

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on **Thursday, 24th September, 2020** at **12.00 pm** at the **Via Skype**

Present: **Councillors:**

Chairman Cllr Rowe
Vice Chairman Cllr Foss

Cllr Abbott	Cllr Austen
Cllr Baldry	Cllr Bastone
Cllr Birch	Cllr Brazil
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
Deputy Chief Executive
Director of Governance & Assurance
Director of Place & Enterprise
Section 151 Officer
Deputy Monitoring Officer
Democratic Services Manager

13.

Minutes

13/20

The minutes of the meetings of the Council held on 16 July 2020 and 30 July 2020 were both approved as a true and correct record.

14. **Declarations of Interest**

14/20

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

15. **Business Brought Forward by the Chairman**

15/20

The Chairman informed that she had agreed for one item of urgent business to be brought forward to this meeting that read as follows:

'This Council RESOLVES to delete paragraph 3.3(a) as set out below) from its adopted Remote Meeting Procedure Rules:

3.3 Business

(a) In keeping with the rationale for holding meetings only where they are required, agendas for any such meetings required to be held shall not include any items for Questions or Motions on Notice from Councillors

As a result, provision for Questions and Motions on Notice will be reinstated with effect from the next scheduled Council Meeting to be held on 17 December 2020.

In proposing the motion, Cllr Pearce advised that the Council had now been successfully operating its formal Member meetings remotely for a number of months. As a result, it was now considered timely to reinstate the ability for Members to be able to submit Questions and Motions on Notice to Council meetings.

During the ensuing debate, Members expressed their support for this motion and it was then:

RESOLVED

This Council **RESOLVES** to delete paragraph 3.3(a) (as set out below) from its adopted Remote Meeting Procedure Rules:

3.3 Business

(a) In keeping with the rationale for holding meetings only where they are required, agendas for any such meetings required to be held shall not include any items for Questions or Motions on Notice from Councillors.

As a result, provision for Questions and Motions on Notice will be reinstated with effect from the next scheduled Council Meeting to be held on 17 December 2020.

16.

Amended 2020/21 Budget: Draft Proposals

16/20

The Council considered a report that presented a draft amended Budget for 2020/21 in light of the impact of the COVID-19 Pandemic.

In the ensuing debate, particular reference was made to:-

- (a) the work undertaken by the Section 151 Officer. A number of Members wished to thank the Section 151 Officer and her finance team for their hard work in preparing this draft amended Budget;
- (b) an amendment to the motion. An amendment was **PROPOSED** and **SECONDED** that read as follows:

That Part 1 of the recommendation be revised as follows:

'That the first four options as set out in Section 5.2 of the presented agenda report (totalling £433,000) be approved and a sum of £880,000 be taken from the Unearmarked Reserve (making a total of £1,313,000) in order to produce an Amended Revenue Budget for 2020-21.'

In expressing their support for the amendment, some Members were of the view that it would be more appropriate (bearing in mind that the COVID-19 pandemic was considered to be an Emergency) for Unearmarked Reserves to be used in order to balance the Revenue Budget for 2020-21. In contrast, other Members felt that it would not be prudent to use Unearmarked Reserves and were of the view that Members should trust the advice of their highly respected Section 151 Officer.

In line with statutory requirements, a recorded vote was then undertaken on the amendment. The voting on this amendment was recorded as follows:-

For the motion (14): Cllrs Abbott, Baldry, Birch, Brazil, Hodgson, Jackson, Kemp, Long, McKay, O'Callaghan, Pannell, Rose, Sweett and Thomas.

Against the motion (17): Cllrs Austen, Bastone, Brown, Chown, Foss, Hawkins, Holway, Hopwood, May, Pearce, Pennington, Pringle, Reeve, Rowe, Smerdon, Spencer and Taylor.

Abstentions (0)

Absent (0)

and the vote on this amendment was declared **LOST**.

In line with statutory requirements, a recorded vote was then undertaken on the recommendation and was recorded as follows:-

For the motion (17): Cllrs Austen, Bastone, Brown, Chown, Foss, Hawkins, Holway, Hopwood, May, Pearce, Pennington, Pringle, Reeve, Rowe, Smerdon, Spencer and Taylor.

