

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 29 JANUARY 2015**

Members in attendance: * Denotes attendance			
*	Cllr H D Bastone	*	Cllr R J Tucker (Chairman)
*	Cllr R D Gilbert	*	Cllr L A H Ward
*	Cllr M J Hicks (Vice Chairman)	*	Cllr S A E Wright
*	Cllr M F Saltern		

Also in attendance and participating		
Item 8	E.56/14	Cllrs Baldry, Pannell, Pearce, Pennington, Rowe, Smerdon and Squire
Item 11	E.59/14	Cllrs Barber, Pearce and Rowe
Item 12	E.60/14	Cllrs Baldry, Barber, Carson, Foss, May and Pennington
Item 13	E.61/14	Cllrs Foss, Rowe, Smerdon and Squire
Item 14	E.62/14	Cllr Pennington
Item 16	E.64/14	Cllrs Holway, Pearce and Pennington
Also in attendance and not participating		
Cllrs Blackler, Bramble and B Cooper		

Officers in attendance		
All items	Minute Ref	Executive Directors (AR) and (SH), Finance COP Lead and Member Services Manager
Item 11	E.59/14	Divisional Environmental Health Officer
Item 12	E.60/14	Natural Environment and Recreation Manager
Item 13	E.61/14	Natural Environment and Recreation Manager
Item 16	E.64/14	Head of Devon Building Control Partnership

E.53/14 MINUTES

The minutes of the meeting of the Executive held on 11 December 2014 were confirmed as a correct record and signed by the Chairman.

E.54/14 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 the following were made:

Cllr Bastone declared a personal interest in any matters that related to tourism by virtue of being a director of Dartmouth Tourist Information and he remained in the meeting and took part in all matters;

Cllr Gilbert declared a personal interest in Item 12: 'Leisure Service Procurement' (Minute E.60/14 below refers) by virtue of his wife being employed as a specialist instructor for doctor referrals and he remained in the meeting and took part in the debate and vote thereon;

Cllr Ward declared a personal interest in Item 8: Revenue Budget Proposals 2015/16' (Minute E.56/14 below refers) by virtue of being the Council representative on the South Hams CAB and she remained in the meeting and took part in the debate and vote thereon;

Cllr Saltern declared a personal interest in Item 12: 'Leisure Service Procurement' (Minute E.60/14 below refers) by virtue of being a trustee of Ivybridge Academy Trust and he remained in the meeting and took part in the debate and vote thereon.

E.55/14

REPORTS OF OTHER BODIES

RESOLVED

That the following be received and that any recommendations contained therein be approved:

a) **Joint Scrutiny Panel Budget meeting – 29 January 2015**

The Chairman advised that recommendations 1 to 5 of the Joint Scrutiny Panel Budget meeting had been noted, but would not be accepted at this stage as they would be included in the wider discussion on the budget at Item 8 (Minute E.56/14 refers). In respect of recommendation 6 – 'That any surpluses identified through the 2015/16 Budget Setting process should be ringfenced for the affordable housing capital programme', it was **PROPOSED, SECONDED** and on being put to the vote **CARRIED** that this recommendation would not be taken forward.

At this point, the Chairman advised Members that a petition had been received that requested to set the Council Tax Minimum Payment at 0%. The Chairman confirmed that this had been received too late to be considered for the forthcoming year. The proposal would require wide consultation before it could be taken further so would not be relevant to the current budget discussions. He added that this Council did have a hardship fund which residents could apply to.

b) **Economy and Environment Scrutiny Panel – 22 January 2015**

i) **EE.38/14 GREEN INFRASTRUCTURE PLAN**

RESOLVED

That Council be **RECOMMENDED** that:

The South Hams Green Infrastructure Framework be adopted and an annual delivery plan be published, with any amendments prior to adoption being delegated to the Natural Environment and Recreation Manager in consultation with the Chairman of the Economy and Environment Scrutiny Panel and the Executive Portfolio Holder for Assets.

ii) EE.42/14 TRADE WASTE FEES AND HYGIENE

RESOLVED

That Council be **RECOMMENDED** that:

1. The continuation of present fees and charges (2014/15) as set out in Appendix A of the presented agenda report be approved (with the exception of Landfill sacks zone 2);
2. The green landfill collection sacks be provided at the capacity suggested in para 1.6 of the presented agenda report; and
3. The GM CS be authorised to allow a discounted rate, of up to 20%, on multiple container contracts for an introductory period when competing to attract new business.

