

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on **Thursday, 26th September, 2019** at **2.00 pm** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Rowe
Vice Chairman Cllr Foss

Cllr Abbott	Cllr Austen
Cllr Baldry	Cllr Bastone
Cllr Birch	Cllr Brown
Cllr Chown	Cllr Hawkins
Cllr Hodgson	Cllr Holway
Cllr Hopwood	Cllr Jackson
Cllr Kemp	Cllr Long
Cllr May	Cllr McKay
Cllr O'Callaghan	Cllr Pannell
Cllr Pearce	Cllr Pennington
Cllr Pringle	Cllr Reeve
Cllr Rose	Cllr Smerdon
Cllr Spencer	Cllr Sweett
Cllr Taylor	Cllr Thomas

In attendance:

Officers:
Chief Executive
Section 151 Officer
Monitoring Officer
Senior Specialist – Democratic Services

30. **Minutes**

The minutes of the annual meeting of Council held on 16 May 2019 and the special meeting of Council held on 25 July 2019 were both confirmed as a correct record and signed by the Chairman.

31. **Urgent Business**

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

32. **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:

Cllrs J D Hawkins and M Long both declared a personal interest in Item 11(b): 'Notice of Motion' (Minute 38/19(b) below refers) by virtue of being Members of a parish and town council respectively that were currently in negotiations with the Council regarding the potential transfer of local public conveniences. On the advice of the Monitoring Officer, both Members remained in the meeting and took part in the debate and vote on this item.

33. **Chairman's Engagements**

The Chairman advised that a list of her engagements that she had attended to date during this Municipal Year would be circulated to all Members outside of this meeting.

In particular, the Chairman thanked Members for their attendance and support at her recent Civic Service. Also, the Chairman highlighted her recent charity event at Broadleigh Farm that had generated £853.00 for her chosen charity (the Devon Air Ambulance Trust) and she wished to thank those who had kindly supported this event.

34. **Medium Term Financial Strategy 2020/21 to 2024/25**

Consideration was given to a report that sought approval of the Council's Medium Term Financial Strategy 2020/21 to 2024/25.

During discussion, particular reference was made to:-

- (a) Earmarked Reserves. In reply to a request to review those Earmarked Reserves that had been unspent for at least two years, officers advised that this exercise would be part of the Member Budget Workshop on 7 November 2019;
- (b) income streams. Some Members reiterated the importance of the Council maintaining its income levels.

It was then:

RESOLVED

1. That the strategic intention be set to raise Council Tax by the maximum allowed in any given year, without triggering a Council Tax Referendum, to enable the continued delivery of services. (NB. the actual Council Tax for any given year will be decided by the Council in the preceding February);
2. That the Council respond to any Government announcement / consultation on Business Rates Reform;
3. That the Council continue to actively lobby and engage with the Government, Devon MPs and other sector bodies (such as the District Councils Network and the Rural Services Network) for a realistic business rates baseline to be set for the Council for 2020 onwards and for when the Business Rates Reform is introduced for 2021/22;
4. That the Council continue to lobby in support of the Government eliminating Negative Revenue Support Grant in 2020/21 (and thereafter) and for Rural Services Delivery Grant allocations which adequately reflect the cost of rural service provision;
5. That, for modelling purposes, £500,000 of New Homes Bonus funding be used for 2020/21 (or any alternative scheme) to fund the Revenue Base Budget, with this being reduced to £350,000 by 2021/22 and £250,000 by 2022/23;
6. That the Council maintains a policy of a minimum level of Unearmarked Reserves of £1.5 million and that the annual level of contributions to Earmarked Reserves (£684,300) and the adequacy of the existing level of Unearmarked Reserves (£1.9 million) and Earmarked Reserves (£13.3 million) be reviewed by Members as part of the Budget Setting process. (NB. this will assess the adequacy of Reserves levels in light of future plans and pressures);
7. That the Council continues dialogue with the actuaries of the Devon Pension Fund and Devon County Council on the options for the Council's Pension position, with the aim of reducing the current contributions, increasing affordability, whilst best managing the pension deficit. One option to be explored is whether or not some (or all) of the pension deficit should be paid off in a lump sum. The Council supports this option being modelled, with a report being presented to Members by January 2020 that presents both the potential costs and the benefits once the results of the Triennial Pension Revaluation are known;
8. That the Council maintains an Upper Limit on External Borrowing (for all Council services) as part of the Medium Term Financial Strategy of £75 million;

9. That the forecast Budget Gap for 2020/21 of £0.49 million and the position for future years be noted; and
10. That the current options identified and timescales for closing the Budget Gap in 2020/21 and future years (to achieve long term financial sustainability) be noted.