Against the motion (14): Cllrs Abbott, Baldry, Birch, Brazil, Hodgson, Jackson, Kemp, Long, McKay, O'Callaghan, Pannell, Rose, Sweett and Thomas.

Abstentions (0)

Absent (0)

and the vote on the recommendation was declared **CARRIED**.

It was then:

RESOLVED

1. That the following ten options (totalling £1,313,000) be approved in order to produce an Amended Revenue Budget for 2020-21:
 - To use the 3rd tranche of COVID-19 funding received from Central Government (£121,000);
 - To use the New Burdens Government grant funding received for the administration of the Business Rates Grants (£170,000);
 - To utilise the 2019/20 Statement of Accounts underspend (£112,000);
 - To use funding from the Strategic Change Transformation Programme (T18) Earmarked Reserve (£30,000);
 - To cease the 2020/21 annual contribution towards building up a budget for future years for the Follaton Roof and Follaton Lift (£80,000);
 - To use funding from Unearmarked Reserves (£200,000);
 - To use funding from the Economic Regeneration (Business Rates Pilot Gain) Earmarked Reserve (£127,000);
 - To cease the Repairs and Maintenance (R&M) contribution for the R&M Earmarked Reserve (£80,000);
 - To use funding from the Business Rates Retention Reserve (£343,000); and
 - To cease making a contribution to the Planning Earmarked Reserve in 2020/21;
2. That the Unearmarked Reserves be replenished through a range of measures to be agreed as part of the Medium Term Financial Strategy;
3. That it be noted that the future capacity of Reserves (as set out in Section 5.13 of the presented agenda report) may

have to be called upon to meet any future financial challenges and/or additional requirements;

4. That the funding within the Business Rates Retention Fund be earmarked for employment land opportunities (as set out in Section 8.7 of the presented agenda report); and
5. That Tranche 4 of the Discretionary Business Grants Policy (as attached at Appendix 2 of the presented agenda report) be approved, to confirm that, in accordance with Central Government guidance, Town and Parish Councils are able to apply to the Scheme if they meet the eligibility criteria (as set out at Section 11 of the presented agenda report).

17. **Appointment of Electoral Registration Officer and Returning Officer**

17/20

Consideration was given to a report that sought Council approval to the appointment of the Council's Chief Executive as the Council's Electoral Registration Officer and Returning Officer.

During the debate, a Member questioned the appropriateness of this additional duty falling to the Chief Executive. In response, the Leader informed that, such was the importance of this function, that it was recognised as being good practice for the role to fall within the responsibilities of the Chief Executive.

It was then:

RESOLVED

That, with immediate effect:

1. the Chief Executive and Head of Paid Service (Andy Bates) be appointed as the Electoral Registration Officer and Returning Officer for South Hams District Council; and
2. the Director of Governance and Assurance (Andrew Powell) be appointed as the Deputy Returning Officer for South Hams District Council.

(Upon the conclusion of this agenda item, the Meeting was adjourned until 2.00pm).

18. **Fusion Support & Alternative Options**

18/20

Members considered a report that set out the challenging conditions for all leisure providers due to the COVID-19 Pandemic. In particular, the report considered the alternative management options for the Council and provided a series of options for Members to consider over the long term future for the Leisure Centre provision.

During their respective introductions, the Leader and lead Executive Member made reference to:-

- their preferred option being to fully open Kingsbridge and Dartmouth Leisure Centres;
- the proposed safety measures to be implemented by Fusion being impressive;
- the Leisure Centre facilities being for the benefit of all residents in the South Hams;
- the particular importance of having the opportunity to learn to swim in a coastal district;
- the importance of re-instating the GP Referrals Scheme;
- the local employment (and economic) implications of not fully re-opening the two Leisure Centres;
- the need for Fusion to drastically improve its Communications Strategy; and
- their thanks to the work of the lead officers in negotiating a good deal for the Council and producing such a comprehensive and balanced agenda report.

