

South Hams Council



Title:	Agenda																														
Date:	Thursday, 16th February, 2023																														
Time:	10.00 am																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Cllr Austen</p> <p style="text-align: center;">Vice Chairman Cllr Taylor</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Long</td> </tr> <tr> <td>Cllr Baldry</td> <td>Cllr McKay</td> </tr> <tr> <td>Cllr Bastone</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pennington</td> </tr> <tr> <td>Cllr Chown</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Foss</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Rose</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Smerdon</td> </tr> <tr> <td>Cllr Hopwood</td> <td>Cllr Spencer</td> </tr> <tr> <td>Cllr Jackson</td> <td>Cllr Sweett</td> </tr> <tr> <td>Cllr Jones</td> <td>Cllr Thomas</td> </tr> <tr> <td>Cllr Kemp</td> <td></td> </tr> </table>	Cllr Abbott	Cllr Long	Cllr Baldry	Cllr McKay	Cllr Bastone	Cllr O'Callaghan	Cllr Birch	Cllr Pannell	Cllr Brazil	Cllr Pearce	Cllr Brown	Cllr Pennington	Cllr Chown	Cllr Pringle	Cllr Foss	Cllr Reeve	Cllr Hawkins	Cllr Rose	Cllr Hodgson	Cllr Rowe	Cllr Holway	Cllr Smerdon	Cllr Hopwood	Cllr Spencer	Cllr Jackson	Cllr Sweett	Cllr Jones	Cllr Thomas	Cllr Kemp	
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Democratic.Services@swdevon.gov.uk																														

1. Minutes	1 - 12
to approve as a correct record the minutes of the meeting of the Council held on 15 December 2022;	
2. Urgent Business	
the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');	
3. Exempt Information	
to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;	
4. Declarations of Interest	
In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;	
5. Business Brought Forward by the Chairman	
to consider business (if any) brought forward by the Chairman;	
6. 2023/24 Revenue and Capital Budget Proposals	13 - 40
7. Council Tax Discounts and Premiums	41 - 52
8. Business Rates Relief: 2023/24 Retail, Hospitality and Leisure Scheme and 2023 Supporting Small Business Relief	53 - 62
9. South Devon AONB Management Plan Extension	63 - 72
10. Scheme of Members' Allowances - Review	73 - 100
11. Pay Policy Statement	101 - 110
12. Calendar of Meetings 2023/24	111 - 116
13. Reports of Bodies	
to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies:	
* Indicates minutes containing recommendations to Council	

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(a) Salcombe Harbour Board - 14 November 2022	117 - 120
(b) Audit & Governance Committee - 24 November 2022	121 - 124
(c) Development Management Committee - 14 December 2022	125 - 136
(d) Overview & Scrutiny Committee - 12 January 2023	137 - 144
(e) Development Management Committee - 18 January 2023	145 - 156
(f) Budget Advisory Committee - 19 January 2023	157 - 162
(g) Executive* - 26 January 2023	163 - 174
14. Public Question Time	175 - 176
15. Questions	
to consider the following question(s) (if any) received in accordance with Council Procedure Rules;	
16. Notice of Motion	
to consider the following motions received (if any) in accordance with Council Procedure Rules;	
a) From Cllr Hawkins and Cllr Pearce	
<i>'With South Hams' close connection with His Majesty's Armed Forces and, in particular, the Royal Navy and the Royal Marines, this Council formally adopts the Armed Forces Covenant. In so doing, the Council reaffirms its commitment to uphold the Armed Forces Covenant and support the Armed Forces Community.</i>	
<i>The Council recognises the contribution that Service Personnel, both regular and reservist, veterans and military families make to our Council, our community and to the country.'</i>	
b) From Cllr Rose and Cllr Hodgson	
'Background:	
<i>As a planning authority, we are caught between Central Government's whims on how many houses we need to build and profit-driven developers who monopolise the industry. Our hands are further tied by the lack of adequate policy in the NPPF to ensure developers truly meet our needs, socially and ecologically.</i>	

Full Council notes that:

Conventional approaches to development often have a detrimental environmental impact globally and locally, significantly contributing to global heating, flooding, pollution, ecological damage, species extinction and deforestation.

Conventional development routinely fails to provide adequately for the needs of our constituents, failing to produce sufficiently affordable housing, produce sufficient quality of housing, provide integrated means of community sustainability and resilience (such as community allotments/orchards, on-site power generation, and flood protection), or integrated support of community regeneration (sufficient space for community sports, games etc.)

Too often, new development reduces the quality of the local environment, where most people live, to the detriment of the whole, instead of meeting our needs, including for better places to live.

Full Council believes that:

Purely profit driven developments lack the necessary incentives and features to rapidly and radically reform development practices and outcomes in line with our ecological and social needs.

Whilst we are statutorily required to meet our development quota, necessitating our continued cooperation with, and support of, conventional developers, we also have a duty to welcome, seek, and support pioneering developers and projects who seek to demonstrate what is possible when ecological and social interest is put above profit within development.

