

**MINUTES OF THE MEETING OF
COUNCIL
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY, 19 DECEMBER 2013**

| Members in attendance | | | |
|------------------------------|----------------------------|--------------------------------------|-----------------------------------|
| * Denotes attendance | | ∅ Denotes apology for absence | |
| * | Cllr K J Baldry | * | Cllr M J Hicks |
| * | Cllr A D Barber | * | Cllr P W Hitchins (Vice Chairman) |
| * | Cllr H D Bastone | * | Cllr J M Hodgson |
| * | Cllr J H Baverstock | * | Cllr T R Holway |
| * | Cllr J I G Blackler | * | Cllr L P Jones |
| * | Cllr I Bramble | * | Cllr D W May |
| ∅ | Cllr J Brazil | ∅ | Cllr C M Pannell |
| * | Cllr C G Bruce-Spencer | * | Cllr J T Pennington |
| * | Cllr B F Cane | * | Cllr R Rowe |
| * | Cllr B E Carson (Chairman) | * | Cllr M F Saltern |
| * | Cllr R J Carter | * | Cllr P C Smerdon |
| ∅ | Cllr B S Cooper | * | Cllr J W Squire |
| * | Cllr S E Cooper | * | Cllr R C Steer |
| * | Cllr P Coulson | * | Cllr M Stone |
| * | Cllr P K Cuthbert | * | Cllr R J Tucker |
| * | Cllr R J Foss | * | Cllr R J Vint |
| * | Cllr R D Gilbert | * | Cllr L A H Ward |
| * | Cllr A S Gorman | * | Cllr J A Westacott MBE |
| * | Cllr M J Hannaford | * | Cllr K R H Wingate |
| * | Cllr J D Hawkins | * | Cllr S A E Wright |

| Item No. | Minute Ref No below refers | Officers in attendance and participating |
|------------------|-----------------------------------|---|
| All agenda items | | Chief Executive, Monitoring Officer and Democratic Services Manager |

36/13 MINUTES

The minutes of the meeting of the Council held on 26 September 2013 and the special meeting of the Council held on 31 October 2013 were both confirmed as a correct record and signed by the Chairman.

37/13 URGENT BUSINESS

The Chairman advised that he had agreed for one item of urgent business to be raised at this meeting in relation to the Council's Local Government Finance Settlement. This item was considered urgent in light of it being recently announced and would be considered under agenda item 7 (Minute 40/13 below refers).

38/13 DECLARATIONS OF INTEREST

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

Cllrs B F Cane, R J Foss, D W May, P C Smerdon, R C Steer and R J Tucker all declared a Disclosable Pecuniary Interest in Item 9(c): 'Notices of Motion' (minute 41/13(c) below refers) by virtue of their respective involvement in the agricultural industry and each left the meeting during consideration of this item.

Cllrs J I G Blackler and B F Cane both declared a personal interest in Item 8 'Question 4' (minute 40/13 (4)) below refers) in relation to the Sherford new town and both remained in the meeting when the response to this question was given.

Cllrs B E Carson and M F Saltern both declared a Disclosable Pecuniary Interest in Item 13(i): 'Reports of Bodies – Executive: 12 December 2013' (Minute 45/13(i) below refers) specifically in relation to the Affordable Housing Capital Programme item by virtue of their involvement with the Devon and Cornwall Housing Board and advised that they would leave the meeting in the event of any discussion taking place on this matter.

39/13 CHAIRMAN'S ENGAGEMENTS

The Chairman made specific reference to:

- his attendance at the Rowcroft Hospice 'Celebration of Christmas' service which had been held at Buckfast Abbey on Sunday, 15 December 2013;
- his Christmas Party which had been held on Friday, 6 December 2013. The Chairman wished to thank those Members and officers who had attended this event; and
- the decision to cancel the Joint Scrutiny Panel meeting to discuss the 2014/15 Budget. The Chairman informed that, with the agreement of the Chairmen of the Scrutiny Panels, the decision had been taken to replace this meeting with an informal all Member session with officers from Financial Services in attendance to answer any questions on the Budget. In response to concern being expressed that this would prevent Scrutiny Members from making formal recommendations on the Budget, the Leader confirmed that any Member could present their recommendations to the Executive meeting on 23 January 2014.

