

SOUTH HAMS JOINT DEVELOPMENT MANAGEMENT COMMITTEE AND OVERVIEW & SCRUTINY PANEL



Minutes of a meeting of the **South Hams Joint Development Management Committee and Overview & Scrutiny Panel**
held on
Thursday, 4th June, 2020 at 10.00 am at the **Via Skype**

Present: **Councillors:**

Chairman Cllr Birch
Vice Chairman Cllr Smerdon

Cllr Brazil	Cllr Brown
Cllr Foss	Cllr Hodgson
Cllr Holway	Cllr Pennington
Cllr Pringle	Cllr Rowe
Cllr Abbott	Cllr Austen
Cllr Chown	Cllr Jackson
Cllr Long	Cllr McKay
Cllr O'Callaghan	Cllr Pannell
Cllr Reeve	Cllr Rose
Cllr Spencer	Cllr Sweett
Cllr Taylor	Cllr Thomas

In attendance:

Councillors:

Cllr Baldry	Cllr Bastone
Cllr Hawkins	Cllr Hopwood
Cllr Pearce	

Officers:

Senior Leadership Team
Head of Strategy & Projects
Head of Housing, Revenue & Benefits
Monitoring Officer
Head of Communications
Business Manager (Case Management)
Democratic Services Manager

1. **Minutes of last Meeting**

OSDM.1/20

The minutes of the Joint Meeting of the Overview and Scrutiny Panel and Development Management Committee held on 23 January 2020 were confirmed as a true and correct record.

2. **Declarations of Interest**

OSDM.2/20

Members and officers 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.

3. **Public Forum**

OSDM.3/20

In accordance with the Public Forum Procedure Rules, the Chairman informed that one question had been received for consideration during the agenda item.

1. Question from the South Hams Society

Can the District Council please confirm when negotiations with Baker Estates over the Planning Performance Agreement (PPA) began? And do they recognise the reputational risk of doing this with a Developer which, amongst other controversies, has caused the Local Planning Authority (LPA) to fail to comply with planning law in relation to its plans for the K5 site?

In reply, Cllr Pearce made the following statement:

'While ostensibly about the Planning Performance Agreement that the Council has entered into with the Baker Estates, the question is founded upon a number of misconceptions. The principal misconception being that the Council is failing to comply with planning law and the Court Order.

Based on a proper understanding of the facts, I can confidently say that the Council is acting within the law and the terms of the Court Order.

On 27 July 2015 outline planning permission was granted for the erection of up to 60 dwellings, 0.5 hectares of employment land, 2 vehicular accesses, open space, play provision and drainage on the land known as K5, West Alvington Hill, Kingsbridge. Under Condition 3 of the 2015 Outline Planning Permission Baker Estates was required to submit an application for reserved matters before 27 July 2018. Baker Estates submitted an application for reserved matters approval on 23 July 2018. In making the reserved matters application when it did, Baker Estates complied with Condition 3. So, the Outline Planning Permission did not expire as the questioner suggests. The Council refused reserved matters approval on 31 July 2019 and that decision was quashed by the High Court on 2 October 2019. The

effect of the Order quashing the decision was to require the Council to re-consider the application afresh. Importantly, as will be apparent from the quote from the Order in the question, the Council was to consider the application and any further submissions.

At the time that the Council issued its decision it was awaiting further details to be submitted. As the questioner is aware, applications evolve throughout the decision-making process in response to representations and in an attempt to overcome objections. This is particularly so in the context of an outline planning permission, where the permission might simply comprise a description and a plan with the site outlined in red. In the case of the K5 Development, the Council requested further details so that the outline development could be defined with greater precision and the likely impacts assessed fully before any decision was made as to whether reserved matters approval should be granted or not. As is quite proper, the further details have been publicised and representations sought. All as it should be while complying with planning law and the Court Order.

It is both lawful and common practice for local planning authorities to enter into planning performance agreements with developers. Indeed, it is encouraged by the Government through its advice in the National Planning Policy Framework and the Planning Practice Guidance. In view of the background that I have explained there is no legal impediment to the Council entering into such an agreement with Baker Estates, negotiations for which I understand began in January this year.'

The Chairman thanked Cllr Pearce and advised that, when sent this response, the South Hams Society would be invited to submit a supplementary question.

4. **Executive Forward Plan**

OSDM.4/20

The Joint Meeting was presented with the most recently published Executive Forward Plan.

In accordance with the Procedure Rules, advanced notice had been given by Cllr Pannell for the following two questions to be raised:

1. The Executive Forward Plan (EFP) refers, under Enterprise, to the proposal for the commercial development of a supermarket in Ivybridge. Are officers content this will be allowed under the category of regeneration?
2. The EFP also refers, under Enterprise, to an update to the Council on any commercial investment opportunities. Why are we continuing with this programme if it is apparently about to be banned?

