SOUTH HAMS EXECUTIVE

Minutes of a meeting of the **South Hams Executive** held on **Thursday, 22nd October, 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 Brazil
Cllr Hodgson
Cllr Long
Cllr O'Callaghan
Cllr Pennington
Cllr Reeve
Cllr Smerdon
Cllr Sweett
Cllr Birch
Cllr Chown
Cllr Holway
Cllr McKay
Cllr Pannell
Cllr Pringle
Cllr Rowe
Cllr Spencer
Cllr Taylor

Officers:
Chief Executive
Deputy Chief Executive
Director – Place & Enterprise
Director - Governance & Assurance
Section 151 Officer
Deputy Monitoring Officer
Democratic Services Manager
Head of Housing, Revenues & Benefits
Head of Commissioning & Contracts
Senior Specialist – Environmental Health
Senior Specialist – Natural Resources & Green Infrastructure
Senior Specialist – Finance
Specialist – Place Making
FCC Representative
Specialist – Democratic Services

21. **Minutes**

E.21/20

The minutes of the Executive meeting held on 17 September 2020 were confirmed as a true and correct record.

22. **Declarations of Interest**

E.22/20

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.

23. **Public Question Time**

E.23/20

It was noted that the following public questions had been received in accordance with the Executive Procedure Rules, for consideration at this meeting. The Chairman advised that, since all of the questions were related to the same subject matter, then the lead Executive Member would provide one combined response. Following this response, those members of the public who were in attendance would each then be invited to ask a supplementary question based upon the original response that had been given.

Q1 from Karen Squire:

Do the Executive Committee feel that it is appropriate for work to start on the Marldon Play Park redevelopment when there is no confirmed budget, no confirmed final quote, no completed project plans and no funding streams to bridge the gap between the cost, (at least £100,000) and the grant applied for (£45,000), as well as no documented feasibility studies undertaken, despite the area being well known for having hard bedrock close to the surface? The Parish Council have stated they will start ground works in the very near future despite none of the above being in place.

Q2 from Andrew Field:

(Background: I understand that Marldon Parish Council are requesting a grant award of £45,000 for the redevelopment of the Marldon Play Park located in Torfield at the Executive Committee Meeting on Thursday 22nd. October).

Are the Executive Committee satisfied that the bidding process for the redevelopment of the play park has been submitted on a like for like basis bearing in mind the large variation both in prices received and scope of proposed works?

Q3 from Martin Rogers:

Are the Executive Committee aware of the confirmed budget for the Marldon Play Park and where the additional funding streams are coming from? Sums discussed have ranged from £173,000 - £100,000

Q4 from Linda Balster:
Are the Executive Committee satisfied that due consideration has been given by the Parish Council to the refurbishment and improvement to the current amenities in the Play Park, bearing in mind that two recent reports haven't condemned any of the current equipment?

Q5 from Peter Moore:
(Background: I understand that Marldon Parish Council are requesting a grant award of £45,000 for the redevelopment of the Marldon Play Park located in Torfield at the Executive Committee Meeting on Thursday 22nd. October).

"The neighbourhood planning group is not sitting but these costs will affect any future plan. For eight months residents cannot speak at parish council meetings, letters have had no response, and the parish council has no social media presence, so how has the wider community been consulted?"

Qs 6 and 7 from Jason Elson:
6: Many residents aren't aware what's happening. There's a poster on the noticeboard but no posters around the village, no signs in the park or proper social media. The cost is significant and this could increase the precept affecting all residents. Is it appropriate to start without a full community consultation?

7: The information on the Parish website regarding the proposals is spread over several pages with details within the minutes. Do the Executive Committee consider the information complete, clear and easy for residents to follow?

Q8 from John Armstrong:
(Background: the Marldon play park plans include costly groundworks for disabled facilities).

Is the Executive Committee satisfied that proper consideration has been given to the fact that, despite these costs, there is no disabled access to Torfield itself? There are steep hills, steps, no pavements and no suitable entrances.

Response to all the questions:

'It is for Marldon Parish Council to decide on how best to manage its assets.