35. **Climate Change - Citizens Assembly Proposal**

Members were presented with a report that presented the recommendations of the Climate Change and Biodiversity Working Group in respect of the setting up of a Citizens' Assembly.

In discussion, the following points were raised:

- (a) A Member expressed her view that the Council should be establishing its own Citizens' Assembly as soon as was practically possible. In contrast, other Members stated that they did not share this view and considered it to be more appropriate to work with Devon County Council in this respect;
- (b) An amendment to the motion was **PROPOSED** and **SECONDED** as follows:

1. *'That, in considering the setting up of a Citizens' Assembly, the Working Group be provided with full particulars of the Citizens' Assembly proposed by Devon County Council including, but not limited to, the issues and matters to be addressed; the number of assembly members and their geographic spread; and the means of administration / operation. The said particulars are to be provided to the Working Group prior to its next meeting to be held on 10 October 2019;*

(This will inform the benefits and options of establishing a Citizens' Assembly for the South Hams).

2. *That, in order to provide clarity in respect of the proposed Action Plan that is to be prepared in accordance with the resolution of the Council made at its meeting on 25 July 2019, its scope will have an internal and external focus as follows:*

Internal: *will focus on what the Council can do as an authority to reduce its own carbon footprint; and*

External: *will focus on identifying a number of opportunities in which the Council can influence or reduce the carbon footprint for the South Hams. In respect of this part of the Action Plan, there will be the categorisation of what the Council can do directly and what it needs to lobby / influence in order to achieve a successful outcome.*

In support of his amendment, the proposer felt that it was also important that the Council set out clear guidance to the Working Group on the scope of the Action Plan to be developed.

At the invitation of the Chairman, the proposer and seconder of the original motion both confirmed that they were content with this amendment and it was therefore included as part of the substantive motion.

It was then:

RESOLVED

1. That, in considering the setting up of a Citizens' Assembly, the Working Group be provided with full particulars of the Citizens' Assembly proposed by Devon County Council including, but not limited to, the issues and matters to be addressed; the number of assembly members and their geographic spread; and the means of administration / operation. The said particulars are to be provided to the Working Group prior to its next meeting to be held on 10 October 2019;

(This will inform the benefits and options of establishing a Citizens' Assembly for the South Hams).

2. That, in order to provide clarity in respect of the proposed Action Plan that is to be prepared in accordance with the resolution of the Council made at its meeting on 25 July 2019, its scope will have an internal and external focus as follows:

Internal: will focus on what the Council can do as an authority to reduce its own carbon footprint; and

External: will focus on identifying a number of opportunities in which the Council can influence or reduce the carbon footprint for the South Hams. In respect of this part of the Action Plan, there will be the categorisation of what the Council can do directly and what it needs to lobby / influence in order to achieve a successful outcome.

36. **Heart of the SW - Joint Committee Governance Arrangements**

Members considered a report that sought to approve amendments to the Heart of the South West Joint Committee's list of functions.

The Leader introduced the report and highlighted the importance of the Council having a presence (and vote) on the Joint Committee.

During the ensuing discussion, some Members echoed the views of the Leader. However, one Member did express his reservations over the role of the Joint Committee and there was a general recognition that it now needed to start to deliver some tangible outcomes.

It was then:

RESOLVED

1. That the amendments to the Committee's list of functions in the Arrangements document be approved and the updated budget position for 2019/20 for the Heart of the South West Joint Committee be noted; and
2. That agreement be given to the re-appointment of Somerset County Council as the Administering Authority to the Joint Committee for the period from 22 January 2020 to 21 January 2022.

37.

Questions

It was noted that three questions had been received in accordance with Council Procedure Rule 8.