40/13 LOCAL GOVERNMENT FINANCE SETTLEMENT

As referred to above (Minute 37/13 refers), the Leader introduced a briefing note which had been tabled on the Local Government Finance Settlement and highlighted that the position was £50,000 better than had been anticipated for 2014/15 and £43,000 better than expected for 2015/16.

In discussion, reference was made to:-

- the very low settlements received by other rural local authorities. In highlighting some examples, a Member emphasised the importance of SPARSE continuing to lobby government in an attempt to ensure that rural authorities received a fairer settlement;
- appreciation that this matter had been presented to Council at the earliest opportunity;
- potential capping thresholds. In reply to a question, it was confirmed that the government had indicated that Council Tax increases could be capped at 2%, however, this could change. Regarding town and parish council precepts, no indication had been given in respect of whether any increases would be subject to capping.

41/13 QUESTIONS

From Cllr Baldry to Cllr Tucker, Leader of Council

1. *The number of meetings of Full council has been reduced. It now appears that meetings of the Executive are 12 weeks apart. Who is taking Council decisions between meetings? Why are they not taken in public?*

In reply, Cllr Tucker advised that no decisions had been taken outside of either the Executive or the public arena, but it had just so happened that agenda items were few and far between during this twelve week period. In contrast, the number of agenda items for the Executive meetings in December 2013 and January 2014 were extensive.

From Cllr Brazil to Councillor Hicks, lead Executive Member for Planning, Economy and Community

2. *GVA has now published the final Strategic Housing Market Needs Assessment (SHMNA) for the South Hams. What is the timetable for the Council to debate and then draw conclusions from this report?*
3. *The SHMNA report contains economic forecasts that predict an increase in jobs of between 15% and 35% over a 20 year period to 2030. Given that in the last 20 years, jobs in the UK have increased by 9.7% and by 10.7% for the 20 years before that and that since 1959 the number of jobs in the UK has risen by about 28% (over a period of 65 years), what weight do you feel the Council should give to these predictions?*

With the agreement of the Chairman, Cllr Hicks proceeded to respond to these questions together. In respect of the SHMNA, Cllr Hicks advised that this was just one element in the local plan preparation process and would be considered in conjunction with other factors (e.g. growth predictions) to inform this process. As a consequence, the consultants would be providing the Council with a number of wide ranging targets.

Similarly, regarding Question 3, Cllr Hicks advised that this would also be determined by further information gained from other sources. In failing to see the connection between the South Hams and the UK, Cllr Hicks also stated that the South Hams was not reflective of the UK as a whole.

4. *The planning permission for Newton Sherford has now been signed off. What % of affordable housing without grant or clawback has the Council agreed with Red Tree and how does this compare with the adopted Local Development Framework Sherford Area Action Plan?*

Firstly, Cllr Hicks wished to put on record that the site was not called 'Newton Sherford' and the name of the development was in the hands of the developer, who could review the name if they so wished.

In respect of the 'clawback mechanism', the decision was taken by the Development Management Committee for the base percentage of affordable housing to be set at 20%. This was not necessarily a fixed level, with it being reviewed at certain stages in the development (e.g. another viability assessment was required at the stage of house build number 700). Whilst the percentage of affordable housing would not drop below the baseline throughout the development, there was a possibility that it could increase as the project evolved.

5. *What is the average cost of agricultural land in the South Hams per acre?*

Cllr Hicks advised that this was a difficult question to answer since land was worth what a buyer was willing to pay for it. Having said that, Cllr Hicks informed that such land was valued in the range of £2,000 - £10,000 per acre, with the price depending on a number of factors (e.g. quality of land and access).