Marldon Parish Council own the site in question and it is for the Parish Council , not the District Council to determine how best to manage their finances, contract procedures and assets. Any complaints that the Parish Council has failed to follow its procedural rules should be addressed to the Parish Council.

The Parish Council has an arrangement with South Hams to undertake an insurance and inspection service of play parks, something we do for many parishes. This information has been

made publically available. Recently, we understand the Parish has been considering what improvements and investments to make in its play park and has made a request to South Hams Council for some section 106 money, £45k, for works to the park and that they have published a consultation on their website.

The District Council receives contributions from developments within parishes that are to be used for the purposes of sport, recreation and community facilities. These are referred to as S106 funds. A request for S106 money in connection with Torfield Play Park was received last week (13th October), and officers have a meeting scheduled for today (22nd October) to review the request. Consideration of the request will be in line with the District Council's procedure rules.

An officer recommendation, in consultation with the local ward member, will be taken to the appropriate public meeting, which in this case is expected to be the Executive on 3rd December.'

Supplementary Question from Karen Squire:
With regard to the response given, complaints had been raised with Marldon Parish Council on a number of occasions with regards to the play park and also with regard to many of the questions that had been raised at this meeting. Unfortunately, the Parish Council was refusing to respond and interact with members of the public. As had already been said, members of the public were not allowed to speak at Parish Council meetings and emails were not responded to. At the time when the Executive Committee would be considering the allocation of grant funding would Members be satisfied that the Parish Council had followed due and proper procedures?

In reply, the lead Member confirmed that the District Council would be looking into the Parish Council's procedures when we examine the eligibility for the Section 106 funds. In addition, the Member informed that he would provide a full and detailed response to the question outside of this meeting.

Supplementary Question from Peter Moore:
Mr Moore stated that the neighbourhood planning group was not currently meeting, but these costs would affect any future plan.

Mr Moore repeated the previously raised concerns whereby, for eight months, residents had been unable to speak at parish council meetings, letters have had no response, and the parish council had no social media presence. In questioning how the wider community had been consulted, Mr Moore asked whether the Executive Committee could place a rider on funds to ensure that a good (and objective) public consultation exercise (which was published) had been carried out?

In reply, the lead Executive Member gave a commitment to provide a written response outside of this meeting.

Supplementary Question from Jason Elson:
The Parish Council state that they have run a consultation exercise on their website but they also state that they would not run a consultation as it is a refurbishment of the equipment. The consultation on the website relates to various plans and costs which did not relate to the plans and they were not like for like quotes and it was extremely confusing. To date, the consultation exercise had consisted of one poster next to the shops. As there was no community consultation, I believe that there should be a condition to the release of the funds that required the Parish Council to run a full and proper community consultation.

In response, the lead Executive Member again advised that he would provide a written response outside of this meeting.

At the discretion of the Chairman, some points were raised by the wider membership that included:

(a) Clarification that the local Ward Member would be consulted prior to the report being presented to a meeting of the Executive meeting; and
(b) Some concerns being raised over the manner in which the Parish Council was conducting its business.

24. **Executive Forward Plan**
E.24/20
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.

25. **Medium Term Financial Strategy for the five years 2021/22 to 2025/26**
E.25/20
The Executive was presented with a report that set out the Budget Strategy for the Council for the next five years and was the starting point for developing a meaningful strategy setting out the intention for all of the different strands of funding available to the Council. The report stated that the Council would then be able to rely on the strategy to inform future decisions.

The S151 Officer updated Members that there had been an announcement overnight that leisure centres had been awarded £100 million in Central Government grant funding and the Culture Secretary was urging leisure centres to apply for the grant. The Council had also had notice of the fourth tranche award of COVID funding from Central Government which amounted to £100,000 for the District Council which was welcomed news and was the result of collective lobbying.

The Leader introduced the report and confirmed that Central Government had announced that the funding settlement for 2021/22 would be announced late December.

A Member stated that they would like to see two extra recommendations to Council around lobbying the Government for second home owners to be charged extra council tax and also further lobbying the Government to close the business rates loophole on second home holiday lets. The Leader stated that there would be an opportunity for Members to work together to present these amendments to Council in December.

