

SOUTH HAMS EXECUTIVE



Minutes of a meeting of the **South Hams Executive** held on **Thursday, 18th June, 2020** at **10.00 am** at the **Via Skype**

Present: **Councillors:**

Chairman Cllr Pearce
Vice Chairman Cllr Bastone

Cllr Hopwood
Cllr Hawkins

Cllr Baldry

In attendance:

Councillors:

Cllr Abbott
Cllr Birch
Cllr Brown
Cllr Holway
Cllr O'Callaghan
Cllr Pennington
Cllr Rose
Cllr Smerdon
Cllr Sweett

Cllr Austen
Cllr Brazil
Cllr Hodgson
Cllr Long
Cllr Pannell
Cllr Reeve
Cllr Rowe
Cllr Spencer
Cllr Taylor

Officers:

Chief Executive
Deputy Chief Executive
Director of Governance & Assurance
Director of Place & Enterprise
Section 151 Officer
Monitoring Officer
Senior Specialist – Democratic Services
Specialist – Democratic Services
Business Manager - (Case Management)

82. **Introductory Comments**

E.82/19

The protocol for the meeting was outlined, in light of this being the first formal Executive meeting since the adoption of the Remote Meeting Procedure Rules.

83. **Minutes**
E.83/19
The minutes of the Executive meeting held on 6 February 2020 were confirmed as a true and correct record.
84. **Declarations of Interest**
E.84/19
Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting but none were made.
85. **Public Question Time**
E.85/19
It was noted that the following public question had been received in accordance with the Executive Procedure Rules, for consideration at this meeting. The response is shown in italics.

Cllr Pearce responded to the following question:

Question from Rhiannon Augenthaler:

"The council might be aware that one of the most venerated barristers of our time, Michael Mansfield, is currently taking legal action against the rollout of 5G and that DC is currently taking 5G to Scrutiny. I request that South Hams District council takes proactive steps to prevent 5G capable infrastructure from being rolled out anywhere in South Hams and that all planning applications for any 5G infrastructure (eg 5Gmasts) are objected or at least put on hold until DCC has made their recommendation after their full Scrutiny process?"

Response:

"South Hams District Council's (SHDC) involvement in 5G is limited to its development management planning function. We have a duty to determine applications submitted to us and there is clear government guidance in the NPPF (paras 112 to 116) which states that LPAs should not impose a blanket ban on new electronic communications in certain areas or over a wide area.

"In relation to 5G, the NPPF is explicit in its support as part of a network of high quality communication infrastructure.

"A large number of telecommunications works are permitted development. Subject to certain stipulations concerning the maximum height of masts, number of antennae, or dishes, the Council has no powers. Land such as conservation areas, AONBs or World Heritage sites are excluded from these PD rights. Some proposals require an application to be made for prior approval but this is limited to the siting and the appearance of the apparatus.

"In all cases, telecommunications operators are encouraged to site share and must comply with statutory conditions and restrictions and mobile network operators have a code of best practice. Telecommunications operators must abide by the following documents:-

1. *Code of Best Practice on Mobile Network development in England 2016: Edition Published: 24.11.2016*
2. *Cabinet Siting and Pole Siting Code of Practice Issue 2 November 2016*

"The first of these documents states-

"Consistent with the advice set out in paragraph 46 of the NPPF, local planning authorities should not seek to determine health and safety matters that are subject to separate controls. Providing applications are accompanied with an International Commission on Non-Ionizing Radiation Protection (ICNIRP) certificate, planning authorities are not required to make any further judgement on health and safety issues."

In line with the process followed at previous formal remote meetings, the Leader confirmed that a copy of the response would be sent to Ms Augenthaler and she would be invited to submit a supplementary question based upon the contents of this response. .

86. **Executive Forward Plan**

E.86/19

Members were presented with the Executive Forward Plan setting out items on the agenda for Executive meetings for the next four months and noted its content without any comment.

87. **Coronavirus (COVID-19) Response and Draft Recovery and Renewal Plan**

E.87/19

Members were presented with a report outlining the plan for the Council's response and recovery to the Coronavirus pandemic. This report had been considered at the Joint Meeting of the Overview and Scrutiny Panel and Development Management Committee held on 4 June 2020. The report had been updated in Section 11 to take into account the latest financial position since the Joint Meeting.

The Leader introduced the report and outlined the addition of a further work stream, Place and Environment, reflecting the importance of a green recovery. Assuming that Members were minded to approve the additional recommendation at part 5, the Leader advised that work stream meetings would then be held during weeks commencing 6th and 13th July 2020. There were no questions.