6. *Excluding exception and Village Housing Initiative sites, what is the average cost of agricultural land that receives planning permission for housing in the South Hams?*

In response, Cllr Hicks advised that ordinarily the value of land with planning permission was kept secret. However, based upon those occasions when the value was known by the Council, such land with planning permission for housing was worth anything between ten and twenty times more than without.

From Cllr Brazil to Cllr Tucker, Leader of Council

7. *With the Chief Executive leaving, will the opportunity of sharing a Chief Executive with Teignbridge be explored and offered as a possible solution to our situation?*

In reply, Cllr Tucker referred to agenda item 10 (Minute 42/13 below refers).

41/13 **NOTICE OF MOTION**

It was noted that four motions had been received in accordance with Council Procedure Rule 10.1.

(a) By Cllrs Gorman and Barber

“This Council (a) supports the principle of a Financial Transactions (aka Robin Hood) Tax and (b) urges Government to back implementation of this tax as a means of relieving some of the financial stress on Local Authorities and their residents.”

In his introduction, the proposer requested that parts (a) and (b) of his motion be voted upon separately and made particular reference to:-

- working class people currently having no alternative to the austerity measures;
- the current system not working;
- the average UK household debt (including mortgages) standing at over £54,000 in October 2013;
- the annual report generated by the Citizens Advice Bureau (CAB). The report suggested that client contact with the CAB had increased by 11%, with major enquiries in relation to benefits and debt management also increasing dramatically;
- the proposals being accepted by a number of other countries. In addition, a number of local authorities had also supported similar motions;
- the Financial Transactions Tax potentially generating hundreds of millions of pounds;
- the need to lobby government to ensure fairness and justice for ordinary families and businesses.

In discussion particular reference was made to:-

- (a) £65 billion raised and 1.1 million people employed by the financial centre in London. By imposing this tax, a Member highlighted that we could potentially be sending our financial institutions to other countries. In reply, another Member highlighted that it was also of importance for funds to be re-distributed equally and reminded those present that the economic situation was created by the relatively unregulated financial market;
- (b) the proposal having the support of leading economists and promoting market stability. In so doing, it was felt that the tax would not affect high street services;
- (c) Stamp Duty already constituting a form of Financial Transactions Tax;
- (d) the merits of the motion. Some Members questioned the merits of this motion being presented to the Council.

In conclusion, the proposer wished to request a recorded vote. However, in accordance with Council Procedure Rule 15.5, there was insufficient support amongst the Council for this request.

When put to the vote, both parts of the motion were declared **LOST**.

(b) **By Cllrs Hodgson and Hawkins**

“SHDC will support and resource where possible, projects that provide for local young people’s housing needs. These projects would be developed by young people in consultation with the SHDC Housing Officer and their local Town or Parish Council or Ward Member.”

In her introduction, the proposer made reference to:-

- the presentation given by young residents during the Informal Council session earlier that day;
- there being no simple solution to this problem;
- the motion intending to give a commitment to local young people that the Council was doing everything it could to help them;

In discussion, particular reference was made to:-

- (a) this being an issue where the Council could potentially make a real difference. By working together with partner agencies, a Member felt that this was an issue where a real difference could be made to ensure that local young people had a prosperous future in the South Hams;
- (b) the Affordable Housing Development Plan Document (DPD). A Member commented that the DPD was amenable to innovative solutions and the energies of young residents should be harnessed by agencies to support them in their housing needs;
- (c) a new homelessness prevention officer, who was due to start work with the Council in the new year;
- (d) the housing problems also being faced by older residents. In highlighting that the ratio between average wages and house prices in the South Hams was continuing to increase, it was noted that older residents and young families were also struggling;
- (e) the possible merits of weighting affordable housing towards young people and basing it upon their level of need;

The proposer concluded the debate by informing the Council that it was her hope for a meeting to be held with the local MP on this issue early in the new year.

It was then:-

RESOLVED

That SHDC will support and resource where possible, projects that provide for local young people's housing needs. These projects would be developed by young people in consultation with the SHDC Housing Officer and their local Town or Parish Council or Ward Member.

