

SOUTH HAMS EXECUTIVE



Minutes of a meeting of the **South Hams Executive** held on **Thursday, 26th January, 2023** at **10.00 am** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Pearce
Vice Chairman Cllr Bastone

Cllr Baldry
Cllr Hopwood

Cllr Holway

In attendance:

Councillors:

Cllr Abbott
Cllr O'Callaghan
Cllr Rowe
Cllr Sweett

Cllr Brazil
Cllr Reeve
Cllr Spencer
Cllr Taylor

Officers:

Senior Leadership Team
Monitoring Officer
Democratic Services Manager
Deputy Section 151 Officer
Assistant Director – Planning
Assistant Director – Strategy & Organisational Development
Head of Housing
Head of Revenues & Benefits
Head of Environmental Health & Licensing
Head of Economy & Place
Principal Environmental Health Officer
Neighbourhood Planning Specialist
Specialist – Climate Change

63.

Minutes

E.63/22

The minutes of the Executive meeting held on 1 December 2022 were confirmed as a true and correct record.

64. **Declarations of Interest**

E.64/22

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting, but there were none made.

Having sought the advice of the Monitoring Officer as to whether or not she should declare an interest in Item 11: 'Council Tax Reduction Scheme 2023/24 and Other Council Tax Discounts and Premiums' (Minute E.71/22 below refers) by virtue of being a property landlord, Cllr N Hopwood was informed that she did not need to make any such declaration.

65. **Public Question Time**

E.65/22

The Leader informed that no public questions had been received in accordance with the Executive Procedure Rules.

66. **Executive Forward Plan**

E.66/22

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 and duly noted its contents.

In discussion, it was noted that the 'South Devon AONB Partnership – Draft Service Level Agreement' had been added to the Plan and would be considered at the meeting of the Executive taking place on 2 March 2023.

For clarity, Members were informed that, whilst the Plan had no items listed for the provisional meeting to be held on 13 April 2023, it was highly likely that this meeting would now be required.

67. **Month 8 Revenue Budget Monitoring 2022/2023**

E.67/22

A report was considered that enabled Members to monitor income and expenditure variations against the approved budget for 2022/23 and that also provided a forecast for the year end position

In discussion, thanks were given to the Finance Team for their work on providing such accurate forecasting for the 2022/23 Financial Year.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2022/23 Financial Year and the overall projected deficit of £46,000 (0.4% of the total Budget £10.464 million) be noted.

68. **Capital Programme Monitoring 2022/23**

E.68/22

The Executive considered a report that advised of the progress made on individual schemes within the approved Capital Programme, including an assessment of their financial position.

During discussion, Members highlighted the large balance of outstanding Section 106 monies and urged local Ward Members to work with their local communities and town and parish councils to identify (and bring forward) good quality projects that could benefit from this funding. In emphasising the importance of the monies being utilised, it was noted that, if no suitable projects were identified within the local town or parish to which they had been received, then the funds would be allocated to be spent elsewhere in the South Hams.

It was then:

RESOLVED

That the content of the Capital Programme Monitoring Report be noted.

69. **Draft Revenue and Capital Budget Proposals for 2023/24**

E.69/22

The Executive was presented with a report that outlined a series of draft revenue and capital budget proposals for 2023/24.

In discussion, the following points were raised:

- a) Members stated that they were aware of the current financial pressures that South Hams' residents were facing but due to the Governments' assumptions on core spending power (as described at paragraph 3.5 of the presented agenda report), then they considered there to be no alternative but to increase Council Tax for the forthcoming year;
- b) There was widespread support expressed for the Council's intention to impose a 100% Council Tax rate on second homes in the district;
- c) In response to a question, it was confirmed that, from an initial budget of £93,000, £21,000 of the Members' Climate Change Locality Fund remained unspent to date. It was further confirmed that any remaining balance would be rolled forward into the new Council term starting in May 2023;
- d) The Leader highlighted the two additional recommendations that had been generated by the Budget Advisory Committee at its meeting held on 19 January 2023 (Minute BA.4/22 refers) concerning the cessation of charging for the use of Council owned public conveniences and the addition of a further tree officer post to the Council's staffing complement.

Having reflected on these since that meeting, the Leader expressed her support for the recommendation relating to public conveniences and advised that, coincidentally, a recruitment process for the employment of a new Arboricultural Officer had commenced on the day of the Budget Advisory Committee. As a consequence, the Leader **PROPOSED** the following two additional recommendations:

That the Executive **RECOMMEND** to Council:

1. *That the Council no longer imposes a charge to use Council owned public conveniences in the South Hams; and*
2. *To note that the Council is currently advertising for a new Aboricultural Officer post and that all Members be sent a copy of the role profile.*

These were subsequently **SECONDED** and, when put to the vote, both were declared **CARRIED**.

