

# SOUTH HAMS EXECUTIVE



**Minutes of a meeting of the South Hams Executive held on  
Thursday, 16th September, 2021 at 10.00 am at the Repton Room - Follaton  
House**

Present:           **Councillors:**

**Chairman** Cllr Pearce  
**Vice Chairman** Cllr Bastone

Cllr Baldry  
Cllr Holway

Cllr Hawkins  
Cllr Hopwood

**In attendance:**

Councillors:

Cllr Hodgson  
Cllr Pannell  
Cllr Taylor

Cllr Long  
Cllr Smerdon

Officers:

Chief Executive  
Section 151 Officer  
Director – Place & Enterprise  
Director – Governance & Assurance  
Head of Strategy & Projects  
Senior Specialist – Parking  
Senior Specialist – Place Making  
Specialist – Open Space, Sport & Recreation  
Case Management Team Leader  
Business Manager – Case Management

31.

**Minutes**

E.31/21

The minutes of the Executive meeting held on 9 September 2021 were confirmed as a true and correct record.

32.

**Urgent Business**

E.32/21

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

33. **Declarations of Interest**

E.33/21

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.

34. **Public Question Time**

E.34/21

It was noted that six public questions had been received in accordance with the Executive Procedure Rules for consideration at this meeting.

**Question 1 from Caroline Snow:**

*“South Hams Council agreed in passing a recent motion to write to local MPs asking them to support the CEE Bill, and to the CEE Bill Alliance expressing its support and to inform the local media. Have these communications been sent and what did you write?”*

In reply, the Leader advised that, following the meeting of Full Council on 15 July 2021 at which a Motion was passed to send letters of support for the Climate and Ecological Emergency (CEE) Bill to our local MPs and to the CEE Alliance, letters were duly sent on 23 July 2021 to Sir Gary Streeter MP and Anthony Mangnall MP outlining the debate held at Council and requesting their support for the Bill in Parliament. In addition, a letter registering the Council’s support was sent by email, also on 23 July 2021, to the CEE Alliance.

In response, a message of thanks was received on 28 July 2021 from the CEE Alliance.

**Question 2 from Julia Ford**

*“What financial penalties are written into the contract with FCC and have they been applied yet; if not, why not?”*

In response, the lead Executive Member stated that the deductions were set out in Schedule 5 (the performance standards and remedies) of the waste and cleansing contract. In addition, the Council had been rigorous in calculating the financial deductions and these were being deducted from the invoices from FCC.

**Question 3 from Julia Sanders**

*“Will the Waste Collection Service run smaller vehicles on a permanent basis, to collect waste from small rural lanes?”*

The lead Executive Member replied by stating that larger vehicles were used for efficiency wherever possible. However, owing to the rural nature of the South Hams, there would always be a need for a number of smaller collection vehicles on the service.

**Question 4 from Julia Sanders**

*‘Will the service run smaller vehicles to access drives for **ASSISTED COLLECTIONS**. These are often long private drives (which are accessible by the smaller oil tankers for instance)? These are the people who need help the most.’*

In his response, the lead Executive Member informed that there were many long private drives in the district and, in most instances, waste was presented at the kerbside at the end of the drives. This was to ensure that vehicles did not cause damage to residents' drives as most were not to a standard suitable for heavy waste vehicles. In some instances, smaller vehicles were used to access the lanes, or a part of them, for efficiency or if there was nowhere suitable to leave the waste near the highway.

The Member also responded that assisted collections were assessed on an individual basis in consultation with the resident, contractor and Council to make sure that the solution was appropriate for the particular circumstances.

**Question 5 from Julia Sanders**

*'If the answer to Question 4 is negative, will they collect on foot and return bins to same? Bearing in mind elderly and infirm and disabled cannot possible carry all these bins any distance.'*

The lead Executive Member replied by referring the questioner to his response to Question 4.