In combining her response to both questions, the Leader informed that the Council was content that this proposal would be allowed under the category of regeneration. The Leader proceeded to make the point that the entire programme was focused on regeneration in that purchases could only be made within the South Hams and they must have both employment and wellbeing benefits to the District. Finally, the Leader

confirmed that, moving forward, it was her wish for the focus of the programme to now be on 'regeneration' as opposed to 'commercial investment'.

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

OSDM.5/20

The Joint Meeting was presented with a report that summarised the work undertaken by the Council in delivering a highly effective response to the challenges of the Covid-19 Pandemic. In addition, the report also outlined some initial thoughts with regard to the challenges that the Council would face and provided an initial opportunity for Members to input into the way forward.

At this point, the Chairman informed that it was his intention for the meeting to first consider the Response element of the agenda item before then providing some initial thoughts on the draft Renewal and Recovery Plan.

(a) Response

In discussion, particular reference was made to:-

- (i) the work of officers in response to the Pandemic. A number of Members wished to thank and pay tribute to the work undertaken by officers since the start of the Pandemic. In particular, special praise was extended to the Deputy Chief Executive and his Senior and Extended Leadership Team colleagues.

Some Members also felt that it would be remiss if the Meeting did not recognise the excellent work that was being carried out by Town and Parish Councils and local community groups. As a result, it was felt that this should be recognised in the recommendation that was to be put forward to the Executive meeting to be held on 18 June 2020;

- (ii) the lessons learned exercise. At the time when the exercise was to be carried out, some Members requested that consideration should be given to the belief that all Members should be engaged right from the offset;

- (iii) the role undertaken by the Community Response Team that had been formed in response to the Pandemic. Members found the initiative to have been very useful and a model that could be adapted in the draft Renewal and Recovery Plan;

- (iv) the latest financial position. The Section 151 Officer provided an update on the financial position and made specific reference to:

- a. the decision-making cycle for an amended Budget for 2020/21. Members were informed of the intention for a draft Budget setting Workshop to be held during August, before a draft amended Budget was then considered by:

- another Joint Meeting of the Overview and Scrutiny Panel and Development Management Committee to be held on 3 September 2020;

- the Executive meeting to be held on 17 September 2020; and
 - the Full Council meeting to be held on 24 September 2020;
- b. Central Government listening to the financial plight being faced by District Councils and the latest information being that a comprehensive package was to be announced imminently; and
- c. the latest financial situation for the Council being set out in the Budget Monitoring Report that was to be presented to the Executive meeting to be held on 18 June 2020.
- (v) Business Rates Grants. Members recognised that the Council had responded as soon as was practically possible to distribute grant funding to local businesses. In the likely event of the Business Rates Grant Fund being over-subscribed, officers confirmed that this point had already been recognised and a letter from all Devon District Councils had been sent to Central Government;
- (vi) re-opening public conveniences. By way of an update, officers informed that a risk based approach was being applied to ensure that public and staff safety was considered appropriately. To ensure that this was applied, the new cleaning frequencies and additional length of time for each clean resulted in the Council being unable to reopen all of its public conveniences through the current contract. Officers were therefore working with the contractor as a priority to establish the costs that could be faced in order to achieve a full re-opening programme and the options that were available to mitigate those costs. However, it was noted that some public conveniences would be re-opened in the upcoming days;
- (vii) the Leisure Contract. When questioned, officers confirmed that Fusion had not sought any further grant funding from the Council at this time. The organisation was currently in the process of working up its Centre re-opening proposals and any future negotiations with the Council would be based on these plans;
- (viii) an amendment to the report recommendation was **PROPOSED** and **SECONDED** to read as follows:

‘That the Executive be RECOMMENDED to:

Seek to implement the conclusions of the Joint Meeting on the priority areas for the Strategic Framework for Recovery and Renewal.

In discussion, the majority of Members felt that the amendment was rather pre-emptive and should not be supported at this time. When put to the vote, the amendment was therefore declared **LOST**.

(b) Draft Recovery and Renewal Plan

In providing some initial thoughts on the draft Recovery and Renewal Plan, the Joint Meeting made particular reference to:

Residents Theme:

- There was a need to give consideration to the provision of (energy efficient) single persons living accommodation;
- The vulnerable population must also include those most affected groups: Children and Young People; the Elderly; and the Disabled; and
- The need for emphasis to be given to the role of local Ward Members within their local communities. In particular, the Plan must recognise the need to utilise the local knowledge and expertise of Members.