(c) **By Cllrs Hodgson and Baldry**

"In the wake of the recent announcements to stop the extension of the Gloucestershire badger cull due to not meeting targets and concerns about its effectiveness, this Council wishes to express its support for the implementation of a district-wide Bovine Tuberculosis (BTB) vaccination programme. This Council also recommends that the South Hams is designated a badger cull-free zone."

In her introduction, the proposer made reference to:-

- this being a national issue and her questioning the humanity, efficiency and costs of this culling exercise;
- the effectiveness of the pilot culling exercise. Indeed, the proposer commented that some research had suggested that the exercise had in fact resulted in an increase in BTB in that area;
- her views that a vaccination programme would be a more suitable alternative than culling which was inhumane, inefficient and unscientific. In addition, the proposer informed that a vaccination programme could in fact be cheaper than culling and would maintain good relations between all parties;
- a live e-petition on the Devon County Council website, which was asking for signatories to support the saving of Devon's badgers from culling.

In discussion particular reference was made to:-

- (a) a number of Members having declared a Disclosable Pecuniary Interest (DPI) and left the meeting. Some Members expressed their regret that these declarations had resulted in the experts in this matter being forced to leave the meeting during the debate;
- (b) the difficulty in finding a solution to this problem. Some Members acknowledged that there was no scientific evidence that badgers were totally responsible for BTB. However, they also commented that the vaccination process was not far enough developed yet to be considered wholly effective;
- (c) comments in opposition to the motion. In stating their opposition to the motion, some Members highlighted: the need for more understanding in relation to the costings, the need for the badger population to be reduced and the impact of BTB on cattle;

In her concluding comments, the proposer informed that the motion had been tabled at the request of a resident and stated that there was good rationale in active management rather than culling.

When put to the vote, the motion was declared **LOST**.

(d) **By Cllrs Hodgson and Gorman**

“Snaring is a cruel, indiscriminate and wholly unnecessary practice that has no place in modern society. Snares are thick wire nooses that are set to trap any animal perceived to be a pest or threat. The primitive design of a snare silently garrottes its victims and often leads to a painful and lingering death. Many protected mammals, such as badgers and otters, plus livestock and domestic pets are either caught, seriously injured, or killed by snares.”

In her introduction, the proposer conducted a PowerPoint presentation, during which particular reference was made to:-

- the extent of animal cruelty arising from the use of snares;
- the fact that snares were still legal to be used across the UK under certain conditions;
- the findings of the 2012 DEFRA report on the humaneness of snaring in England and Wales. The proposer informed that the findings clearly supported the need for an end to the manufacture, import, sale and use of snares across the UK. In addition, the report also illustrated that the voluntary Code of Practice was ineffective;
- the need for local authorities to act in the absence of adequate national legislation.

An amendment was then **PROPOSED** and **SECONDED** which sought inclusion of an additional sentence at the end of the motion as follows:

‘This Council bans the use of snares on South Hams District Council owned land.’

In discussion, the ability to enforce this ban at this time was questioned and when put to the vote, this amendment was declared **LOST**.

A subsequent amendment was then **PROPOSED** and **SECONDED** which sought inclusion of an additional sentence at the end of the motion as follows:

‘Therefore, this Council will write to DEFRA expressing its concerns over snaring.’

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

It was then:-

RESOLVED

Snaring is a cruel, indiscriminate and wholly unnecessary practice that has no place in modern society. Snares are thick wire nooses that are set to trap any animal perceived to be a pest or threat. The primitive design of a snare silently garrottes its victims and often leads to a painful and lingering death. Many protected mammals, such as badgers and otters, plus livestock and domestic pets are either caught, seriously injured, or killed by snares.

Therefore, this Council will write to DEFRA expressing its concerns over snaring.

42/13 APPOINTMENT OF HEAD OF PAID SERVICE

A report was considered which sought the Council's confirmation of the recommendation of the Appointments Panel and to share the reasoning behind the process adopted.