**Question 6 from Sue Burkill**

*'Many Shaugh Prior residents live on private lanes and are experiencing frequent missed collections. Is it true that private roads cannot be collected by FCC as they are not insured and, if so, as a SHDC vehicle has recently collected and co-mingled their waste, should they stop sorting it?'*

In his response, the lead Member advised that there were many long private drives in the district and, in most instances, waste was presented at the kerbside at the end of the drives. This was to ensure that vehicles did not cause damage to residents' drives as most were not to a standard suitable for heavy waste vehicles.

There were however a number of private lanes that had been traditionally collected from and unless the resident had been notified by the Council in advance, these should continue to be collected from.

Due to a number of reasons, including making sure collections take place on scheduled days and congestion at the sorting facility, the Contractor has changed the type of some of the collection vehicles and was now collecting recycling in a co-mingled manner from around 15,000 households in the district. This waste was then taken to a more sophisticated sorting facility before being hauled to reprocessing facilities.

Finally, the Member added that whilst it may not currently seem useful for residents to sort their waste between the recycling containers provided, it would ensure a quick and smooth transition back once the kerbside sort vehicles were operating in these areas again. The Council therefore required residents to continue to sort their waste into appropriate containers.

35.

**Executive Forward Plan**

E.35/21

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.

In discussion, it was noted that the next published version of the Forward Plan would be including a report on the Trade Waste service that was intended to be presented to a meeting of the Executive during early 2022.

36.

### **Better Lives for All**

E.36/21

Members considered a report that summarised the responses to the public consultation exercise on the draft strategy and recommended that Council adopt the 'Better Lives for All' Strategy. Furthermore, the report also set out the resource requirements to deliver the plan.

During her introduction, the Leader made particular reference to:-

- her pride at the outcome of the draft Strategy;
- the draft Strategy being ambitious but fully costed;
- the consultation response received from Devon County Council (DCC) informing that the draft Strategy was very closely aligned to the equivalent plan being developed by DCC. The Leader felt this to be very encouraging; and
- performance management being a key aspect of the draft Strategy.

When proposing that the Council adopt the draft Strategy, the Leader asked for the following revision to be made to the 'Improving Homes' thematic delivery plan:

Specific deliverable:

Amend: *'delivery of 100 homes per year across the South Hams and West Devon Joint Local Plan (JLP) area'* to say: *'delivery of 300 homes over three years across the South Hams and West Devon Joint Local Plan (JLP) area.'*

This proposal was subsequently seconded and when put to the vote was declared **CARRIED**.

It was then:

### **RESOLVED**

1. That the results of the consultation on the draft 'Better Lives for All' Strategy be noted;
2. That Council be **RECOMMENDED** to adopt the 'Better Lives for All' Strategy and the thematic delivery plans at its meeting to be held on 23 September 2021, subject to the following revision being made to the 'Improving Homes' thematic delivery plan:
  - *'delivery of 300 homes over three years across the South Hams and West Devon Joint Local Plan (JLP) area.'*
3. That the allocation of existing funding (as set out in paragraph 7.2 of the published agenda report) be noted; and
4. That Council be **RECOMMENDED** to approve the additional cost pressure (amounting to £110,000) for 2022/23 and 2023/24.

37.

### **Delivery of Electric Charging Points in Council Car Parks**

E.37/21

Consideration was given to a report that sought to recommend that the Council agreed to enter into a collaboration agreement with the Devon and Torbay Residential Chargepoint Scheme for the installation of Electric Vehicle Charging Points.-