Business Theme:

- Members were strongly of the view that the benefits should be exploited from the increased ability of individuals to be able to work from home. Furthermore, the potential to see an increase in full-time population (and home-based businesses) in the District was recognised;
- In highlighting the importance of tourism, the Meeting felt that the Council must help where it could. Members acknowledged that such support must complement (but not duplicate) the work of existing tourism destination marketing organisations. Members commented that the likelihood for an increased number of tourists visiting the South Hams should be capitalised upon and the potential for an increase in car parking capacity should be explored. Finally, Members asked that consideration be given to the re-establishment of a local Tourism Forum;
- With regard to public conveniences, there were also strong views expressed that, since they were so closely linked to the tourism industry, then public conveniences must be kept open; and
- The Meeting expressed its support for consideration of the creation of 'Brand South Hams'. As an extension to the point, Members felt that the Council should explore the facilitation of deliveries for local producers and to do all it could to promote the South Hams' excellent local businesses and producers. Moreover, the importance of the farming industry was stressed and Members were of the view that consideration should be given to the re-establishment of a local Agricultural Forum.

Community and Partnerships Theme:

- The Meeting agreed that a proposal that had been submitted by Cllr Rose (as set out below) should be forwarded to the Executive meeting (to be held on 18 June 2020) for onward consideration during development of the Plan:

'Introduction

Crises offer both challenges and opportunities. The Covid-19 pandemic has clearly highlighted:

- 1) *The lack of existing community resilience - demonstrated by the dependence of communities on government aid.*
- 2) *The need for community resilience - demonstrated by the unbelievable amount of people who have worried about their most basic needs such as feeding themselves and their families, losing their livelihood, the huge spikes in domestic violence, the lack of sufficient support for those with mental health issues etc...*

- 3) *The ability of communities to come together in the face of adversity, building resilience in the moment of need - demonstrated by the heart warming and inspiring actions of our constituents as they support one another in lockdown, reaching out to the marginalised and elderly, many of whom who have had little to no contact with anybody for years.*

The Proposal

'SHDC recognises that community resilience is essential to mitigating risk of future crises. SHDC recognises that community led initiatives are an effective way to increase community resilience as communities best understand their local needs. SHDC embraces the approach of 'Building Back Better' and recognises the opportunity to build on the momentum generated by communities stepping up to support themselves during the COVID-19 pandemic. As part of its recovery plan, SHDC will support communities to lead on initiatives to increase local resilience, beginning with a consultation to the diverse range of groups that have emerged to tackle the issues brought up by COVID-19, asking them how they imagine building long-term resilience in their communities.

SHDC can support community resilience initiatives by linking community groups to sources of funding, whilst offering advice and networking to the groups. Cluster groups or individual members can liaise with existing community groups and can encourage communication between various local organisations, charities, volunteers and community representatives to create shared goals.

This approach benefits SHDC as it mitigates the risk of future crises through increasing community resilience at little financial cost to the council. Any successful projects will set precedents, generate momentum, encourage creativity in the relationship between council and community and secure a positive reputation for the council, as it will be seen supporting communities from the ground up.

These initiatives should be woven into the foundations of the council's recovery plan and the first step (consulting community groups) can begin immediately. Infrastructure to monitor progress will be needed. SHDC should align itself with organisations such as the South Devon Bioregional Learning Centre and Transition Town, who currently operate across South Hams, building community resilience and offering their extensive expertise.'

Other key points that were raised in relation to the 'Community and Partnerships' Theme were:

- The importance of keeping Town and Parish Councils informed. On this point, it was recognised that, whilst a number of Town and Parish Councils had demonstrated excellent community leadership during the

pandemic, a number of others had been found wanting. As a result, there was a role for the Council to play in supporting those Councils that were struggling. Some Members also felt that the town and parish council clustering arrangements should be reinstated. There was also considered to be an immediate role for all Members in facilitating networking meetings with their local Town and Parish Clerks in neighbouring towns and parishes;

- The Meeting felt that the importance of town and parish councils joining the 'Devon Resilience Forum' to support them in each developing their own Emergency Plans should be recognised;
- The need to explore the creation of 'town centre depots' (that were easily accessible for people to collect necessary provisions) was highlighted; and
- With regard to the work undertaken by the Community Response Team, Members were of the view that it could be extended into the future and it was recognised that the Localities Service would have a key role to play in this respect.

Financial Stability Theme:

- The Meeting agreed that a proposal that had been submitted by Cllr McKay (as set out below) should be forwarded to the Executive meeting (to be held on 18 June 2020) for onward consideration during development of the Plan:

'1 Public Loan Works Board (PLWB)

The Chancellor has said that Councils should not be using PWLB loans for commercial property investment or loans for "yield". However, my understanding is loans are available for infrastructure projects. The Council should be looking at developing a plan for local infrastructure within the district and possibly with DCC.

English town and parish councils can also borrow from PLWB (with approval from MHCLG). The Council should look to work with Town and Parish Council on joint projects.

