

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD IN THE REPTON ROOM ON THURSDAY, 2 DECEMBER 2021**

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr K J Baldry	*	Cllr T R Holway
*	Cllr H D Bastone (Vice Chairman)	*	Cllr N A Hopwood
*	Cllr J D Hawkins	*	Cllr J A Pearce (Chairman)

Non-Executive Members also present either in person or remotely for all or part of the meeting:
Cllrs Abbott, Birch, Brazil, Brown, Kemp, Long, McKay, O'Callaghan, Pannell, Pennington, Pringle, Reeve, Smerdon, Spencer and Sweett

Officers in attendance and participating:		
All items		Chief Executive; Deputy Chief Executive; Monitoring Officer; and Democratic Services Manager
Items 7, 8 and 9	Minutes E.65/21, E.66/21 and E.67/21	Section 151 Officer (via Teams) and Head of Finance
Item 10	Minute E.68/21	Director of Governance and Assurance (via Teams) and Head of Development Management
Item 11	Minute E.69/21	Director of Governance and Assurance (via Teams)
Item 12	Minute E.70/21	Director of Place and Enterprise (via Teams), Head of Assets and Senior Specialist – Housing
Item 13	Minute E.71/21	Director of Governance and Assurance (via Teams) and Senior Specialist – Climate Change

E.61/21 MINUTES

The minutes of the Executive meeting held on 14 October 2021 and the Special Executive meeting held on 11 November 2021 were both confirmed as a true and correct record.

E.62/21 URGENT BUSINESS

The Chairman advised that she had agreed for one exempt item of urgent business to be presented for consideration at this meeting that related to the establishment of a Waste Working Group. The item was considered urgent in light of the associated time constraints and would be considered at the end of the agenda (Minute E.73/21 below refers).

E.63/21 DECLARATIONS OF INTEREST

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.

E.64/21 EXECUTIVE FORWARD PLAN

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 and duly noted its contents.

E.65/21 MONTH 7 REVENUE BUDGET MONITORING 2021/22

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

In discussion, reference was made to:-

- (a) savings generated from reduced officer travel. When questioned, the Section 151 Officer explained that there were not any significant savings on officer travel expenses due to Council officers (e.g. Planning Officers; Environmental Health Officers; and Locality Officers) still being required to travel around the community;
- (b) the figures relating to waste and recycling. With regard to the figures in the published agenda report, the lead Member confirmed that negotiations were still ongoing with the waste contractor and, once a confirmed position was known, then this would be reflected in a future Revenue Budget Monitoring report;
- (c) the positive nature of the Monitoring Report. In thanking lead officers for their hard work in producing the agenda report, Members recognised that there were a number of positive aspects contained within.

It was then:

RESOLVED

1. That the forecast income and expenditure variations for the 2021/22 Financial Year and the overall projected surplus of £157,000 (1.6% of the total Budget of £9.677 million) be noted; and

2. That Council be **RECOMMENDED** to apply up to £120,000 from the Salary Savings Earmarked Reserve and £80,000 from the Sustainable Waste Management Earmarked Reserve in 2021/22 to support additional salary costs in 2020/21 as set out in Section 3.3 of the published agenda report.

E.66/21

CAPITAL PROGRAMME MONITORING

The Executive considered 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, the following points were raised:-

- (a) With regard to the Market Square, Totnes project, it was confirmed that it was currently held in abeyance pending Totnes Town Council being able to successfully acquire a source of external grant funding;
- (b) Whilst welcoming the monies that had been spent on Play Parks schemes to date, it was confirmed by the lead Member that he was committed to further projects being brought forward in order to allocate the remaining spend of £93,500. In reply to some specific questions, it was noted that the outstanding monies would be ringfenced to Council owned play parks and the lead Member committed to providing updates on questions relating to both Totnes and Berry Pomeroy outside of the meeting;
- (c) Officers confirmed that they would provide Members with the evaluated survey information relating to coastal assets in due course. Specifically regarding the Beesands remedial works, these were felt to be an excellent example of innovative partnership working and tributes were paid to Council officers for their key role in this project. In taking the point a step further, a Member lamented the fact that there was a lack of appetite amongst some organisations to find a similar innovative solution to retain the Slapton Line;
- (d) Whilst the Council was committed to consulting and working collaboratively with the town council on the 'Investing in Kingsbridge' project, officers advised that, as the land owner, any decisions would ultimately be a matter for the District Council to determine;
- (e) In relation to the Ivybridge Regeneration project, a plea was made for local Ward Members to be in receipt of more regular briefings and progress updates. In reply, it was confirmed that regular briefings for both the lead Executive Member and local Ward Members were scheduled for January 2022 onwards, as details were developed;
- (f) Members wished to pay tribute to those officers who were involved in the sourcing of grant funding towards the delivery of what was an excellent Disabled Facilities Grants scheme;

- (g) In relation to the Urban Tree Challenge Fund, whilst Members welcomed the fact that 600 additional trees were to be planted, caution was urged in relation to the need for ongoing maintenance once they were planted. A number of Members felt that the extent of such ongoing works should not be underestimated.