In debate, the following points were raised:-

- (a) With regard to timescales, officers informed that the procurement process would commence imminently and it was intended that the Charging Points would be installed during 2022. Whilst recognising the extent of the challenges associated with delivering Charging Points, Members still emphasised the importance of them being installed as soon as was practically possible. Specifically regarding the recent Deletti Project, officers committed to provide a progress update to all Members outside of this meeting;
- (b) The Executive highlighted the reference in the published agenda report to Town and Parish Councils having the ability to apply for funding to install Charging Points on their own land and urged the wider membership to promote this opportunity amongst their local Town and Parish Councils. In addition, whilst the current emphasis within the towns was acknowledged, Members requested that parish provision was also important;
- (c) Local Ward Members felt that the current Charging Points provision along the A38 Corridor was insufficient and questioned the intentions of National Highways in this respect. In reply, officers advised that they would contact National Highways outside of this meeting and provide an update to interested Members in the upcoming weeks;
- (d) When questioned, officers recognised the growing trend for usage of electric bikes and, whilst minimal consideration had been given to date for charging points provision, surveys were soon to be undertaken that would include reference to electric bikes;
- (e) A number of Members welcomed the proposals and highlighted the close linkages to both the Better Lives For All Strategy and the adopted Climate Change and Biodiversity Strategy.

It was then:

### **RESOLVED**

That Council be **RECOMMENDED** to:

1. enter into a collaboration agreement with the Devon and Torbay Residential Chargepoint Scheme for the installation of Electric Vehicle Charging Points;
2. approve the potential site locations (as listed in paragraph 1.3 of the presented agenda report) for the installation of Electric Vehicle Charging Points; and
3. enter a lease with the appointed supplier for a ten year period.

38. **Expenditure of Section 106 Contributions**

E.38/21

The Executive considered a report that provided details of Section 106 contributions received by the Council and how it is proposed to spend these contributions to enable the delivery of affordable housing, open space, sport and recreation and community facilities.

In discussion, reference was made to:-

- (a) the quality of the agenda report. Members wished to thank the lead officers for producing an excellent report and particularly welcomed the recent instances of investment in open space and play areas;
- (b) recommendation 3. A number of Members reiterated the role to be played by all Members in actively encouraging their local town and parish councils to bring forward projects that would facilitate the expenditure of Section 106 contributions;
- (c) air quality modifications. It was agreed that discussions would be held with Development Management officers regarding the ability for section 106 contributions to be used to make air quality modifications.

It was then:

**RESOLVED**

- 1. That the amount of Section 106 contributions held at 31 March 2021 (as set out in Appendix A of the presented agenda report (totaling £5.879 million) and the future expenditure proposals be noted;
- 2. That the process for consulting and informing Town and Parish Councils regarding Section 106 contributions be noted; and
- 3. That all Members be actively encouraged to continue to engage with their Town and Parish Councils to facilitate the expenditure of Section 106 contributions to enable the delivery of affordable housing, open space, sport and recreation and community facilities in their areas.

39. **Medium Term Financial Strategy for the Three Years 2022/23 to 2024/25**

E.39/21

Consideration was given to a report that presented the Council's Medium Term Financial Strategy from 2022/23 to 2024/25.

In discussion, Members were of the view that the recommendations constituted a sensible set of proposals for the three-year period from 2022/23 to 2024/25.

It was then:

**RESOLVED**

That the Medium Term Financial Strategy has been considered and Council be **RECOMMENDED** to:

1. 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. (NB. the actual Council Tax for any given year will be decided by the Council in the preceding February);
2. adopt the principle of using funding in the Business Rates Retention Reserve to smooth out the anticipated volatility in Business Rates income over the next three years, as set out in section 3.19 of the published agenda report. The volatility is due to the business rates baseline reset anticipated in 2023/24 (this will result in the Council having a negative Revenue Support Grant) and the predicted loss of Business Rates pooling gain at the same time. It is recommended that funding held in the Business Rates Retention Reserve is retained for the purpose of smoothing out the business rates volatility / negative revenue support grant and should not be used for unrelated purposes, other than commitments already made or as part of one-off funding for the Corporate Strategy, for at least the next three years;
3. continue to respond to Government consultations on Business Rates Reform;
4. 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 2023 onwards, when the business rates reset happens;
5. continue to lobby in support of the Government eliminating Negative Revenue Support Grant in 2022/23 (and thereafter) and continue to lobby for Rural Services Delivery Grant allocations which adequately reflect the cost of rural service provision; and
6. that the forecast budget gap for 2022/23 of £79,587 (0.8% of the current Net Budget of £9.68 million) and the position for future years be noted.