In introducing the agenda item, the Leader of Council provided an update to the Council in respect of the steps which had been taken since the Chief Executive had announced his retirement. In so doing, the Leader informed that:-

- both he and the Leader of West Devon Borough Council had felt it important to react quickly to the announcement. The main drivers behind this view were the need to limit the uncertainty to the Senior Management Team (SMT) and all staff and the need to maintain the momentum of the T18 Programme;
- there were initially considered to be three options to replace the Chief Executive. These were: an internal recruitment process; an external recruitment process; and an external temporary agency replacement. As the interim appointment would be for a relatively short period of time, the Leaders concluded that an internal appointment would be the most desirable option;
- the proposed Executive Director model was increasingly commonplace in the public sector and there were a number of local authorities who had adopted this Model. In addition, the proposal would present an opportunity to test a different approach to our structure;
- the proposed model would see the two existing Corporate Directors become Executive Directors, with there being a further re-distribution of work amongst SMT;
- there was no competitive interview process for the Head of Paid Service role. Members noted that only one of the two Corporate Directors had expressed an interest in becoming the Head of Paid Service. The Appointment Panel (comprising of the Leader, Deputy Leader and Leader of the Main Opposition Group of both Councils) was re-convened on Monday, 16 December, with both Corporate Directors being interviewed;

- following these interviews, the Panel was unanimous in its recommendations whereby the Corporate Director (AR) should be appointed the Executive Director with an external focus and take on the role of Head of Paid Service (with effect from 1 January 2014), with the Corporate Director (TW) being appointed the Executive Director with an internal focus and being the lead for the T18 Programme;
- the Appointment Panel had concluded that the appointments should be fixed term secondments from 1 January 2014 to 31 December 2014, or earlier if the new senior management structure was put in place before this date. The proposed three month overlap before the Chief Executive retired on 31 March 2014 was considered to be an appropriate transition period;
- to test the effectiveness of this approach, the Leader made reference to the additional recommendation whereby a review into the model be undertaken by the Appointment Panel in June 2014;
- in terms of remuneration, pay advice had been sought nationwide. As a result, the Panel was recommending that both Executive Directors be paid a salary of £85,000 per annum, with an additional £4,000 supplement paid to the Head of Paid Service to reflect the responsibilities associated with the role. When considering the current salaries of the Corporate Directors and the Chief Executive, there would be an additional cost of £4,800 to the Council between 1 January and 31 March 2014. However, this would be offset by the savings arising from the Chief Executive retiring on 31 March 2014, which would result in (assuming that the secondments remained in place until 31 December 2014) Council savings in the region of £39-40,000. The Leader also advised that a report may be presented to a future Council meeting which sought to uplift the salaries of some SMT members to reflect the taking on of some additional responsibilities.

It was then:

RESOLVED

1. That the move towards an Executive Director model as an interim measure from 1 January 2014 until 31 December 2014, or such time when the new senior management structure is put in place (whichever is the earlier), be endorsed;
2. That the Corporate Director (AR) and the Corporate Director (TW) be appointed to the roles of Executive Directors on the terms as outlined by the Leader in the detailed minutes above, with the Corporate Director (AR) also being assigned the role of Head of Paid Service; and
3. That the effectiveness of the new Executive model be reviewed by the Appointment Panel in June 2014.

43/13 MEMBERS ALLOWANCE 2014/15

Consideration was given to a report that sought to determine the new Scheme of Members' Allowances for the 2014/15 Financial Year.

In discussion, it was **PROPOSED** and **SECONDED** that the Basic Allowance be increased by 1% in line with the 2013/14 staff pay award.

As a general point, a Member expressed her regret that it was increasingly difficult to enable the younger generation to be able to stand for Council.

It was then:

RESOLVED

That for 2014/15, the Scheme of Members Allowances be amended to reflect that the Basic Allowance be increased by 1%.

(NOTE: in accordance with Council Procedure Rule 15.6, Cllrs Cuthbert and Saltern requested that their abstention from the vote be recorded. In addition, Cllr Squire requested that his vote against this motion also be recorded).