In discussion, reference was made to:-

- (a) the Health and Wellbeing implications of leisure provision were highlighted by a number of Members. However, the importance of residents using the Leisure Centres was also stressed to ensure that they remained in operation;
- (b) the Totnes Leisure Centre. Whilst acknowledging that the contractual arrangements were different for the Totnes Centre, some Members still felt that Tadpool should be congratulated and thanked for their efforts to ensure that the Centre was already operational;
- (c) the cost of re-opening Dartmouth Leisure Centre. Some Members highlighted the specific costs associated with re-opening Dartmouth Leisure Centre and questioned how they could justify this expenditure to their hard pressed constituents who did not use these facilities. In response, other Members emphasised the importance of colleagues taking a district-wide view and did not consider it fair to disadvantage residents living in the eastern cluster area of the South Hams;
- (d) an amendment to the motion. An amendment to the motion was **PROPOSED** and **SECONDED** as follows:

'That, arising from the revised restrictions on social movement and new restrictions on meetings of people that was announced by the Prime Minister and approved by Parliament on 22 September 2020 (which will have a number of implications to local authorities), I propose that this agenda item is not determined until these implications are known.'

In support of his amendment, the proposer questioned the timing of this decision and felt it would be more appropriate to defer this matter until the recent Parliamentary restrictions could be assessed.

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

In accordance with Council Procedure Rule 14.6, a recorded vote was then demanded on the recommendation and the result was declared as follows:

For the motion (26): Cllrs Abbott, Austen, Bastone, Birch, Brazil, Brown, Chown, Foss, Hawkins, Hodgson, Holway, Hopwood, Jackson, Long, May, McKay, O'Callaghan, Pannell, Pearce, Pringle, Reeve, Rose, Rowe, Smerdon, Sweett and Taylor

Against the motion (0)

Abstentions (4): Cllrs Baldry, Pennington, Spencer and Thomas

Absent (1): Cllr Kemp

It was then:

RESOLVED

1. That the Council agree to continue with the Fusion Contract (as set out in Section 3: 'Strategic Options Appraisal' of the presented agenda report) as being the most appropriate means of supporting health and wellbeing objectives within the District;
2. That financial support be provided to Fusion through to March 2021 of £113,000 to cover the minimum level of support to Fusion (NB. this is the cost of continuing with the current arrangements of the Ivybridge Leisure Centre being fully open; the dryside facilities at Kingsbridge Leisure Centre being open; and Dartmouth Leisure Centre being mothballed – these current arrangements have the minimum cost), to be funded from the Business Rates Retention Earmarked Reserve;
3. That the minimum level of financial support be extended so as to deliver improved health and wellbeing outcomes by fully opening Kingsbridge Leisure Centre and Dartmouth Leisure Centre at an extra cost of £130,000 – total cost of £243,000 of all arrangements;
4. That approval be given to the additional £130,000 funding being allocated from the Business Rates Retention Earmarked Reserve; and

5. That the Council work in partnership with Fusion to deliver a social media and all channels communications campaign to highlight that the leisure centre facilities are open; improve awareness; and improve participation.

19. **Climate Change and Biodiversity Strategy and Action Plan Update**

19/20

The Council considered a report that provided an update and set out the progress that had been made to date, including the outcome of the Climate Change and Biodiversity Working Group session with consultees that had taken place on 27 August 2020.

In discussion, the following points were raised:-

- (a) An amendment was **PROPOSED** and **SECONDED** that read as follows:

'6. That £30,000 of the £400,000 that the Council has allocated for the implementation of the Climate Change and Biodiversity Strategy and Action Plan is earmarked for the appointment of a 'Green Homes Officer' to proactively act to improve the energy efficiency of the majority of the Housing Stock. This recruitment could be used to fund outsourced services, such as those provided in community organisations, enabling those services to promote and support increased demand; either way, the recruitment should take place as soon as possible,'

In the ensuing discussion, officers advised that it was intended that a related agenda item would be considered at the next meeting of the Climate Change & Biodiversity Working Group to be held on 22 October 2020. As a consequence, the proposer and seconder agreed to formally withdraw their amendment;

- (b) A further amendment was then **PROPOSED** and **SECONDED** that read as follows:

'6. In respect of Action Plan items 1.5, 1.6 and 1.7 following Objective 1 – Energy, the Council resolves to build on the current work being carried out by the Environmental Health Officers in reducing fuel poverty. In doing so, it requests the Climate Change & Biodiversity Working Group to incorporate within the Action Plan proposals for improving the level of only 36% of properties rated at Category C or above in respect of new EPC certificates lodged in the district of South Hams in 2018 and 2019. The Working Group in putting forward proposals includes targets for exceeding the current level to ensure such improvement makes a considerable contribution to the reduction in South Hams carbon emissions;

7. *The Climate Change and Biodiversity Working Group put forward proposals to Full Council on the expenditure of £400,000*

included in Earmarked Reserves for Emergency Climate Change Projects. Such proposals to come before Full Council at its meeting on 17 December 2020 and to be considered beforehand by the Overview and Scrutiny Panel and Executive.'

During his introduction on the amendment, the proposer highlighted the extent of the fuel poverty problem in the South Hams and stressed the need for this matter to be addressed quickly. In addition, the proposer also reiterated the need for projects to start to come forward in order to utilise the £400,000 Emergency Climate Change Projects Reserve.

In reply, the Leader reminded the meeting that the lead Environmental Health Officer was to attend the next Climate Change and Biodiversity Working Group meeting to provide an update. In addition, the Leader also advised that, such were the financial pressures facing the Council, she had requested that all Earmarked and Unearmarked Reserves be subject to review.

In accordance with Council Procedure Rule 14.6, a recorded vote was then demanded on the amendment and the result was declared as follows:

For the amendment (13): Cllrs Abbott, Baldry, Birch, Brazil, Hodgson, Jackson, Long, McKay, O'Callaghan, Pannell, Rose, Sweett and Thomas.

Against the amendment (17): Cllrs Austen, Bastone, Brown, Chown, Foss, Hawkins, Holway, Hopwood, May, Pearce, Pennington, Pringle, Reeve, Rowe, Smerdon, Spencer and Taylor.

Abstentions (0)

Absent (1): Cllr Kemp

and the vote on this amendment was declared **LOST**.

- (c) Such was the significance of this matter that the need to make progress on the Climate Change and Biodiversity Strategy and Action Plan was emphasised by a number of Members;
- (d) Support was expressed for the proposal to establish a Climate Change and Biodiversity Community Board;
- (e) Whilst accepting that the Council could be making more progress in line with its Emergency Declaration, a Member still felt it important to highlight the progress that had already been made, with examples including the paperless initiative and travel reductions being cited;
- (f) A Member stated his view that both the draft Strategy and Action Plan were currently lacking in clarity, focus and SMART targets. As a result, it was his hope that this would be rectified

when the updated versions were presented for adoption to the Council meeting to be held on 17 December 2020.

It was then:

RESOLVED

1. That the progress on the development of the updated version of the Draft Climate Change and Biodiversity Strategy (as circulated to Members by Cllr Hodgson) be noted and that, in doing so, it is recognised that the Strategy will continue to evolve and develop over time;
2. That the feedback from the Climate Change and Biodiversity Working Group sessions with Consultees (undertaken on 27 August 2020) and the commitment for ongoing dialogue with these Consultees be noted;
3. That the Climate Change and Biodiversity Working Group be requested to compile the first version of the Strategy and Action Plan to bring back for adoption at the Council meeting to be held on 17 December 2020;
4. That the correlation between the Council's Climate Change and Biodiversity Strategy and the Emerging Recovery and Renewal Plans be recognised and that, in developing and implementing its plans, including working towards a resilient green and sustainable economy, it will engage with local businesses, organisations and residents; and
5. That a Climate Change and Biodiversity Community Board, or similar, is established in line with Section 4.5 of the presented agenda report and an initial meeting be held before the final draft Strategy and Action Plan are presented to the Council meeting on 17 December 2020.

20. **Ivybridge Regeneration Project Update**

20/20

The Council considered a report that set out the current position and made recommendations with respect to the Ivybridge Regeneration Project at Leonards Road.

