

# SOUTH HAMS COUNCIL



## **Minutes** of a meeting of the **South Hams Council** held on **Thursday, 23rd April, 2020 at 2.00 pm, 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 Long
Cllr May	Cllr McKay
Cllr O'Callaghan	Cllr Pannell
Cllr Pearce	Cllr Pringle
Cllr Reeve	Cllr Rose
Cllr Smerdon	Cllr Spencer
Cllr Sweett	Cllr Taylor
Cllr Thomas	

**In attendance:**

Officers:  
Deputy Chief Executive  
Monitoring Officer  
Deputy Monitoring Officer  
Senior Specialist – Democratic Services

76.

**Minutes**

76/19

The minutes of the meeting of Council held on 13 February 2020 were confirmed as a true and correct record, subject to inclusion of the following amendment:

Reference Minute 72/19: 'Capital Budget Proposals 2019/20' discussion point a:

*'A Member cited an example within a neighbouring district that had seen a site cost £1.25 million for just **15** pitches.'*

77. **Chairman's Announcements**

77/19

Since this was the inaugural remote meeting of the Council, the Chairman highlighted the protocol that had been circulated to all Members in advance. In so doing, the Chairman informed that she intended for this protocol to underpin how this meeting would operate.

78. **Declarations of Interest**

78/19

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.

79. **Remote Meetings: Draft Procedure Rules**

79/19

The Council considered a report that proposed the adoption of a set of Remote Meeting Procedure Rules that modified the application of its existing procedure rules to ensure that the Council could make decisions by remote means. The report emphasised that, unless the Council adopted a set of Remote Meeting Procedure Rules, then any decisions it might make would not be in accordance with its Constitution and would therefore be unlawful.

The Leader of Council introduced the report and highlighted that:

- the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April 2020. The Leader proceeded to inform that these Regulations made amendments to the existing legislation to enable for local authorities to hold meetings remotely;
- the primary purpose of these Regulations was to relieve local authorities from the burden of unnecessary meetings in order that their officers were able to deal with assisting in the response to the Covid-19 Crisis;
- the Crisis had led to a fundamental change in focus for the Council. As a consequence of officer resource being dedicated to the Crisis, then the Council had insufficient officer capacity to support the monthly Member meeting cycle at this present time;
- whilst it was intended that fewer formal meetings would be convened, the Leader gave a commitment that additional informal Member briefings would be set up. The intention of convening more informal briefings was to ensure that all Members were not only kept updated but would also be given an opportunity to express their views and ask questions;

- the recommendation to temporarily prevent the ability for Questions and Motions on Notice to be submitted to Council meetings was in recognition of how resource intensive these tended to be; and
- with regard to the Overview and Scrutiny function, it was unlikely that any overview matters would be deemed so urgent to necessitate a meeting of the Overview and Scrutiny Panel at the present time.

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

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

- 1. That the Council adopts the Remote Meetings Procedure Rules (as set out at Appendix A of the presented agenda report), with the exception of paragraphs 3.1 and 3.3;*
- 2. That the Political Structures Working Group meet prior to the next meeting of the Full Council and put forward its recommendations in respect of the frequency of meetings and by whom they can be requested; and*
- 3. That the Remote Meetings Procedure Rules be subject to review by Full Council on or before 31 July 2020.*

In presenting his amendment, the proposer advised that:

- Adoption of the Procedure Rules as set out in the agenda papers could damage the work that had been undertaken by the Council since May 2019 to become a more consensual and inclusive local authority;
- The three areas of the draft Rules that gave particular cause for concern were:
  - The decision resting with the Head of Paid Service, in consultation with the Leader of Council, as to whether formal Member meetings were required to be held;
  - The proposal effectively closing down the Overview and Scrutiny function. As a consequence, the proposer was concerned that this could result in the Executive and Senior Officers effectively having free reign without any recourse or challenge; and
  - The recommendation to prevent Questions and Motions on Notice at Council meetings to be allowed was contradictory to the democratic process. Furthermore, the proposer advised that the Regulations did not prevent these from being allowed and he was strongly of the view that the ability to submit Questions and Motions on Notice at Council meetings should be instated into the Rules;
- His amendment was intended to enable for further consideration to be given specifically to paragraphs 3.1 and 3.3 of the Rules by the Political Structures Working Group in the next few days before its findings were then reported back to the next Council meeting on 30 April 2020.

During the ensuing debate on the amendment, the following views were expressed in support:

- The Director of Research for the Centre of Public Scrutiny had expressed his reservations over the proposal to diminish the Overview and Scrutiny function. In addition, similar concerns had been raised by the South Hams Society;
- Adoption of the Rules as presented would effectively shut down the Council's democratic process. This was felt to be particularly pertinent when considering that these Rules could be in place until May 2021;
- A number of other local authorities were reverting back to their Member Meeting cycles in accordance with their respective adopted Calendar of Meetings and it was now a key time for good decision-making processes to be in place;
- The remote meetings that had been held to date had worked efficiently and the technology should not be seen as a barrier to prevent formal Member meetings from being held;

In contrast, other Members advised that they did not support the amendment and made the following points:

- The proposals were not intended to undermine the Council's democratic processes but were a reflection of the extraordinary times that the Council was living through at this current time;
- It was reiterated that formal Member meetings would still be held, but that these would be held as and when they were deemed necessary;
- The focus of all Members at this present time should be on their respective local communities and not the formal Member Meeting Cycle; and
- There was a corporate commitment for the Council to revert back to 'Business As Usual' as soon as it was practically possible.