From Cllr Hodgson to Cllr Baldry, lead Executive Member for Environment

- (a) *'With regard to the many public concerns that have been raised regarding the delays to the roll out of kerbside collections and the potential impact on recycling rates the continued use of single use plastics until September 2020, would it be possible to implement a temporary arrangement with vehicles that WDBC commission to enable some of the new elements of the proposals including the switch from single use plastic bags to reusable collection bins to be implemented without further delay?'*

In response, Cllr Baldry stated that the date of 28 September 2020 for the introduction of the Devon aligned service was agreed by Full Council on 26 July 2018. This date had been put forward as it allowed sufficient time to procure the appropriate collection vehicles and the necessary infrastructure to be implemented. The vehicles used by West Devon Borough Council, made by Romaquip (the vehicle manufacturer), were highly sought after and were built to individual specification. The order for the new recycling vehicles was placed at the start of this year and had been agreed with Romaquip, however the earliest possible delivery date was September 2020.

Moreover, Cllr Baldry advised that to implement a temporary arrangement would still take several months and would cause unnecessary confusion amongst residents and affect the impact of the service change as a whole. In addition, an annual order of

recycling sacks had already been placed to ensure that the Council had sufficient stock up until the time of the new service.

In reply to a supplementary question, Cllr Baldry reiterated his explanation for the project timescales.

From Cllr Hodgson to Cllr Baldry, lead Executive Member for Environment

(b) 'Please could the portfolio holder for the commissioning of waste services at South Hams District Council report on the current levels of collection / missed bins and customer satisfaction with the new services to date?'

Cllr Baldry replied that performance of the new contract with FCC had improved (as expected) month on month. The missed collections rate per 100,000 since the contract had started was as below. The contract key performance indicator for missed collections per 100,000 was set at 80. FCC had been given a period of three months in which to achieve the required Service Level Agreements without any contractual penalty points being deducted:

April 2019 – 102 missed collections (per 100,000);
May 2019 – 129 missed collections (per 100,000);
June 2019 – 92 missed collections (per 100,000); and
July 2019 – 75 missed collections (per 100,000).

Cllr Baldry also informed that the online waste survey suggested that customer satisfaction was still high with 89% of customers advising that they were happy with the service. This was also corroborated by the recent Waste and Recycling Advisor report that indicated: 'There were many compliments about the crews regarding how polite and helpful there were'. The Waste and Recycling Advisor had been in the South Hams from 24 May 2019 to 22 August 2019 speaking to residents about the recycling service and answering any queries that they may have. The recent report was circulated to the Waste Working Group on Monday, 16 June 2019 of which Cllr Hodgson was a Member.

From Cllr Hodgson to Cllr Pearce, Leader of the Council

(c) "Given the recent Declaration of a Climate and Biodiversity Emergency, can the contract with Fusion be amended to require that PV panels and/or Solar hot water panels be erected on the south facing roof of the Totnes Pavilions to reduce the impact of this facility on climate change and to ensure its resilience to rising energy prices and potential energy scarcity?"

In her response, Cllr Pearce advised that, whilst the contract between Fusion and SHDC did have targets requiring it to reduce its energy consumption year on year, the leisure centre in Totnes

was not leased to Fusion. It was leased to Tadpool who, in turn, had an operating contract with Fusion. The lease to Tadpool did not have any obligations in it around solar and could not be changed without the consent of both parties.

Cllr Pearce did however advise that there was nothing stopping the Council from trying to work with Tadpool and Fusion to promote solar investment and that offer had been made at the highest level and was being reviewed. There was also an opportunity to discuss this further with Fusion and Tadpool as part of the future investment of £1.5 million in the Totnes Leisure Centre previously approved by Members.

Whilst not asking a supplementary question, Cllr Hodgson did wish to put on record her gratitude that a meeting had been arranged earlier that day that she had found to be useful.

38. **Notice of Motion**

It was noted that four motions had been received in accordance with Council Procedure Rule 10:

(a) By Cllrs Hodgson and Rose

"We propose that SHDC lobbies National Government to create a structure of fines that Local Authorities can impose for planning breaches. These would include illegal felling or damage to trees, illegal removal of Devon Bank and all mature hedgebanks. These fines could be imposed further to formal investigation by Enforcement officers (rather than the additional costs and time taken going through formal court proceedings)."

In her introduction, the proposer emphasised the need for more meaningful sanctions to be available to act as a deterrent against potential planning breaches.

During the subsequent debate, an amendment to the motion was **PROPOSED** and **SECONDED** that read as follows:

'This Council resolves to lobby its Members of Parliament, the Local Government Association and national government in order to strengthen the sanctions arising out of a breach of planning controls including an increase in the current level of fines in cases of serious breaches such as unauthorised felling or damage to trees, removal of Devon Banks and mature hedgebanks.'