40.

**Month 4 Revenue Budget Monitoring 2021/2022**

E.40/21

Members considered a report that enabled them to monitor income and expenditure variations against the approved budget for 2021/22 and also provided a forecast for the year-end position.

In discussion, the following points were raised:-

- (a) The fees and charges income that had been generated was welcomed;
- (b) Whilst working in very difficult circumstances, Members wished to formally record their thanks to the Dartmouth Lower Ferry staff for operating an excellent service;
- (c) The finance team was thanked for the rigorous and diligent manner in which it had submitted the Council's Delta Returns that had arisen as a result of the COVID-19 Pandemic.

It was then:

## RESOLVED

That the forecast income and expenditure variations for the 2021/22 financial year and the overall projected surplus of £92,000 (1% of the total Budget of £9.677 million) be noted.

### 41. **Capital Programme Monitoring**

E.41/21

Consideration was given to a report that advised of the progress made on individual schemes within the approved Capital Programme, including an assessment of their financial position.

In discussion, Members regretted the time that it took for affordable housing sites to be developed and stressed the dire housing need throughout the South Hams. The Leader informed that she was of the view that the Council needed to look at modular builds as a potential solution.

It was then:

## RESOLVED

1. That the content of the Monitoring Report be noted; and
2. That Council be **RECOMMENDED** to fund the overspend of £31,816 on the Dartmouth Ferry Workshop from the Capital Programme Contingency Reserve.

### 42. **Planning Improvement Plan**

E.42/21

Consideration was given to a report that sought to:

- update Members on the progress of the Development Management and Planning Enforcement review;
- seek adoption of the Planning Improvement Plan ('the Plan'); and
- recommend approval of the use of the additional planning income to cover the cost of temporary staff within the Development Management service.

During discussion, particular reference was made to:-

- (a) the planning portal on the Council website. A Member highlighted some of the limitations associated with the current portal and hoped that these would be rectified when the new system was rolled out during the Autumn months;
- (b) the Plan being an evolving document. As the Plan evolved, Members were advised that a further report on the Planning Enforcement service was to be presented to a future Executive meeting and the Overview and Scrutiny Committee was to receive six-monthly progress updates against the adopted Plan;
- (c) the Planning Enforcement service. Members wished for improvements to be made quickly to the Planning Enforcement service and, whilst recognising the staffing issues that had been experienced, it was hoped that the service was now in a steadier position and could begin to combat the perception that the service did not



have any power or influence to act. Furthermore, the request was made to re-introduce the: case meetings between Enforcement Officers and local Ward Members; the publication of the monthly list of cases; and the current names and contact details for the officers;

- (d) negotiations and extensions of time for planning applications to be determined. In instances where extensions had been agreed for out of time applications, Members asked that this was cross-referenced (and evidenced) on the planning portal.

It was then:

**RESOLVED**

1. That the Planning Improvement Plan ('the Plan') (as set out at Appendix A of the presented agenda report) be adopted;
2. That the ongoing performance of the Plan be monitored on a six-monthly basis with an update report being presented no later than March 2022; and
3. That Council be **RECOMMENDED** to fund the cost of temporary planning staffing resources of £171,900 (SHDC share of the cost), from the additional planning income generated in 2021/22 (as set out in Section 2.4 of the published agenda report).

43. **Follaton House Accommodation Usage**

E.43/21

The Executive considered a report that set out some of the improvements that had been made to date at Follaton House and that highlighted opportunities to make further improvements.