It was then **RECOMMENDED** that, as the Executive has considered the Medium Term Financial Strategy, it would **RECOMMEND** Council:

1. To set the strategic intention to raise council tax by the maximum allowed in any given year, without triggering a council tax referendum, to endeavour to continue to deliver services. The actual council tax for any given year will be decided by Council in the preceding February.
2. To continue to respond to Government consultations on Business Rates Reform
3. To continue to actively lobby and engage with the Government, Devon MPs, South West Councils 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 2022 onwards, when the business rates reset happens.
4. That the Council continues to lobby in support of the Government eliminating Negative Revenue Support Grant in 2021/22 (and thereafter) and continues to lobby for Rural Services Delivery Grant allocations which adequately reflect the cost of rural service provision.
5. 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.

The Executive then **RESOLVED** to note:

i) the forecast budget gap for 2021/22 of £0.138 million (1.5% of the current Net Budget of £9.4million) and the position for future years.

ii) the current options identified and timescales for closing the budget gap in 2021/22 and future years, to achieve long term financial sustainability.

26. **Capital Programme Monitoring**

E.26/20

The Deputy Leader introduced the report which advised on individual schemes on the capital programme and confirmed all remained within approved budgets.

During the discussion, it was confirmed that the Council was ceasing to pursue the Solar Investment, due to the risk exposure associated with the acquisitions. The main reason it was recommended not to pursue the Solar investment was the proposed changes to the Public Works

Loan Board (PWLB) lending terms set out in the Government consultation. This was a key consideration regarding the timing of the decision. It was clear from the consultation that investment out of area (the solar investment was not within the District area) and investments primarily for yield, were unlikely to be allowable for borrowing from the PWLB in the future. The PWLB consultation was issued after the original consideration of the opportunity and had a major bearing on its suitability for the Council. In addition, geopolitical factors outside of the Council's control continued to have a significant impact on oil pricing and a result there was a significant degree of volatility in energy prices. The impact of Covid19 on the Council's finances overall was also an important consideration in the decision. The spend on due diligence costs on the solar investment was £154,253.

A Member requested that the Audit Committee consider a future report on the solar investment within its Workplan and the Leader asked the Chairman of the Audit Committee to take this forward at a future meeting.

It was confirmed that the draft Climate Change & Biodiversity Strategy and Action Plan had an objective to look at renewable energy sites within the area when circumstances allowed.

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

1. the content of the Monitoring Report.

2. that, following the earlier consultation with the Executive, the decision of the Chief Executive and the S151 Officer, was to cease to pursue the Solar Investments, due to the risk exposure associated with the acquisitions, as set out in section 3.16 and Appendix C of the presented agenda report.

It was also **RESOLVED** that the Executive **RECOMMENDED** to Council that

3. the anticipated underspend (£93,500) on Play Parks be used to set up a Play Area Renewals Revenue Earmarked Reserve to be used for replacement play area equipment as required, as per section 3.11 of the presented agenda report.

27. **Housing Strategy: Progress Update**

E.27/20

The Lead Member for Homes presented the Housing Strategy Report which was a new five year housing strategy from 2020/21 to 2025/26 and was in conjunction with West Devon Borough Council. Better homes, better lives was being suggested as a strap line for the overall strategy. The draft strategy would go out to public consultation in December 2020.

Following a brief discussion, it was then **RESOLVED** that the Executive:

1. note the progress of the Housing Strategy to date;

2. support the 'better homes, better lives' strapline;

3. note that the results of the consultation exercise are to be reported back to a future meeting of the Overview and Scrutiny Panel; and

4. endorse the proposed way forward and the need for all Members to continue to contribute to the development of this key policy.

28. **Waste & Cleansing Contract Performance**

E.28/20

The Lead Member for the Environment outlined the report and highlighted the report was reviewing performance up to the end of the summer, ie before the recent route changes which, it was acknowledged, had had an impact on performance in some areas.