It was then:

RESOLVED

1. That the Executive **RECOMMENDS** to Council:-

- i) To increase Council Tax for 2023/24 by £5 (Band D of £185.42 for 2023/24 – an increase of less than 10 pence per week or £5 per year – equates to a 2.77% increase);
- ii) The financial pressures shown in Appendix A of £4,107,700;
- iii) The net contributions to/(from) Earmarked Reserves of £412,000) as shown in Appendix D of the presented report, including the proposed use of £500,000 of New Homes Bonus funding to fund the 2023/24 Revenue Budget as set out in 3.23 of the report and £400,000 from the Business Rates Retention Earmarked Reserve as set out in 3.17 of the report;
- iv) The savings/additional income of £2,422,000 as shown in Appendix A; and
- v) The recommendation of the s151 Officer to agree to take up the ‘stepped pension contribution rates’ being offered by the actuaries of the Devon Pension Fund, following the results of the Triennial Pension Revaluation (at paragraph 3.24 of the presented report).
- vi) That the Council should set its total net expenditure for 2023/24 as shown in Appendix B of the presented report as £11,738,067.
- vii) The proposed Capital Programme Proposals for 2023/24 of £2,035,000 and the proposed financing of the Capital Programme as set out in Appendix E of the presented report.
- viii) That Unearmarked Reserves should continue to have a minimum level of £1.5million (as set in the Medium Term Financial Strategy in September 2022), but an operating level of a minimum of £2million.
- ix) That the Council no longer imposes a charge to use Council owned public conveniences in the South Hams.
- x) That 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.

2. it be noted that a further formal Resolution would be considered at Full Council at its meeting on 16 February 2023, regarding charging second homeowners a 100% premium on council tax when the Levelling Up and Regeneration Bill was enacted.
3. To note that the Council is currently advertising for a new Arboricultural Officer post and that all Members be sent a copy of the role profile.

70.

Write Off Report 2021/22

E.70/22

A report was considered that informed Members of the proposal to write-off a series of debts with a value of more than 5,000 for the period from 1 October 2021 to 31 March 2022.

In the ensuing debate, the following points were raised:-

- a) A Member acknowledged the high collection rates and thanked local residents and businesses for continuing to pay their Council Tax during such difficult times;
- b) Given the ongoing Cost of Living Crisis, it was highlighted that there was an extensive range of help available from the Council for those residents who were facing severe difficulty in paying their Council Tax.

It was then:

RESOLVED

1. That it be noted that, in accordance with Financial Regulations, the write-off of individual South Hams District Council debts totalling £109,470.76 (as detailed in Tables 1 and 2 of the presented agenda report) has been authorised by the Section 151 Officer;
2. That the write-off of individual debts in excess of £5,000 totalling £132,033.97, (as detailed in Table 3 of the presented agenda report) be approved; and
3. That agreement, in principle, be granted to the establishment of a supplementary Write-Off Policy that is to be brought to the next Executive meeting (to be held on 2 March 2023) for approval.

71.

Council Tax Reduction Scheme 2023-24 and other Council Tax Discounts and Premiums

E.71/22

Members considered a report which provided a summary of the findings of the recent consultation on changes to the Local Council Tax Reduction Scheme and sought a decision on a Scheme for 2023/24.

The report also provided details of the Government's Council Tax Support Fund and the current Council Tax Discounts and any proposed changes resulting from the Levelling up and Regeneration legislation.

In the ensuing debate, the Leader advised that South Hams District Council had been the first Local Authority in Devon to operate its Council Tax Reduction Scheme in this way but that, due to its effectiveness, other Councils had now adopted the same model.

It was then:

RESOLVED

1. That the content of the report be noted; and

That Council be **RECOMMENDED:**

2. to approve a local Council Tax Reduction Scheme for 2023/24 as follows:
 - That makes no changes to Band 1 of the current banded scheme.
 - That uplifts Bands 2, 3 and 4 by 20% (above current inflation) and, as detailed in paragraph 3.15 of the published agenda report, to take into account the Cost of Living crisis.
 - That replaces the current range of earnings disregards with a single £25.00 disregard.
 - That makes changes to the Minimum Income Floor by adjusting the income calculation for self-employed claimants who receive carer's allowance, personal independence payments or disability living allowance.
3. to delegate authority to the Director of Strategic Finance, in consultation with the Lead Executive Member for Benefits and the Head of Revenues and Benefits to agree the uprating of working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions;
4. to instruct officers to take immediate steps to apply the £25 Council Tax Support Fund payment to eligible Council Taxpayers, which was announced by the Government on 19 December 2022, and bring forward proposals for a discretionary scheme in late spring 2023;
5. to adopt the Council Tax discounts as follows (and with effect from 1 April 2023):
 - (a) The discount for unoccupied and substantially unfurnished properties is 100% for a maximum period of 1 month;
 - (b) The discount for unoccupied and substantially unfurnished properties for 1 month to 2 years is zero;
 - (c) The discount for properties which are vacant and require major repair work to render them habitable is 50% for maximum period of 12 months;
 - (d) The discount for unoccupied furnished properties (second homes) is zero;
 - (e) An empty homes premium of an additional 100% is levied on properties that have remained unoccupied and substantially unfurnished for at least two years, but less than five years;
 - (f) An empty homes premium of an additional 200% is levied on properties that

have remained unoccupied and substantially unfurnished for at least five years, but less than ten years;

(g) An empty homes premium of an additional 300% is levied on properties that have remained unoccupied and substantially unfurnished for at least ten years; and

6. That, in principle, the following additional council tax premiums be applied from 1 April 2024, or earlier if allowed, subject to the required legislation being in place:

- 100% premium for properties which have been unoccupied and substantially unfurnished for a period of between 1 and 2 years; and
- 100% premium for second homes.

72.

Housing Crisis - Changes to Financial Assistance and Enforcement Policies.

E.72/22

The Executive was presented with a report which sought approval for the updating of two housing policies. The report also provided information on the Council's approach to dealing with mould and damp complaints from residents of rented properties.

In discussion, the following points were raised:

- a) A Member sought information on the scale of any problems experienced with regard to damp and mould within the South Hams housing stock. In response, officers advised that damp and mould was an issue in light of a combination of the structural, lifestyle and current cost of living challenges facing residents. However, officers confirmed that, whilst there were some problems, it was felt that the number of major issues was comparatively low and that, in all cases, early resolution of a problem was sought in order to prevent further escalation.
- b) Members were advised to encourage any residents that were struggling with needing adjustments to their property to contact the Council to seek help in accordance with the Better Care Fund Assistance Policy.

It was then:

RESOLVED

That Council be **RECOMMENDED:**

- 1. That the existing 2019-2022 Homes Assistance Policy be updated with the revised Better Care Fund Financial Assistance Policy 2022;
- 2. To approve and implement the electrical safety standards Civil (Financial) Penalty Policy and incorporate into the Council's Enforcement Policy, to allow officers to impose fines where necessary to landlords and improve Private Rented Properties;
- 3. To approve and implement the energy efficiency standards Civil (Financial) Penalty Policy, and incorporate into the Council's enforcement policy to allow officers to impose fines where necessary to landlords and improve Private Rented Properties.

73.

UK Shared Prosperity Fund & Rural England Prosperity Fund

E.73/22

Members considered a report that sought approval of delivery of the package of support within the Council's UK Shared Prosperity Fund (UKSPF) investment plan.

In the ensuing debate, the following points were raised:

- a) With regard to recommendation 2, a Member expressed his concern regarding the proposal to suspend the Council's Contract Procedure Rules. In response, it was confirmed that this was felt to be necessary to allow the two projects to be completed on time. In addition, there was a very limited local market which would also render a Procurement exercise ineffective;
- b) At the invitation of Members, the lead officer provided further information about both the 'Agri-Alliance' and 'The Apricot Centre' concepts for which the procurement exemptions were being sought.
- c) A Member advised that the delayed announcement of the success of the Council's bid to the UK Shared Prosperity Fund had impacted upon the opportunity to spend the Year One funding;
- d) Members emphasised the importance of robust governance arrangements to underpin the themes. In accepting the point, officers detailed the proposed composition, remit and timing of the Steering Group and its meetings and confirmed that project partners, the lead Executive Member and Business and Community representatives would serve on the Project Steering Groups.

It was suggested that additional Member representatives should be added to the Project Steering Groups in recognition that there were often non-Executive Members who had a great deal of knowledge and expertise of the themes. Finally, the Executive welcomed the officer proposal whereby each Group apprised the Council of progress made on a quarterly basis;

- e) Confirmation was provided that, if the Council's bid proved to be successful, then the Rural England Prosperity Fund would commence in April 2023 and run for two years.