2 Invest in social housing

Works Loan Board (PWLB) Housing Revenue Account (HRA) rates are down 1.0%. As well as providing much need social housing this will in time generate a revenue stream.

3 Capital Investment Programme

The Capital Investment Programme should become the Communities Investment Programme. The Council should be investing in local community projects and green businesses to build the local resilience implied by Build Back Better (BBB). By being active investors in projects the Council can build a diverse portfolio that will provide revenue while providing a stimulus to the local economy. It is BBB with ABCD! The first steps are to work with partners like SH-CVS, Bioregional Learning, Transition

Towns, Town and Parish Councils and myriad other community groups to identify need and opportunity.

4 Active Travel

The Emergency Active Travel Fund for Devon is only £1,689,000 but this is the first stage of a £2bn investment in active travel by government. We should have investment ready plans as per Cllr Chown's suggestions so we are ready to draw on these funds. Creating the infrastructure on which other businesses like for instance electric bike hire can build and in which this Council could be an investment partner.'

Other key points raised in relation to the 'Financial Stability' Theme were:

- A Member was strongly of the view that the Council should immediately rule out both the use of Earmarked Reserves and the sale of assets to pay off the 2020/21 Budget shortfall. In addition, the Member felt it essential that, with urgency, Council Reserves should be ringfenced, with assets being devolved to local town and parish councils;
- That the Council should lobby Central Government on issues including: gaining further freedoms and flexibilities over its finances (including capital receipts flexibilities); the switching of domestic properties to business use; and the ability to charge up to double Council Tax for second homes; and
- The need to lobby (and keep informed) both local MPs.

Communications Theme:

- Members had a raft of local networks that could be used to disseminate information to the hard to reach groups within their local wards.

Governance Theme:

- The Meeting agreed that a proposal that had been submitted by Cllr McKay (as set out below) should be forwarded to the Executive meeting (to be held on 18 June 2020) for onward consideration during development of the Plan:

'1 Objectives

The objective should be as the report states to Build Back Better. While the Council may be in a slightly better financial position than it might have been the numbers still look daunting. It is clear that the modus-operandi of the past is unlikely to work post-covid and the Council needs to build on the extraordinary things that have been happening in our communities and to work with them to consolidate and build the future which must have Climate Change and Biodiversity at its core. The way to achieve this is through a vibrant green economy in which the Council is a real investor and partner. The result will be long term resilience for our communities and for the Council;

2 Constitutional Review

The Council's Constitution needs to be overhauled to help it become less focused on the delivery of top-down service provision and more of a

partner of local organisations and a facilitator. This will only work if there is a great deal more open government, transparency and involvement of Members in the day to day running of the council. Just as an example, the current delegation scheme does not properly recognise that when Members delegate powers they retain responsibility (to their electorate) and they need to be able to effectively hold those to whom power has been delegated to account for actions taken on their behalf.

3 Constitution Versioning

The constitution is a so called living document but it has no version history, which is essential for such an important core document. In the interests of a new era of transparency, lets version it.

4 Briefings and Questions

While Members receive a bulletin email once a week it is very high-level. To ensure that Members are as involved as possible, there should be regular fortnightly Q&A sessions. Being able to email an officer is not sufficient and does not encourage open and continued dialogue.

5 Localities

The localities officer role could be greatly enhanced in a new community focused Council and while the O&S Task and Finish group came close to a conclusion it would be helpful to revisit this study.

6 Commissioning Model

The commissioning model of working with partners should be reviewed as it is not an appropriate way of building relationships with partner organisations.

The model used should focus on collaboration and not be perceived as buying in a service from a third-party.'

Other key points raised in relation to the 'Governance' Theme were:

- All Locality Engagement Officers should attend town and parish council meetings within their local areas;
- Whilst remote meetings had worked well to date, some Members felt that they were not ideal to conduct meetings of Full Council and the Development Management Committee (on the occasions when major planning applications were to be considered).

Service Recovery Theme

- The need to re-convene the Locality Service Task and Finish Group was recognised; and
- The importance of the Leisure Contract with Fusion was also highlighted.

It was then:

RECOMMENDED

That the Joint Meeting of the Overview and Scrutiny Panel and Development Management Committee **RECOMMEND** to the Executive to:

1. Note and endorse the Council's response to the Coronavirus (COVID-19) Pandemic to date and thank and congratulate the Parish and Town 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 as outlined in Appendix 1 of the presented agenda report;
3. Take into account the conclusions of the Joint Meeting on the priority areas for the Strategic Framework for Recovery and Renewal; and
4. Request that an update on progress against development of the Plan be brought back to a Joint Meeting of the Overview and Scrutiny Panel / Development Management Committee on 3 September 2020.

The Meeting concluded at 4.20 pm

Signed by:

Chairman