In discussion, the following points were raised:

- (a) local community support for the project. Local Ward Members welcomed the proposed investment into Ivybridge and recognised the levels of local support that had been expressed for the project;
- (b) the project being felt to lack imagination. In their opposition to the project, some Members were of the view that the project would not offer any support for local businesses and they proceeded to question how the current proposals constituted regeneration.

It was then:

RESOLVED

That the Council continue to support the project as it moves forward to planning and tender stage, with a decision being made on progressing the project further at subsequent meetings of the Executive and Council.

21. **Designation of Monitoring Officer**

21/20

Consideration was given to a report that proposed a route for changing the designation of the Monitoring Officer role and recommended the designation of the Monitoring Officer role to the Head of Legal Services (once appointed).

In discussion, Members felt that, if approved as drafted, the report recommendation would result in the Council being without a Monitoring Officer (which was a statutory role) until the Head of Legal Services post had been filled. As a result, a revised part 1 of the recommendation was **PROPOSED** and **SECONDED** that read as follows:

- '1. That the Monitoring Officer responsibilities and duties be removed from the Business Manager (Specialists) role *upon the appointment of a Head of Legal Services.*'

It was then:

RESOLVED

1. That the Monitoring Officer responsibilities and duties be removed from the Business Manager (Specialists) role upon the appointment of a Head of Legal Services;
2. That the role of the Monitoring Officer be designated to a Level 3 Head of Legal Services (once appointed);
3. That the role of Head of Legal Services and Monitoring Officer be appointed to via an external recruitment process; and
4. That the Chief Executive be requested to carry out a review of the Legal Services team, including a review of the role(s) and remuneration of the Deputy Monitoring Officer(s) and the resources needed to provide an effective legal service.

22. **Reports of Bodies**

22/20

RESOLVED

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

- (a) Joint Development Management Committee and Overview & Scrutiny Panel – 4 June 2020
- (b) Development Management Committee – 8 July 2020
- (c) Overview & Scrutiny Panel – 16 July 2020

O&S.7/20: Overview and Scrutiny Annual Report

RESOLVED

That the Overview and Scrutiny Annual Report for 2019/20 be approved.

- (d) Audit Committee – 23 July 2020
- (e) Executive – 30 July 2020
- (f) Audit Committee – 30 July 2020

A.8/20: Annual Report 2019/20

RESOLVED

That the Council adopt its draft Annual Report for 2019/20, subject to the ratio between the average house price and annual average income information being updated.

- (g) Joint Development Management Committee and Overview and Scrutiny Panel – 3 September 2020

OSDM.11/20: Coronavirus (COVID-19) Recovery and Renewal Plan Development Update

In line with the recommendation generated from the Joint Meeting, it was **PROPOSED** and **SECONDED** that:

'Council be **RECOMMENDED** to form a Member Working Group to oversee the work of the Recovery Management Team / Group / Strategy (as set out at Appendix 1 of the presented agenda report). The remit of this Working Group will be to set priorities and direct officers accordingly. This Group to become effective immediately following the Full Council meeting to be held on 24 September 2020.'

In debate, there were conflicting views expressed by Members. Whilst some Members felt that Member involvement in overseeing

the work was critical, others fundamentally disagreed and did not see the need for an additional Working Group to be established.

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

With regard to the Joint Meeting recommendation that related to Team Devon representation, it was felt that the Briefing Note that had been provided to Members had been very helpful.

(h) Executive – 17 September 2020

E.20/20: Community Housing Delivery Programme: Progress Report and Capital Requirements

Whilst acknowledging that the report had been published under exempt cover, a Member expressed his disappointment that he had still not received any responses to a number of specific questions that he had raised during the Executive meeting. In particular, the Member expressed his dissatisfaction over the cash flow information.

It was then:

RESOLVED

1. That approval be given to the Community Housing Development Expenditure of up to £5.9 million to build out the first two Community Housing Schemes (St Ann's Chapel (13 units) and South Brent (17 units)) as set out in the presented exempt agenda report to the Executive meeting; and
2. That approval be given to funding of up to £5.9 million to build the schemes from a combination of internal borrowing and external borrowing (from the Public Works Loan Board).

The Meeting concluded at 5.45 pm

Signed by:

Chairman