44/13 BUSINESS RATES POOLING IN DEVON

The Council considered a report that requested delegated authority for a decision to be made on whether or not the Council remained in the Devonwide Business Rates Pool for the 2014/15 Financial Year.

In discussion, reference was made to the need to tread carefully in this regard and for a detailed assessment to be made to consider whether the benefits of remaining in the Pool would outweigh the risks.

It was then:

RESOLVED

1. That delegated authority be given to the Section 151 Officer (The Head of Finance and Audit), in consultation with the Leader, lead Executive Member for Finance and Audit and the Senior Management Team, to make a decision for the District Council on remaining in the Devonwide Business Rates Pool for the 2014/15 financial year, in light of the announcements due at the end of December 2013 regarding the finance settlement; and
2. That delegated authority be given to the Section 151 Officer (The Head of Finance and Audit), in consultation with the Senior Management Team, to approve the content of the NNDR1 return (estimate of business rates income) for the Council for 2014/15 as set out in Section 3.4 of the presented agenda report.

45/13 **REPORTS OF BODIES****RESOLVED**

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

- | | | |
|-----|---|-------------------|
| (a) | Development Management Committee | 25 September 2013 |
| (b) | Corporate Performance & Resources Scrutiny Panel | 3 October 2013 |

CP&R.14/13: Councillors Annual Attendance**RESOLVED**

That the practice of annually reporting the attendance statistics to the Corporate Performance and Resources Scrutiny Panel be discontinued.

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|-----|---|------------------|
| (c) | Development Management Committee | 30 October 2013 |
| (d) | Economy & Environment Scrutiny Panel | 14 November 2013 |
| (e) | Salcombe Harbour Board | 18 November 2013 |
| (f) | Community Life & Housing Scrutiny Panel | 21 November 2013 |
| (g) | Corporate Performance & Resources Scrutiny Panel | 28 November 2013 |

CP&R.26/13: Standards Complaints Update and the Role of the Independent Persons

A Member wished for the Panel's thanks to be extended to the two Independent Persons who had attended this Panel meeting.

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| (h) | Development Management Committee | 4 December 2013 |
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- (i) Executive 12 December 2013

E.41/13: Budget Proposals 2014/15

RESOLVED

1. That the Financial Strategy be accepted as the foundation document for the Council's budget setting process as set out in Appendix A of the presented report;
2. That the minimum level of the General Fund Balance (unearmarked General Fund revenue reserve) be maintained at £1.5 million; and
3. That any unallocated New Homes Bonus received in 2013/14 be transferred to the Capital Programme Reserve.

E.44/13: Council Tax Reduction

A Member questioned whether the proposed hardship fund would be adequate to help those claimants who were experiencing severe financial difficulties. In reply, it was noted that there would be opportunities to review the fund throughout the year.

RESOLVED

That the implementation of the proposed cost neutral local Council Tax Reduction Scheme be agreed with the following changes:

- a. An 80% maximum liability restriction meaning that working age claimants pay a minimum of 20% towards their Council Tax bill;
- b. A property valuation Band D restriction meaning that working age claimants living in larger properties do not receive greater levels of support than those living in small properties;
- c. An exception hardship fund to help those claimants experiencing severe financial difficulties.

E.48/13 (b): Economy & Environment Scrutiny Panel 14.11.13
i) EE.26/13 Fees and Charges Report

RESOLVED

That the proposed fees and charges be approved as set out in the published agenda report as part of the budget setting process for 2014/15 subject to the following amendments:

- a. That the Natural Environment and Recreation Manager, in consultation with the Head of Assets and the local ward Member, be granted discretion to waive the £50 administration fee for charitable organisations booking events in parks and open spaces;
- b. That the vehicle licence charge for wheelchair accessible taxis be £110 for Hackney Carriages and £100 for Private Hire Taxis; and
- c. That the proposed increased charges for riding schools not be applied.

(Meeting commenced at 2.00 pm and concluded at 4.15 pm)

Chairman