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

(b) two suggested revisions to the draft Procedure Rules. For clarification, and to allay some of the concerns raised during the debate on the amendment, the proposer and seconder of the substantive motion asked that the following two revisions being included in their proposal:

1. Paragraph 3.1(a):

*Replace 'in consultation with the Leader' with 'in consultation with the Members of the Executive'; and*

2. Paragraph 6.2:

*'On a motion being put to the vote, the Mayor/Chairman or the clerk to the meeting will ask each member, taking each in alphabetical order, to say if they are for or against the motion or whether they abstain. The Mayor/Chairman or the*

clerk to the meeting will announce the numerical result of the vote immediately the result is known. For the avoidance of doubt, there shall not be any voting by ballot’.

- (c) the work of Council officers during the Covid-19 Crisis. A number of Members paid tribute to the excellent work and dedication that was being demonstrated by officers in what was such incredibly difficult times.

In accordance with Council Procedure Rule 15.5, a recorded vote was then undertaken on the substantive motion. The voting on this motion was recorded as follows:

For the motion (21): Cllrs Austen, Baldry, Bastone, Brazil, Brown, Chown, Foss, Hawkins, Holway, Hopwood, Long, May, Pearce, Pringle, Reeve, Rowe, Smerdon, Spencer, Sweett, Taylor and Thomas

Against the motion (7): Cllrs Abbott, Birch, Hodgson, Jackson, McKay, O’Callaghan, Rose,

Abstentions (1): Pannell.

Absent (2): Cllrs Kemp and Pennington

and the vote on the motion was therefore declared **CARRIED.**

It was then:

### **RESOLVED**

That the Remote Meetings Procedure Rules (as set out at Appendix A of the presented agenda report) be adopted, subject to inclusion of the following revisions:

1. Paragraph 3.1(a):

Replace *‘in consultation with the Leader’* with *‘in consultation with the Members of the Executive’*; and

2. Paragraph 6.2:

*‘On a motion being put to the vote, the Mayor/Chairman or the clerk to the meeting will ask each member, taking each in alphabetical order, to say if they are for or against the motion or whether they abstain. The Mayor/Chairman or the clerk to the meeting will announce the numerical result of the vote immediately the result is known. For the avoidance of doubt, there shall not be any voting by ballot’.*

80. **Appointment of Chief Executive**

80/19

Members were presented with a report that set out the recommendations of the Appointment Panel for the appointment of a new Chief Executive and Head of Paid Service for the Council and West Devon Borough Council.

In discussion, reference was made to:

- (a) the standard of shortlisted candidates. In thanking the Appointments Panel for its role in such a thorough process, Members of the Panel highlighted the calibre of the four shortlisted candidates who had been interviewed and were of the view that the recommended candidate would prove to be an excellent Chief Executive for both Councils;
- (b) the work of the Deputy Chief Executive. Members expressed their gratitude to the Deputy Chief Executive for stepping up and demonstrating excellent leadership skills during the ongoing Covid-19 Crisis.

It was then:

**RESOLVED**

1. That the appointment of the recommended successful candidate for the position of Chief Executive and Head of Paid Service (as detailed in Exempt Appendix A to the presented agenda report) be approved; and
2. That the interim appointment of the Deputy Chief Executive as the Interim Chief Executive and Head of Paid Service, for the period until the new Chief Executive and Head of Paid Service commences employment with the Council, be approved.

81. **Bigbury Neighbourhood Plan**

81/19

The Council considered a report that sought approval to the making of the Bigbury Neighbourhood Plan.

In discussion, reference was made to:

- (a) the contents of the Plan. Members paid tribute to past and current local Ward Members and the local Neighbourhood Planning Group for their commitment and hard work to produce such a good Plan;
- (b) Development Boundaries and Settlement Boundaries. A Member pointed out that certain parts of the Plan referred to 'Development Boundaries' whereas other parts referred to 'Settlement Boundaries'. The Leader stated that, since it was possible for non-material amendments to be made to a Plan prior to it being

published, she would contact lead officers in an attempt to address this point.

It was then:

**RESOLVED**

That the Bigbury Neighbourhood Development Plan be made (adopted).

82. **Chairman's Concluding Remarks**

82/19

In closing this first remote formal Member meeting, the Chairman thanked officers and her fellow Members for their conduct and support.

Furthermore, the Chairman encouraged any Member feedback (both positive and negative) on the operation of this remote meeting to be given to officers in an effort to make further improvements moving forward.

The Meeting concluded at 3.40 pm

**Signed by:**

**Chairman**

---