In discussion, the following points were raised:-

- (a) The overriding wish of the report being to make the best use of Follaton House whilst recognising the obligations of the Council to maintain the Listed Building;
- (b) Officers agreed to ask their Devon County Council colleagues to review their risk assessments in relation to the maximum number of attendees at a wedding held at Follaton House;
- (c) The general appetite for hybrid meetings was stated by a number of Members. In addition, it was confirmed that aspects of the equipment would be transportable should the need arise for meetings to be held outside of the Council Chamber and/or off-site;
- (d) Once the works had been completed, it was hoped that Follaton House could be promoted again as a venue that could cater for and host external community groups.

It was then:

**RESOLVED**

1. That approval be given to the adaptation of the Council Chamber to support greater transparency of our democratic processes and embed, through technology, positive outcomes of the pandemic, leading to improved public engagement and accessibility;
2. That ongoing modernisation and uplift of the Old House (including the Council Chamber) be noted to meet the requirements of a modern Council;
3. That authority be delegated to the Head of Assets, in consultation with the Leader of Council and the lead Executive Member, for the selection of specific furniture and furnishings;
4. That Council be **RECOMMENDED** to fund the cost of a new Audio Visual system (of an estimated £130,000) from the New Burdens Revenue Funding received from the Government for the administration of the recent Business Grants (as set out in Section 4.3 of the published agenda report). In addition, Council also be **RECOMMENDED** to fund up to £30,000 for the cost of furniture from the Repairs and Maintenance Earmarked Reserve; and
5. That the continuing strategy of increasing rental income from Follaton House by securing lettings throughout the building to meet demand of businesses and partners, including areas previously utilised by Council staff and Members be endorsed. (NB. this will lead to an increased use of the Old House by Council staff and Members).

#### 44. **Waste and Recycling Update**

E.44/21

The Executive considered a report that provided an update on:

- the actions of the Council to hold its waste and recycling contractor (FCC) to account for the poor performance experienced by some residents over the last six months;
- the temporary suspension of the Garden Waste collection service and FCC's actions taken to ensure that it had sufficient staff to deliver all elements of the waste and recycling contract; and
- the current contractual performance of FCC.

In discussion, the following points were raised:-

- (a) Members' recognised external factors may be having a detrimental impact on service performance, but lamented service failures that were wholly within the control of FCC, for example repeat missed collections and missed assisted collections.

Such were the failures and the apparent lack of any improvements, that an additional recommendation was **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED**:

*'That Council be **RECOMMENDED** to RESOLVE that the waste and recycling collection service provided still falls below the standard required to meet the expectations of local residents. Councillors were given assurance that the service would return to a 'steady state' by mid-July. In the Council's view, this is not the case. We appreciate the efforts of officers and FCC to try and rectify the situation.*

*However, if a solution cannot be found to deliver the 'super recycling' service as specified at the Full Council meeting on 6 December 2018 by the end of 2021 the Council will be forced to consider exercising any available contractual rights in order to ensure that, going forwards, arrangements are in place which are capable of delivering a waste and recycling collection service that is fit for the 21<sup>st</sup> Century.'*

- (b) On behalf of the Council, Members and officers wished to put on record their unreserved apologies for the poor service that was being experienced by residents. In so doing, Members and officers emphasised their commitment to rectifying the current problems;
- (c) When reflecting on the extent of the problems that were being incurred, the lead Executive Member confirmed his belief that the round review exercise carried out by FCC had been a significant contributory factor;
- (d) With regard to the initial suspension of the garden waste collection service, FCC had confirmed that there was insufficient time to delay the decision to enable for correspondence to be sent to all residents.