The additional savings from the implementation of the Devon Aligned Service were delayed, due to the delay to the go live date and this was confirmed as a direct result of the delays incurred due to the Covid pandemic. It was noted that waste collections during the summer had been under greater pressures due to Covid and increased visitor numbers and that FCC (the Council's Waste and Cleansing Contractor) had dealt with this well, with significant reduction in missed collections. It was also noted that the new service would now be introduced in March 2021.

It was confirmed that the new depot in Ivybridge would be completed by the end of October with the build due to finish on Tuesday, 27 October 2020. Some alterations to the new rounds may be required next March when the new recycling vehicles would be introduced but it was expected that these would be minimal.

Officers were requested to review who received waste change letters and that those to second homes and/or holiday lets were sent to the registered address rather than the actual address as this appeared to have caused some issues with the recent round changes.

Members thanked those officers who had attended recent Town and Parish Council meetings to present on the new waste rounds and service.

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

1. Acknowledge the overall success of the performance of the waste and cleansing contract as measured by the key contractual objectives, including a significant reduction in the number of missed collections since the contract began.

2. Acknowledge that there were also opportunities for improvement in some areas and these have already been, or will be addressed by the plan to improve performance in areas of street cleansing.

3. Note the new recycling (Devon aligned) service update.

4. Note the progress of the commercial waste review with an outcome report to be presented to the Executive next spring

29. **Gypsy & Traveller Report**

E.29/20

The Lead Member for Environment presented a report that outlined the lack of official Gypsy and Traveller site provision in the South Hams area which led to unauthorised sites appearing which often led to enforcement action which was lengthy and expensive. Officers continued to work with neighbouring Local Authorities and other registered partners to find appropriate sites. It was confirmed that the planned forum had been delayed due to covid restrictions but that virtual conversations had been continuing.

It was confirmed that a localised needs assessment was underway to clarify the number of sites/pitches required.

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

1) Endorse a strategy of engagement with Devon County Council, to work towards identifying a Gypsy and Traveller site in the South Hams area.

2) Endorse a strategy of engagement with Registered Provider partners to identify and manage a Gypsy and Traveller site in South Hams area.

3) Request that the Senior Specialist Place-making (Affordable Housing) report back to Executive in Spring 2021 setting out progress and seeking approval to proceed with any site that had been identified.

30. **Track and Trace Hardship Payments - Use of Urgency Powers Provisions**

E.30/20

The Leader updated the Executive on the recent use of urgency powers due to the new track and trace scheme needing to be introduced before the Executive could meet. It was confirmed that these discretionary payments were for those not receiving benefit support and who were on low income.

It was then **RESOLVED** that the Executive note the urgency action taken by the Head of Paid Service, in consultation with the Chairman and Vice-Chairman of the Executive, to approve the Discretionary element of the Track and Trace Support Payment.

31. **Grant Award**

E.31/20

The Leader and the Lead Member for Health and Wellbeing updated the Executive on the recent award of the Green Homes Grant.

Following an officer bid application, South Hams District Council had been awarded £336,750 from this grant. A number of Members wished to put on record their thanks to the officers for successfully obtaining this grant funding and acknowledged the associated tight timescales involved in spending these monies.

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

1. Note the successful bid and award of the sum of £336,750 from the Government's Green Homes Grant scheme for 2020/21;

2. Note the allocation of £200,000 from the Council's approved Disabled Facilities Grant/Regulatory Reform Order 2020/21 capital budget, to support work to reduce fuel poverty and reduce carbon emissions, with any underspend of this allocation being carried forward into 2021/22. This is Government funding which the Council receives from the Better Care Fund; and

3. Approve the sum of £20,000 from the Climate Change and Biodiversity Earmarked Reserve, to support delivery of the Green Homes Grant scheme, bidding for future funding, and work to improve the energy efficiency of the existing private sector housing stock, in line with the Council's emerging Climate Change and Biodiversity Strategy.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.25/20 PART 1 TO 5, AND E.26/20 PART 3 WHICH WERE RECOMMENDATIONS TO THE COUNCIL MEETING HELD ON 17 DECEMBER 2020, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 2 NOVEMBER 2020 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

The Meeting concluded at 1.19 pm

Signed by:

Chairman