It is proposed that in introducing an increase in the current level of fines the procedure leading to their imposition be simplified and made more effective in consequence of the limited resources available to local authorities in respect of enforcement.'

The proposer introduced his amendment and, whilst welcoming the intent of the original wording, he was of the view that his suggested revision would in fact add strength to the motion.

It was noted that local Ward Members had a key role to play with regard to the reporting of potential planning breaches and there was an acknowledged training need to support Members in this respect. As a result, officers gave a commitment to deliver relevant training to Members in the upcoming months.

When put to the vote, the amendment was declared **CARRIED** and therefore became the substantive motion.

It was then:

RESOLVED

This Council resolves to lobby its Members of Parliament, the Local Government Association and national government in order to strengthen the sanctions arising out of a breach of planning controls including an increase in the current level of fines in cases of serious breaches such as unauthorised felling or damage to trees, removal of Devon Banks and mature hedgebanks.

It is proposed that in introducing an increase in the current level of fines the procedure leading to their imposition be simplified and made more effective in consequence of the limited resources available to local authorities in respect of enforcement.

(b) By Cllrs Baldry and Thomas

"In the interest of public health, of our residents and of tourism there shall be no further closure of SHDC public lavatories.

This motion reverses the decision taken by the Executive on 22 November 2018 and 7 February 2019 and confirmed at Full Council on 21 February 2019 (following a Call-in to Overview and Scrutiny).

Where agreement has been reached with Parish Councils for them to take over or make a financial contribution for their lavatories, these arrangements will remain in place. Where no agreement has been reached by 31 December 2019, the lavatories listed at Resolution 3 and 4 of E.46/18 of the minutes of 22 November 2018 Executive meeting will remain open. Any change in expected Budget for 2020-21 will be taken account of in the 2020-21 Budget process."

The proposer introduced his motion and highlighted that:-

- he regretted the original decision of the Council to close any of its public conveniences;

- closures were discriminatory to a number of different categories of society;
- closures were particularly unfortunate in tourist areas such as the South Hams;
- it was his view that, irrespective of the budget implications, the Council should not close any more of its public conveniences.

During the subsequent debate, the following points were raised:

- (a) Some Members felt that it would be very unfair on those town and parish councils who were in discussions (or had already agreed) to take on responsibility for their local public conveniences if this motion was approved. As a differing view, another Member made the point that it was equally unfair for small rural parish councils to be asked to fund their public conveniences that were only for the benefit of visitors and tourists;
- (b) A Member reminded the Council that the motion focused on the closure of public conveniences and any potential transfers should be considered as a separate issue.

When put to the vote, the motion was (by virtue of a Chairman's Casting Vote) declared **LOST**.

(c) By Cllrs McKay and Birch

'This Council:

- 1. acknowledges that within the network of Town and Parish Councils and community-based organisations (Community Land Trusts, Community Benefit Societies, Community Interest Companies etc) there is a wealth of talent, knowledge and expertise that should be regarded as an Asset by this Council;*
- 2. acknowledges that there is a great deal of evidence to support Asset Based Community Development (ABCD) as an effective strategy and that it is at the core of the success of Councils like Wigan and Cornwall and is being actively investigated by many other Councils across the UK and beyond;*
- 3. acknowledges that by adopting the ideas and principles of ABCD, and thereby investing in these Assets, that it would be able to:*
 - bring huge benefits to the communities it serves;*
 - create a sense of belonging and empowerment in communities;*
 - remove the sense of frustration and impenetrable bureaucracy felt by many; and*
 - release resources within the District Council and reduce costs.*

4. *acknowledges that reliance on a Capital Investment Strategy alone is insufficient and that it should also be investing in People and Organisations. They too are an Asset;*
5. *acknowledges that community consultation is the key to developing these Assets and that it needs to develop a culture of dialogue and engagement;*
6. *acknowledges that the Community Involvement Statement (CIS) which the Localism Act 2011 requires the Council to publish, should reflect the desire of this Council to help its Town and Parish Councils, and other community organisations, to achieve their locally defined objectives and to support them as required; and*
7. *RESOLVES to consult with its communities through a programme to be determined by a Working Group of Members with a view to assessing how Asset-Based Community Development could benefit this Council and the communities it serves. The Working Group would also examine the setting up of a Community Support Fund through which development and support of community groups could take place. The Working Group to make recommendations to Full Council in four months' time.'*

By way of an introduction, the proposer provided some background information on the benefits of Asset Based Community Development (ABCD) and informed that the concept was used in a number of different circumstances. In addition, the proposer referred to a number of different local authorities that were actively engaging with ABCD and stated that these councils were not led by the same political parties.