It was then:

RESOLVED

1. That the delivery of the package of support within the Council's UK Shared Prosperity Fund (UKSPF) investment plan, agreed with the Levelling-Up Department, be approved;
2. That to meet the timetable of the programme as set out by Department for Levelling Up, Housing and Communities, the requirements of the Council's Contract Procedure Rules to seek tenders, if they would otherwise be required, be waived and an exemption from the Rules be granted to enable a direct award of contracts to the businesses identified in Section 5 of the presented agenda report;

3. That approval be given to the Rural England Prosperity Fund proposal being submitted to Government, which, if successful, would begin delivery from April 2023.

74. **Better Lives for All - Quarter 3 Integrated Performance Management Report**

E.74/22

Members considered a report that set out the Integrated Performance Management report for the Quarter 3 period. The report also highlighted the strategic risk profile of the Council, performance against key indicators and an overview of the capital programme.

In debate, the following points were raised:

- a) In response to a question, it was confirmed that, though set by the existing Council, the new Council administration would take over responsibility for the year three Delivery Plans for the 'Better Lives For All' Strategy, so as to enable the next Council to then have time to develop its own four year Strategy;
- b) The lead Executive Member confirmed that the waste and recycling collection service was still performing well following the transition in-house and that a further review would take place in June 2023;
- c) A Member requested a progress update on the South Brent Rural Poverty Pilot. In response, it was stated that the Pilot would be included as part of the Communities Thematic Delivery Plan update that was scheduled to be considered at the next meeting of the Overview & Scrutiny Committee meeting (to be held on 16 March 2023), but that, if helpful, a Briefing Note outlining progress could be circulated to Members in advance of this date.

It was then:

RESOLVED

1. That the progress in delivery of the Better Lives for All thematic delivery plan and the overall strategic performance of the Council be noted; and
2. That work with lead officers be commenced to make minor amendments to the Year 3 Delivery Plans for consideration at the Executive meeting to be held on 2 March 2023.

75. **Modbury Neighbourhood Plan**

E.75/22

Members were presented with a report that sought to approve the progression of the Modbury Neighbourhood Development Plan to the Referendum stage.

Members welcomed the detailed nature of the report and acknowledged that it could be used as a template for similar future reports.

It was then:

RESOLVED

1. That the Modbury Neighbourhood Plan, as modified to incorporate the modifications recommended by the examiner, be approved to proceed to referendum, using the designated plan area as the referendum area;
2. That the Modbury Neighbourhood Plan, referendum version (as shown at Appendix 1 of the presented agenda report) be noted;
3. That the examiner's report and recommendations (as shown at Appendix 2 of the presented agenda report) be noted;
4. That the District Council draft decision statement(as shown at Appendix 3 of the presented report) be noted;
5. That the summary of the examiner report with comments and recommendations from District Council Officers and Modbury Parish Council (as shown at Appendices 4 and 5 of the presented agenda report) be noted

76.

Reports of Bodies

E.76/22

(a) Salcombe Harbour Board: 14 November 2022

SH.25/22 'Governance Arrangements – Memorandum of Understanding with the Executive'

During debate the following points were raised:

- a) Having received assurances that, since Members would be undertaking official Council business in their Duty Holder role, then they would be covered by the Council's corporate insurance and liability policies, a Member asked for this confirmation to be formally recorded;
- b) Thanks were extended to the Salcombe Harbour Master and his team and also to the Salcombe Harbour Board for their hard work and dedication in making the Harbour such a success.

It was then:

RESOLVED

That the Leader of the Council be authorised to sign the Memorandum of Understanding with the Salcombe Harbour Board in relation to the exercise of the Executive's harbour functions and its role as duty holder for the purposes of the Port Marine Safety Code.

(b) Overview and Scrutiny Committee Meeting: 12 January 2023

O&S.41/22: 'Task and Finish Group Updates: EV Strategy Task and Finish Group: Concluding Report

In discussion; reference was made to:

- a) the proposal for the Strategy to only cover a two-year period. When questioned, officers advised that, due to the fast moving and evolving nature of the subject area, it was felt appropriate for the Strategy to be kept under regular review;
- b) the draft Strategy being welcomed as further evidence of the Council's commitment to its declared Climate Change and Biodiversity Emergency;
- c) the work of the Task and Finish Group. Thanks were extended to the Task and Finish Group and, in particular, Cllr Spencer as its Chairman for all their work in formulating a very good policy and demonstrating an exemplar way that a Task and Finish Group should undertake a review.

It was then:

RESOLVED

That the content of the draft EV Strategy (as set out at Appendix A to the presented report) be noted and that officers be requested to undertake a public consultation exercise on the Strategy in line with the Council's Consultation and Engagement Strategy.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.69/22, E.71/22 (Parts 2-6) & E.72/22 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 16 FEBRUARY 2023) WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 6 FEBRUARY 2023 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULES)

The Meeting concluded at 11.50 am

Signed by:

Chairman