E.56/14 REVENUE BUDGET PROPOSALS 2015/16

Members were asked to consider a report that updated on the revenue budget position for 2015/16. The forecast was intended to provide a framework within which decisions could be made regarding future service provision and council tax levels. The recommendations would be considered by full Council on 12 February 2015.

The Leader introduced the report and highlighted the reduction in grant from central government over recent years. Some of the reduction had been made up for from business rates. The Council had received £78,000 more than expected in New Homes Bonus monies, which would benefit the capital programme.

During discussion, the following points were raised:

- The Chairman confirmed that he was recommending a council tax freeze for 2015/16. With the anticipated savings that would be generated from the T18 Programme, he did not consider it to be appropriate to increase council tax. One Member was disappointed that a council tax freeze was being proposed, as the freeze grant was not guaranteed to be carried forward into funding for future years whereas a council tax increase would automatically be built into future budgets.

Other Members had sympathy for this view, however the savings from the Transformation Programme, along with the sound financial management of the council, had led to the proposal for a council tax freeze;

- Members discussed recommendation 1 from the Joint Scrutiny Panel meeting as included at Para 1.4 of the presented agenda report. The Chairman felt that this was not the appropriate time to increase funding to the CVS and also felt that a business case should be provided before such a significant sum was agreed. The proposer and seconder of the recommendation at the Joint Scrutiny Panel meeting both outlined the good work of the CVS and the reasons for their proposal. Other Members noted the support already received by the CVS from town and parish councils. A compromise was suggested whereby unspent Sustainable Locality Fund monies could be pooled into a single sum as additional funding to the CVS. The proposer of the recommendation agreed to take this forward. It was then **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED** that recommendation 1 from the Joint Scrutiny Panel meeting would not be accepted;
- The Finance COP Lead responded to specific questions regarding rates of inflation and the cost of agency staff;
- In discussing the recommendations from the joint Scrutiny Panel Budget meeting as listed in para 1.5 of the presented report, it was agreed that each of these recommendations should be accepted as follows:
 1. That the status quo should be retained in respect of the funding for the Empty Homes Strategy, but that this should be reviewed as part of the 2016/17 Budget Setting process;
 2. That pre-application planning fees should be reviewed before the 2016/17 Budget Setting process for major developments;
 3. That the work of the Disabled Facilities Grant Task and Finish Group to generate in-year savings be noted.

It was then:

RESOLVED

That Council be **RECOMMENDED:**

1. That in order to set a Balanced Budget for 2015/16
 - A Nil increase in council tax for 2015/16 will be set (the Band D Council Tax for South Hams District Council will remain at £145.42 for 2015/16) and the Council will accept the one-off Council Tax Freeze Grant being offered by the Government of £57,789 (this represents a Council Tax Requirement for 2015/16 of £5,323,372)
2. the financial pressures in Appendix B of £2,513,000 be agreed
3. the £10,000 discretionary budget bid for the Citizens Advice Bureau be agreed;
4. the schedule of savings identified in Appendix B totalling £2,170,000 be agreed;
5. the Collection Fund Surplus of £100,000 as shown in Appendix A of the presented agenda report be agreed;
6. the level of contributions to reserves to be included within the Authority's budget, as set out in Appendix E of the presented agenda report be agreed;
7. the allocation of Council Tax Support Grant for Town and Parish Councils be set at £112,827 in 2015/16, a reduction of 10 % (Appendix C of the presented agenda report refers);
8. an additional allocation of £395,083 from the New Homes Bonus to support the Revenue Budget in 2015/16 be made *(This is in addition to the £564,043 currently used in 2014/15 to support the Revenue Budget. This figure is £395,083 if Council Tax is frozen or £351,837 if Council Tax is increased by 1.9% as shown in Section 8).*
9. that the Council should set its total net expenditure for 2015/16 as shown in Appendix D at £8,839,401. This is subject to final confirmation of Government funding which will be notified at the end of January 2015. If the Government changes the funding, delegated authority is given to the S151 Officer in liaison with the Leader of the Council to identify an appropriate solution.
10. to allocate £153,900 of New Homes Bonus funding for 2015/16 to the Community Reinvestment Projects budget for 2015/16. Any under spend from the 2014/15 Community Reinvestment Projects budget of £153,900 is to be transferred into the Capital Programme Reserve.

11. the Council transfers £5,779 of its allocation of the New Homes Bonus for 2015/16 to the Dartmoor National Park Sustainable Community Fund. The funds are awarded as a one off payment to Dartmoor National Park, to award projects on an application basis administered by Dartmoor National Park. The following conditions will apply:
 - A. decisions must be taken in consultation with the South Hams District Council local Ward Member(s);
 - B. funding can only be used for capital spending on projects in those parts of Dartmoor National Park which fall within the South Hams District Council Boundaries and enable the Dartmoor National Park to carry out its social economic responsibilities; and
 - C. Dartmoor National Park reports on the progress in the application of, and use of the funds to the Overview and Scrutiny Panel on a six monthly basis and in time for budget decisions to be made (i.e. June and November).
12. £464,000 of New Homes Bonus funding from the 2015/16 allocation be used to fund housing capital projects (Disabled Facilities Grants and Affordable Housing).
13. to transfer any unallocated New Homes Bonus funding for 2015/16 to the Capital Programme Reserve (*this figure is £100,728 if Council Tax is frozen or £143,974 if Council Tax is increased by 1.9% as shown in Section 8*).
14. the level of reserves as set out within this report and the assessment of their adequacy and the robustness of budget estimates are noted. This is a requirement of Part 2 of the Local Government Act 2003.

E.57/14 **CAPITAL BUDGET PROPOSALS FOR 2015/16 – 2017/18**

Members were presented with a report that summarised the Capital Programme proposals of £2,875,000 for 2015/16.

The Leader introduced the report and set out the main details it contained.

It was then:

RESOLVED

That Council be **RECOMMENDED** that:

The Capital Programme Proposals for 2015/16 totalling £2,875,000 being £1,755,000 (as set out in Appendix A of the presented report) and £1,120,000 (further bids as set out in Appendix C of the report) be approved.

E.58/14 **REVENUE BUDGET MONITORING 2014/15**

Members were presented with a report that enabled them to monitor income and expenditure variations against the approved budget for 2014/15 and provided a forecast for the year end position.

The Executive Portfolio Holder for Support Services introduced the report and advised Members that this was a routine monitoring report.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2014/15 financial year be noted.

E.59/14 **CAPITAL PROGRAMME MONITORING REPORT**

Members were presented with a report that advised Members of the progress on individual schemes within the approved capital programme, including an assessment of their financial position.

The Executive Portfolio Holder for Support Services introduced the report. The Executive Portfolio Holder for Environmental Health and Housing gave further detailed information in relation to Disabled Facilities Grants and the specific recommendation that related to use of the contingency budget.