In the event of the service being suspended for a further period, some Members made the point that there were willing town and parish councils who could be utilised to support (and police) a green waste collection service. As a consequence, officers were asked to consider the feasibility of such alternative means of collecting green waste. In addition, a Member highlighted that there was plentiful desire amongst residents for home and/or community composting schemes and steps should therefore be taken to exploit this wish;

- (e) In the event of a residents' waste not being collected, a Member questioned whether they would be eligible for a Council Tax discount or refund. In reply, the Section 151 Officer advised that the Council was unable to offer a discount as there was nothing within Council Tax legislation that would allow for a refund to be made. This was due to Council Tax being a form of general taxation where the cost of public services was spread across all Taxpayers in the same way. Furthermore, Council Tax was not a charge for services provided and therefore was not a service charge. In reply to a further question, the Section 151 Officer confirmed that the amount of Council Tax that was paying for the waste and cleansing services in the South Hams amounted to approximately £1 per week per household. Finally, Members noted that this information was also set out for residents on the Council website as part of the 'Frequently Asked Questions' section;
- (f) Some Members could not see any justification for the disparity in service delivery that was being witnessed between the Council and West Devon Borough Council and proceeded to question why best practice was not being shared;
- (g) In respect of the reporting functionality on the Council website, it was felt that some minor revisions would not only improve the efficiency of the customer experience but would also reduce the involvement of Members having to continually contact officers;
- (h) Members highlighted the weekly performance meetings with FCC representatives and stated their ongoing frustrations that the contractor was seemingly unable to both communicate effectively in advance and deliver on their promises;

- (i) The lead Executive Member was thanked for his tireless efforts in such challenging circumstances. In reply, the Member thanked his Executive colleagues for their unwavering support and also wished to put on record his thanks to the Head of Practice – Commissioning and Contracts and wished her well for her imminent retirement.

It was then:

**RESOLVED**

1. That the actions taken to ensure that the Council meets its statutory service requirements with regard to waste and recycling be noted;
2. That the temporary suspension of the Garden Waste service be extended pending a further review at the next meeting of the Executive to be held on 14 October 2021;
3. That the Executive continue to hold FCC to account in relation to its performance and continue to monitor FCC's resources and recruitment to ensure that the non-statutory garden waste collection service can resume as soon as is practically possible;
4. That all available options, including those options available under the contract, be considered to improve the performance of the waste and recycling service; and
5. That Council be **RECOMMENDED** to RESOLVE that the waste and recycling collection service provided still falls below the standard required to meet the expectations of local residents. Councillors were given assurance that the service would return to a 'steady state' by mid-July. In the Council's view, this is not the case. We appreciate the efforts of officers and FCC to try and rectify the situation. However, if a solution cannot be found to deliver the 'super recycling' service as specified at the Full Council meeting on 6 December 2018 by the end of 2021 the Council will be forced to consider exercising any available contractual rights in order to ensure that, going forwards, arrangements are in place which are capable of delivering a waste and recycling collection service that is fit for the 21<sup>st</sup> Century.

45.

**Reports of Bodies**

E.45/21

**Audit Committee – 1 July 2021:**

**A.4/21 Internal Audit Annual Report**

**RESOLVED**

That an extra 0.05 Full Time Equivalent (FTE) of Internal Audit resource be procured from the Devon Audit Partnership for the 2021/22 Financial Year to backfill for the loss of Internal Audit staff time that has been used to administer the Business Grants for the Council to be funded from the New Burdens Funding received from the Government for administering the Business Grants. (NB. this will ensure a robust

Internal Audit environment by enabling the internal audit service to fully complete its Audit Plan for 2021/22.

**A.5/21 Bi-Annual Strategic Risk Update**

**RESOLVED**

That the Leisure Services report that is to be presented to a future Executive meeting address the risk that the capacity of the Leisure Centres is significantly reduced whilst many overheads and operating costs remain the same and the mitigation for this risk.

***(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.36/21 PARTS 2 AND 4, E.37/21, E.39/21, E.41/21 PART 2, E.42/21 PART 3, E.43/21 PART 4 AND E.44/21 PART 5 (WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 23 SEPTEMBER 2021) WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 27 SEPTEMBER 2021 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).***

The Meeting concluded at 1.25 pm

Signed by:

Chairman

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