It was then:

RESOLVED

1. That the content of the Monitoring Report be noted;
2. That £66,044 be approved to come from the Land and Earmarked Reserve to match fund a £250,000 grant from the Urban Tree Challenge Fund; and
3. That a budget of £400,000 be removed from the Capital Programme for Steamer Quay, Totnes Office Development, since this scheme is no longer going ahead.

E.67/21

REVENUE AND CAPITAL BUDGET PROPOSALS FOR 2022/23 TO 2024/25

Consideration was given to a report that outlined the draft revenue and capital budget proposals for 2022/23 to 2024/25.

In discussion, reference was made to:-

- (a) Town and Parish Council precepts. A Member expressed her disappointment at the significant increases in precepts from a number of Town and Parish Councils. In reply, some other Members made the point that often Town and Parish Councils were increasing their precepts in recognition of the fact that they had been devolved additional responsibilities from both the Council and Devon County Council;
- (b) the personal view of a Member that Council Tax was an unfair form of taxation;
- (c) praise being extended to the Section 151 Officer and her deputy for their work in producing the published agenda papers.

It was then:

RESOLVED

1. That the forecast budget gap for 2022/23 of £28,500 (0.3% of the Net Budget of 2021/22 of £9.7 million) and the position for future years be noted;

2. That the timescales for closing the budget gap in 2022/23 and future years (in order to achieve long-term financial sustainability) be noted;
3. That the current level of Unearmarked and Earmarked Reserves (as set out in Section C of the published agenda report) as well as the net contributions to Earmarked Reserves modelled for 2022/23 (as set out in Appendix D of the published agenda report) be noted;
4. That the forecast Capital Programme Proposals for 2022/23 of £1.61 million and the proposed financing of the Capital Programme (as set out in Appendix E of the presented agenda report) be noted;
5. That the views of the Executive be requested on the draft Revenue and Capital Budget Proposals for 2022/23;
6. That the views of Members of the Development Management and Overview and Scrutiny Committees on the draft Revenue and Capital Budget Proposals for 2022/23 be sought at the joint meeting to be held on 13 January 2022; and

That Council be **RECOMMENDED** to:

7. continue to be part of the Devon Business Rates Pool for 2022/23, subject to there being no announcements within the Finance Settlement (expected to be announced in mid-December), which in the opinion of the Section 151 Officer (in consultation with the Leader of the Council and the lead Executive Member for Finance) would change this recommendation.

E.68/21

PLANNING IMPROVEMENT PLAN – PHASE 3 CASE MANAGEMENT RESOURCES AND ENFORCEMENT

Consideration was given to a report that sought to provide a further update on progress against the Planning Improvement Plan. In particular, the report requested consideration of the need for additional administrative / business support (case management) for the service and management arrangements to deliver the best outcomes and service performance.

It was then:

RESOLVED

1. That the changes proposed within Administration/Business Support (Case Management) for Development Control and the progress that has been made within the Planning Enforcement service be noted; and

2. That Council be **RECOMMENDED** to delegate authority to the Head of Paid Service, in consultation with the lead Executive Member for the Built and the Natural Environment and the Director of Strategic Finance, to recruit additional staffing where there is a clear and demonstrable increase in planning applications and/or demand on the service, provided that the increase in staffing can be adequately covered by the additional income generated.

E.69/21 **GOVERNANCE REVIEW – COMMUNITY HOUSING PROGRAMME**

Members considered a report that set out the key findings of the Governance Review into the Community Housing Programme and proposed a broad range of recommendations to improve the Governance Framework around the remaining projects; the majority of which had already been implemented.

The report did not focus on individual projects but focused on the overall governance and systems to support the Programme.

In discussion, the following points were raised:-

- (a) With regard to some specific questions relating to non-disclosure agreements, the Chief Executive informed that he would follow up this matter with a Member outside of this meeting;
- (b) There was a general recognition that the Audit Committee should now be given the opportunity to undertake a thorough examination of the report findings. In so doing, the Monitoring Officer confirmed his satisfaction for the recommendation that the Audit Committee (and not the Overview and Scrutiny Committee) was an appropriate formal decision-making body to undertake this piece of work.

RESOLVED

1. That the content of the report be noted and officers be instructed to implement the changes as set out within the published agenda report; and
2. That the Audit Committee be **RECOMMENDED** to consider the learning from the Governance Review of the Community Housing Programme and its application to the Council's wider programme management function.

E.70/21 **HOUSING CRISIS UPDATE REPORT**

Members considered an update report on the Housing Crisis that was divided into four parts:

1. The Joint Homelessness Strategy 2022/27;

2. The proposed contribution to the purchase of Housing First properties;
3. A Housing Project update; and
4. The Executive response to the Overview and Scrutiny Committee recommendations arising from the meeting held on 4 November 2021 (Minute O&S.33/21 refers)

In discussion, reference was made to:

(a) Some minor amendments to the report recommendation were **PROPOSED** and **SECONDED** as follows:

1. Recommendation 1 – that the Strategy was for *2022-27*; and
2. Recommendation 8 – that the Overview and Scrutiny Committee be *encouraged* to establish a Task and Finish Group;

When put to the vote, these were both declared **CARRIED**;

(b) Members were informed that a draft set of Terms of Reference for the proposed Task and Finish Group Review had been produced and sent to the Chairman of the Overview and Scrutiny Committee who had agreed that they be included for consideration at the next Committee meeting (to be held on 16 December 2021);

(c) It was noted that the Housing First properties were to be defined as 'temporary accommodation' thereby overcoming the Right to Buy legislation.