During discussion, the following points were raised:

- Members were concerned that the link with Devon County Council be maintained in respect of funding;
- Members also raised concerns that the Clinical Commissioning Group (CCG) needed to include provision for funding towards housing matters as there was a long term benefit to enabling residents to stay independently in their own homes for a longer period of time;
- Some Members suggested managing the applications, but another Member reminded the Executive of concerns raised some time ago by the Audit Commission who criticised authorities across Devon for delays in paying grants;
- One Member was concerned that grants were being paid to residents in private rented properties where landlords could afford to pay for the refurbishments themselves;

- The Executive Portfolio Holder for Environmental Health and Housing reminded Members of the funds available through the Wessex scheme;
- The Divisional Environmental Health Officer explained the schemes to Members and how the grants were mandatory but means tested.

It was then:

RESOLVED

- a) That use of the contingency budget for Disabled Facilities Grants (£50,000) as set out in section 2.2 of the presented agenda report be approved; and
- b) The contingency budget be amended in line with the exempt Appendix B of the presented agenda report.

E.60/14

LEISURE SERVICE PROCUREMENT

Members were presented with a report that summarised the strategic issues the Council would need to consider as part of assessing future leisure provision, including the use of the leisure assets, following the end of the current contract in 2016.

The Executive Portfolio Holder for Assets introduced the report, and set out the main points. A number of Members welcomed the report and the opportunity it presented. Points raised included the following:

- One Member asked that a community representative be invited to sit at the table with Tone Leisure to discuss community matters, not to be involved in operational matters;
- Several Members were concerned at the recommendation that required repair and maintenance obligations to lie with the operator as there was no guarantee on the condition of the buildings once they were 'handed back' to the Council. Mention was also made of the length of time of the contract;
- The Natural Environment and Recreation Manager stated that the stakeholders referred to in the recommendation relating to Ivybridge would be those with a current interest such as landowners and the town council. There was also a need to investigate options with other organisations that provided sport provision. In response, a local Ward Member advised that discussions should be held with the College but it was his understanding that they were at capacity;
- In terms of looking for proposals on how operators would reach out and promote healthy lifestyles in the hinterlands, the Natural Environment and Recreation Manager confirmed that this referred to both going out into the community and increasing footfall into the leisure centres;

- Some Members were of the view that the leisure centres provided a service for those residents who lived in the towns and therefore the rural communities were in effect subsidising the towns. A local Ward Member for Ivybridge was able to quote from the Ivybridge Retail Study that evidenced that leisure centres drew residents from surrounding villages, often to use the shops at the same time as visiting leisure centres, thereby supporting the local economy within the district. The Natural Environment and Recreation Manager confirmed that he would request more detailed information on who used the leisure centres and where they came from as part of the next monitoring report that Tone Leisure would provide for the Overview and Scrutiny Panel;
- The Executive Portfolio Holder for Assets thanked Tone Leisure for the contribution they had made to the leisure centres in the district.

It was then:

RESOLVED

That Council be **RECOMMENDED** to:

1. agree the objectives for future leisure services delivery as set out in paragraph 1.5 of the presented agenda report;
2. offer leisure services as a joint contract for up to 25 years with West Devon Borough Council to include facilities (and options) as set out in paragraph 6.6 of the presented agenda report. (This to include consideration of options for prudential borrowing and to retain an option for separate contracts if required.)
3. agree a joint leisure services procurement exercise with West Devon Borough Council through the competitive dialogue process
4. agree that Repair and Maintenance obligations lie with the operator(s)
5. agree that the procurement exercise include options to assess local operation of the Totnes or Dartmouth Centres. That in addition local input to service delivery shall be secured through local participation in Annual Service Development Plans.
6. instruct officers to undertake further work in relation to Ivybridge. This to include:
 - Development of a master plan for the site
 - Further consideration to the facility mix for Ivybridge
 - Detailed stakeholder discussions with other potential local delivery partners about site locations or alternative delivery options
 - Detailed financial analysis
 - Presumed design, build and operate approach