It was then **RESOLVED** that the Executive:

1. Note and endorse the Council's response to the Coronavirus (COVID-19) Pandemic to date and thank and congratulate the Town and Parish Councils and other Community Groups for their response and actions to the COVID-19 Pandemic;

2. Request that Officers develop a Recovery and Renewal Plan in-line with the Framework and Objectives that are outlined in Appendices A2, A3 and A4;
3. Take into account the conclusions of the Joint meeting on the priority areas for the Strategic Framework for Recovery and Renewal (as summarised at Appendix B);
4. Request that an update on progress against development of the Plan be presented back to a Joint meeting of the Overview and Scrutiny Panel / Development Management Committee to be held on 3 September 2020; and

That, in light of the discussions at the Joint Meeting:

5. A series of Recovery and Renewal Theme-Based Member Workshops (as set out at paragraph 3.4 below) be convened in advance of the Joint Meeting that is to be held on 3 September 2020.

88. **Month 1 and 2 Revenue Budget Monitoring 2020/2021**

E.88/19

Members were presented with a report enabling them to monitor income and expenditure variations against the approved budget for 2020/21, and provided a forecast for the year end position.

The Deputy Leader introduced the report. During the debate the S151 Officer clarified that precept payments were statutory and paid in accordance with the Local Government Finance Act. Any changes for precept payments to major precepting authorities (DCC, the Police and the Fire Authority) to be on a proportional basis (reflecting the actual council tax collection rates in 2020/21) would require a change to primary legislation. Following clarification on the figures for investment income, homelessness reimbursement (as opposed to income), and waste, the S151 Officer confirmed this report would now be presented to the Executive on a monthly basis.

It was then **RESOLVED** that the Executive:

- i) Note the significant forecast income and expenditure variations for the 2020/21 financial year and the overall projected overspend of £2.588m (27.5% of the total Budget £9.411 million).
- ii) Note the loss of income streams already experienced by the Council in April 2020 and May 2020 of £0.979 million in total as shown in Section 6 of the report.
- iii) Present an Amended Budget for 2020/21 to the September cycle of Committee meetings, setting out recommendations as to how the projected losses could be financed and what action could be taken. This is in order to achieve a balanced budget for 2020/21, in light of the Covid 19 pandemic.

- iv) Undertake a comprehensive review of all Earmarked Reserves

89. **Ivybridge Regeneration Project**

E.89/19

Members were presented with a report setting out the current position on the regeneration project at Leonards Road, Ivybridge. The report outlined recommendations to take this project forward.

The Deputy Leader introduced the report and referenced the statement which had been received from the PL-21 group. PL-21 were thanked for their continued engagement with the project and, should the Council approve the scheme in full in September, their input into the design phase of the project would be welcomed.

The Lead Officer confirmed that the Community Safety, Crime and Disorder section of the Impact Table should read "There are **no** implications for crime and disorder reduction".

During the discussion the Lead Officer clarified that use of Automated Number Plate Registration (ANPR) was being investigated; Ivybridge Town Council had been involved in the project and their involvement would be continually sought; the Council would seek to put solar panels on top of Aldi, and detailed aspects of the project would come later at the design phase should this project be approved by Council.

Following a request from a Member, it was agreed that, such was the significance of the project, that a fifth recommendation should be added whereby the Risk Management elements of the report should be considered by the Audit Committee prior to the Council meeting in September.

It was then **RESOLVED** that the Executive:

- 1) Notes the results of the public consultation on the proposals outlined in this report (69% were in favour and supported the development as detailed in Appendix C)
- 2) Notes the business case contained in Appendix A

And that the Executive **RECOMMENDED** to Council:

- 3) to spend a further £65,000 from the Economic Regeneration Earmarked Reserve, on commissioning further work to provide advice in order to move the project forward in the following areas:
 - a. Planning
 - b. Ecology
 - c. Automated Number Plate Recognition (ANPR) & car park lease structure to facilitate a pay on exit solution
 - d. Agreement to lease documents
 - e. Treasury management advice

- 4) Request that officers bring a subsequent report back to the Executive and Council in September with a recommendation for the project to move to the planning and tender stage, on the satisfactory conclusion of the work commissioned in Recommendation 3.
- 5) **RECOMMEND** that the Audit Committee Work Plan be updated to ensure that the Risk Management elements of the Ivybridge Regeneration project be considered at a future meeting.

90.

Grounds Maintenance Review

E.90/19

Members were presented with the report informing them of the outcome of an external review of the Grounds Maintenance Service.

The Lead Member outlined the points to the report's recommendation. The Leader congratulated the Lead Member and officers on a very good report, while another Member noted that his experience of SHDC's Ground Maintenance Service, through his work with his Town Council, as being a much improved service and he was therefore fully supportive of this recommendation.

It was then **RESOLVED** that the Executive:

- i) Approves the implementation of the recommendations arising from the Grounds Maintenance Review as set out in paragraph 3.4 below.

And that the Executive **RECOMMENDED** to Council that:

- ii) The operating cost of the service will be reduced by 5% (£23,400)
- iii) Any in-year surplus after the saving is transferred into a Grounds Maintenance earmarked reserve at the end of each financial year to reinvest back into the service.

The Meeting concluded at 11.26 am

Signed by:

Chairman