It was then:

RESOLVED

Part 1 – Joint Homelessness Strategy 2022-27:

1. That officers commence preparation of a new South Hams and West Devon Homeless Strategy for 2022-27;
2. That the recommended approach be to focus on 4 specific client groups for the new Homelessness Strategy:
 - a. Single households;
 - b. Families;
 - c. Households with additional needs; and
 - d. Rough sleepers;
3. That the proposed consultation approach, in addition to the adopted Consultation and Engagement Strategy, be approved;

Part 2 – Contribution to the Purchase of Housing First Properties

4. That the purchase of 4 Housing First Properties from the Shires properties sale proceeds and the grant offered by Homes England be agreed;
5. That agreement be made to spend the remaining balance of the sale proceeds of £386,000 (capital receipts) to purchase homes as provision to local families;
6. That delegated authority be given to the Director of Place and Enterprise, in consultation with the Section 151 Officer and the Leader of Council, to take all necessary steps to purchase four Housing First properties together with additional family size accommodation in the form set out within the published agenda report;

Part 3 – Housing Project Update

7. That the ambitions of the existing project pipeline be noted and it be acknowledged that further reports will be presented to the Executive in the future;

Part 4 – Executive Response to Overview & Scrutiny Committee Recommendations

8. That the Overview and Scrutiny Committee be encouraged to form a Task and Finish Group to: undertake a review of other local authorities that have successfully increased the delivery of affordable housing (directly and indirectly) within their boundaries and share best practice; and
9. That the recommendations arising from the Overview and Scrutiny Committee meeting held on 4 November 2021 (Minute O&S.33/21 refers) be noted.

E.71/21

REPORTS OF BODIES:

(a) Overview and Scrutiny Committee Meeting – 4 November 2021:

Minute O&S.37/21: ‘Task and Finish Group Updates: Climate Change & Biodiversity Action Plan Update’

In addition to the five recommendations that had been generated by the Task and Finish Group, a report was presented to be specifically read in conjunction with recommendation c.

Whilst Members requested additional time to consider the five detailed recommendations that had been generated by the Task and Finish Group review, they did proceed to consider the supporting report that provided an update on the proposed Climate Change and Biodiversity Grant Funding Model.

In response to some concerns being raised that the determination of funding applications would be the responsibility of one officer, in consultation with two senior Members, the approach for consulting on Licensing applications was cited as an example of good practice and, as a result, an additional recommendation was **PROPOSED** and **SECONDED** as follows:

'That, prior to any decisions being taken, information on all future fund applications be circulated to all Members as part of the consultation process with, if appropriate, the local town, parish and district ward(s) listed.'

When put to the vote, the additional recommendation was declared **CARRIED**.

During discussion, a number of Members expressed their support for local community composting schemes. In reply, assurances were given that this would be reflected in the 'Options for Garden Waste' report that was to be presented to the next Executive meeting to be held on 27 January 2022.

It was then:

RESOLVED

1. That consideration of the recommendations arising from the Task and Finish Group review be deferred to the next Executive meeting to be held on 27 January 2022;
2. That the small direct Cash Grants scheme be ended;
3. That £100,000 of the £200,000 dedicated to Crowdfunder and the small direct cash grants be set aside to fund projects targeted to accelerate the delivery of the Council's adopted Climate Change and Biodiversity Action Plan (as set out in the published agenda report);
4. That the Director of Strategy and Governance, in consultation with the lead Executive Member for Climate Change and Biodiversity and the Leader of Council, be delegated authority to decide the outcomes of future fund applications; and
5. That, prior to any decisions being taken, information on all future fund applications be circulated to all Members as part of the consultation process with, if appropriate, the local town, parish and district ward(s) listed.

E.72/21 EXCLUSION OF PUBLIC AND PRESS

It was then:

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

E.73/21 URGENT ITEM – WASTE WORKING GROUP

As highlighted earlier in the meeting (Minute E.62/21 above refers), the Executive considered an exempt urgent item in relation to the proposed establishment of a Waste Working Group.

In debate, Members agreed to the following amendment being included in the draft Terms of Reference:

'The Independent and Green Party Group Leaders will be able to speak at Group meetings at the discretion of the Group Chairman.'

It was then:

RESOLVED

That a cross party Waste Working Group be established in accordance with the Terms of Reference, subject to inclusion of the following amendment:

'The Independent and Green Party Group Leaders will be able to speak at Group meetings at the discretion of the Group Chairman.'

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.65/21 PART 2, E.67/21 PART 7 AND E.68/21 PART 2 (WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 10 FEBRUARY 2022) WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 13 DECEMBER 2021 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10:00 am and concluded at 12.35 pm)

Chairman