RESOLVED**

That the Local Authority Controlled Company project closure report be noted.

E.26/17

## REPORTS OF OTHER BODIES

### (a) Overview and Scrutiny Panel – 24 August 2017

#### O&S.42/17 Draft Executive Forward Plan

#### (ii) Business Rates – Locally Administered Business Rate Relief Policy

##### RESOLVED

That Council be **RECOMMENDED** that, following consultation with Devon County Council, Devon and Cornwall Police and Devon and Somerset Fire and Rescue, the locally administered Business Rate Relief Policy be adopted, subject to inclusion of the following amendments:

- The policy review being extended from the end of December 2017 to the end of April 2018; and
- The decision-making process be amended whereby:

Discretionary Payment awards under the Policy be determined by the Leader of the Council and the lead Executive Member; and

That all appeals be determined by the Leader of the Council; the lead Executive Member and the Chairman of the Overview and Scrutiny Panel.

#### O&S.46/17 Regulation of Investigatory Powers Act (RIPA) 2000 Policy and Update

##### RESOLVED

That the guidance on Social Networking Sites in investigations (as outlined at Appendix B of the agenda report presented to the Panel) be approved and included in the Council's RIPA policy.

#### O&S.47/17 Annual Review of Health and Safety Policy

##### RESOLVED

That Council be **RECOMMENDED** that the revised policy be adopted and signed by the Head of Paid Service and the Leader of the Council.

#### O&S.50/17 Task and Finish Group Updates

#### (c) Dartmouth Lower Ferry

## **RESOLVED**

1. That, if for any reason union agreement cannot be achieved, the final offer is the Councils' binding offer and new contracts replace existing terms and conditions to that effect; and
2. That regular consultation with the Lower Ferry workforce continues to inform service improvements and tariff setting proposals.

### **E.27/17 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.

### **E.28/17 FRONT LINE SERVICES COMMISSIONING OPTIONS**

Members were presented with an exempt report that set out a number of options relating to the procurement and commissioning of front line services.

The Lead Member for Commercial Services introduced the report and he and officers responded to a number of detailed questions.

In discussion, reference was made to:-

- (a) the upcoming Member Workshop. Whilst it was acknowledged that the timeline was particularly tight when considering that the Council was being asked to make a decision on this issue at its meeting on 28 September 2017, disappointment was expressed that some Members would not be able to attend the informal Member workshop on 21 September 2017. In reply, officers informed that they were willing to meet with these Members separately (either individually or in small groups) on an alternative date and time;
- (b) experiences from a previous local authority. A Member informed that she had a number of experiences from her time at another local authority (that had been quoted in the exempt papers) that she would be willing to share with lead officers. In response, officers welcomed this offer and confirmed that they would make contact with the Member.

- (c) the decision-making process. Members were given assurances that, if approved by the Council, the Project Board would consistently present options and reports back to the wider membership for a decision.

It was then:

**RESOLVED**

That Council be **RECOMMENDED** that:

1. Waste collection, recycling and cleansing services are tested using the competitive dialogue procurement route to achieve a partnership solution in accordance with the Collaboration Agreement dated 2015;
2. The lead authority for the procurement in Recommendation 1 is West Devon Borough Council for the reasons outlined in paragraph 2.6 of the presented agenda report and in accordance with the Collaboration Agreement 2015;
3. South Hams District Council does not proceed with a wholly owned company bid for waste collection, recycling and cleansing services;
4. The Memorandum of Understanding and project board remit attached at Appendix D of the presented agenda report be approved;
5. The two councils continue to explore the establishment of a wholly owned company or joint venture arrangement for the delivery of grounds maintenance, building and facilities maintenance and other related services considered in the scope of the work stream; and
6. Unearmarked Reserves be used to meet any additional costs of procurement over and above those available within the base budget, with a payback mechanism being agreed once annual service costs are identified.

**(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.23/17, E.24/17, E.26/17 AND E.28/17 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 28 SEPTEMBER 2017, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 25 SEPTEMBER 2017 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

(Meeting commenced at 10.00 am and concluded at 11.50 am)

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Chairman