During the subsequent debate, some Members felt that the ABCD concept was interesting and should be explored further and that this could be carried out without the need to establish a Working Group. As a result, an amendment was **PROPOSED** and **SECONDED** that read as follows:

'This Council proposes that the Deputy Chief Executive and the Executive Lead for Communities together examine the benefits that Assets Based Community Development could offer to South Hams DC and its communities and report back to Council within four months in order to determine the next steps.'

Subject to the proposer of the original motion being added to the wording, there was widespread support expressed for the amendment. In reply, the proposer and seconder of the amendment confirmed that they were content to include the proposer of the original motion and, with all parties then being content, the amendment became the substantive motion.

It was then:

RESOLVED

This Council proposes that the Deputy Chief Executive; the Executive Lead for Communities; and Cllr McKay together examine the benefits that Assets Based Community Development could offer to South Hams DC and its communities and report back to Council within four months in order to determine the next steps.

(d) By Cllrs Hodgson and Sweett

'In support of its commitment to the Climate and Biodiversity crisis, this Council will form and support a Forum of Town and Parish Councils across the District that have Declared a Climate Emergency and assist them in creating Action Plans to address and mitigate this challenge.'

The proposer and seconder introduced their motion and made reference to:

- the ability to exploit the expertise contained within town and parish councils;
- town and parish councils now beginning to declare their own Climate Change Emergencies;
- there was a need for the District Council to support town and parish councils in this respect.

In the ensuing debate, the following points were raised:

- (a) Some Members felt that neighbouring town and parish councils should work more closely together on this agenda along the lines of the previous Cluster arrangements;
- (b) Such was the resource implications on supporting the Climate Change agenda for the district council, a Member advised that the Council did not have the officer capacity to provide the necessary support to town and parish councils;
- (c) An amendment was **PROPOSED** and **SECONDED** that read as follows:

'In support of its commitment to the Climate and Biodiversity crisis, this Council would welcome the Town and Parish Councils across the District that have declared a Climate and Biodiversity crisis working together to create Action Plans to address and mitigate this challenge. To support this action, South Hams District Council will set up a website, similar to the one now well established for Neighbourhood Plans and populate it with our plans, a 'carbon footprint' calculator and a blog page for groups to exchange views.'

Having received assurances that a related agenda item would be included for discussion on the annual town and parish council budget consultation session with the Council and Devon County Council (that would be taking place before the end of the year), the proposer and seconder of the original motion confirmed that they were willing to accept the amendment.

It was then:

RESOLVED

In support of its commitment to the Climate and Biodiversity crisis, this Council would welcome the Town and Parish Councils across the District that have declared a Climate and Biodiversity crisis working together to create Action Plans to address and mitigate this challenge. To support this action, South Hams District Council will set up a website, similar to the one now well established for Neighbourhood Plans and populate it with our plans, a 'carbon footprint' calculator and a blog page for groups to exchange views.

39. Reports of Bodies

RESOLVED

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

- (a) Audit Committee 25 July 2019
- (b) Development Management Committee 14 August 2019
- (c) Overview and Scrutiny Panel 5 September 2019
- (d) Development Management Committee 11 September 2019
- (e) Executive 19 September 2019

E.33/19: Quarter 1 Revenue Budget Monitoring 2019/20

RESOLVED

That two additional Planning Enforcement Level 6 Case Managers be recruited that will cost an additional £50,078 per annum (SHDC share). (NOTE: that these two posts be funded from the Planning Earmarked Reserve in 2019/20 at a maximum cost of £16,700 (SHDC share)).

E.35/19: Corporate Strategy

RESOLVED

1. That the progress made to date on refining the Council's Corporate Strategy be acknowledged; and

2. That the desired outcomes up until 2023 be adopted.

The Meeting concluded at 4.10 pm

Signed by:

Chairman