7. establish a joint Leisure Services Board with West Devon

- Borough Council based upon an agreed Joint Procurement Protocol. Membership to consist of nominated SHDC members and comparable WDBC representation. Detailed arrangements to be delegated to the Natural Environment and Recreation Manager in consultation with the Leader of the Council and Portfolio holder. The Board to be supported by an officer working group.
8. agree procurement preparation and evaluation to be timetabled as set out in para 12.1 and Appendix 1 of the presented agenda report.
 9. instruct Officers to appoint specialist leisure expertise (or other expertise as required) to support the procurement and evaluation of leisure services in accordance with procurement procedures and Financial Regulations
 10. instruct Officers to conclude liaison with stakeholders and interested parties in order to refine third party details for inclusion in procurement
 11. delegate detailed arrangements for procurement and evaluation to the Natural Environment and Recreation Manager in consultation with the Leader of the Council, lead Executive Portfolio holder, Board Members and relevant local Ward Members (where there are location specific issues).
 12. require a further report to the Executive on the outcome of the procurement exercise and tender evaluation setting out recommendations for future service arrangements.

E.61/14

SOUTH DEVON AND TAMAR VALLEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONBS): UPDATE ON MEMORANDA OF AGREEMENT AND RELATED MATTERS

Members considered a report that updated on various matters relating to the South Devon and Tamar Valley AONBs.

The Executive Portfolio Holder for Assets introduced the report and advised that this was a noting report, updating Members on the issues previously reported. He confirmed that the review of the AONB service was being undertaken by the Partnership, not the Council. The Council wished management of the AONB to continue because it was supporting an important asset of the South Hams.

The Natural Environment and Recreation Manager updated Members on the most recent meeting of the AONB Task and Finish Group who were looking in detail at the options for the service going forward. The review was supported by the National Association of AONBs and the South Devon AONB Partnership was first in testing how to move forward in this level of detail. Work was continuing on exploring income generation opportunities and the possibility of partnering with other AONBs, either formally or informally was being supported by DCC.

A number of Members expressed support for the AONB service and confirmed that the review was not about reducing the management

support. One Member noted that he represented a ward outside of the AONB and felt the AONB did not benefit the whole district. Another Member reminded that the Council had a statutory duty for the AONB, which was of great value to the whole of the South Hams.

It was then:

RESOLVED

1. That progress in relation to renewed Memoranda of Agreement for the South Devon AONB and Tamar Valley AONB be noted;
2. That progress in relation to structured reviews of the future options for delivery of both AONB delivery programmes from 16/17 onwards be noted and officers instructed to report back to Executive on preferred options; and
3. That the outcome of the Cornwall Council budget setting in relation to Tamar Valley AONB funding be noted.

E.62/14 WRITE OFF REPORT

Members considered a composite report that detailed the debts for all revenue streams within the Revenue and Benefits Service remit up to the value of £5,000, written off by the S151 Officer under delegated authority, and for those debts in excess of £5,000 for which permission to write off had been sought.

The Lead Executive Member for Support Services introduced the report and requested a minor amendment to the recommendation to read that the Executive approved the write off of individual debts in excess of £5,000 rather than considered the write off of individual debts in excess of £5,000. The s151 Officer responded to queries in relation to specific cases.

It was then:

RESOLVED

1. That in accordance with Financial Regulations, the s151 Officer had authorised the write-off of individual South Hams District Council debts totalling £45,993.20 as detailed in Tables 1 and 2 of the presented report, be noted.
2. That the write off of individual debts in excess of £5,000 as detailed in Table 3 of the presented report be agreed.

E.63/14 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 paragraph 3 of Schedule 12A to the Act is involved.

E.64/14 FUTURE OPTIONS FOR THE BUILDING CONTROL PARTNERSHIP

Members were asked to consider a report on the future service delivery model of the Partnership.

Following discussion, it was then:

RESOLVED

That a detailed business case be prepared for the setting up of a Local Authority Trading Company.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTE E.55/14 (b) part i and ii, E.56/14, E.57/14 and E.60/14 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 12 FEBRUARY 2015, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 9 FEBRUARY 2015 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 12.30 pm)

Chairman