Regenerative development shifts emphasis for land use planning from minimising and mitigating harm to maximising benefits and removing harm. In welcoming, seeking and supporting regenerative development we will be aiding and encouraging essential innovations that can raise the bar for development outcomes. This can seed greater autonomy within communities and provide incentive for conventional developers to keep up with rising expectations and aspirations through working with communities to genuinely meet their ecological and social needs.

Supporting regenerative development reflects the direction of travel of the Devon Carbon Plan and reflects the scale of the crises we face such that all forms of development, including those best suited to rural areas, able to produce the changes we need are supported and progressed, recognising that radical change and action in the way we shape places is needed, as the NPPF already lays out.

Full Council resolves:

1) *In addition to the current strategy in the JLP, Council resolves to be*

supportive of and seek out additional strategies and forms of development able to produce radical reductions in greenhouse gas emissions and strong uplifts in carbon sequestration, nature recovery and community and individual wellbeing;

- 2) *Support and progress, where possible, all forms of development that are able to produce the changes that we need to fulfil our social and ecological needs;*
- 3) *Officers will provide information to Members about regenerative development projects that it is already, or becomes, aware of. This information will include details on how the expected/documentated outcomes differ from those of conventional developers; and*
- 4) *SHDC will publicly state its support for regenerative development, explaining clearly how regenerative development differs from conventional development through its social media channels and on its website.'*

c) From Cllr Rose and Cllr Hodgson

'Background:

(Credit to Cllr Alex Catt – Norwich Council)

It is increasingly recognised that meat and dairy production is a significant contributor to climate breakdown, with the livestock sector accounting for at least 14% of global greenhouse gas emissions (1), as well as being a major contributor to global deforestation (2). The catastrophic effects of climate breakdown mean climate and risk experts predict a world with systemic cascading risks related to food insecurity including food shortages, societal tensions, hunger and malnutrition, unrest and conflict (according to a Chatham House report from 2021), which furthermore predicts a 50% chance of synchronous crop failure in the decade of the 2040s (3). Producing a kilo of beef creates, on average, 12 times more CO₂e than a kilo of tofu or other soya based proteins (4). Meanwhile, producing a litre of dairy milk uses, on average, at least four times as much land as producing a litre of plant milk (5).

As well as a smaller carbon footprint, eating more plant-based foods also reduces the land footprint of our diets and would improve UK food security and self-sufficiency, thereby making our diets more local. As a country, we currently import much more food than we export. In 2021 we had a trade deficit for all dairy products of £1.04 billion (6) and a trade deficit for just beef, pork and lamb of £1.7 billion (7). Only 55% of the world's crop calories feed people directly with 36% going to feed livestock; only a fraction of the calories in feed given to livestock make their way into the meat and milk that we consume which is a huge food waste issue on top of making our food production much more carbon intensive (8). While some people criticise people who follow a plant-based diet for eating imported soy, the vast majority of soy - 77% - goes to feeding livestock, which research has shown is an inefficient use of resources. (9) East Anglia is predominantly arable

farming and there are many local predominantly plant-based food businesses we could support.

Henry Dimbleby, in the Government commissioned National Food Strategy concluded that a 30% reduction in meat consumption is necessary for future food security. The National Food Strategy also states that obesity alone accounts for 8% of annual health spend in the UK, or £18bn (10)(11). Savings to the NHS will come from healthier, plant-based diets. Sustain estimates that meat over-consumption costs the NHS directly £1.2 billion, and 45,000 deaths annually (11). Over 40% of Britons are trying to reduce their meat consumption and 14% already follow a flexitarian diet, but plant-based food options are not consistently available at all events or food venues (12). Other countries have taken a stance, for example in Portugal it is a legal requirement for all public catering – including local authority facilities – to provide plant-based food options, and other local authorities such as Oxfordshire County Council and Cambridge City Council have decided to promote plant-based food via serving a fully plant-based menu at Council meetings and events. Locally, the University of Cambridge Catering Service reduced food-related greenhouse gas emissions by a third via replacing beef and lamb with plant-based products (13).

In September 2021, Norwich City Council formally adopted the Glasgow Declaration on Food and Climate which committed the council to try and reduce greenhouse gas emissions associated with food. Norwich City Council can build on its achievements to date and lead by example to promote and normalise consumption of plant-based food, recognising that plant-based meals are frequently nutritious and low cost food options. This is in line with its vision for Norwich City to be net-zero carbon by 2045.

1. <https://www.theguardian.com/environment/2021/sep/07/20-meat-and-dairy-firms-emit-more-greenhouse-gas-than-germany-britain-or-france>
2. <https://www.theguardian.com/environment/2019/sep/04/global-food-producers-climate-crisis>
3. <https://www.chathamhouse.org/2021/09/climate-change-risk-assessment-2021/03-direct-climate-impacts>
4. <https://josephpoore.com/Science%20360%206392%20987%20-%20Accepted%20Manuscript.pdf>
5. https://www.researchgate.net/publication/301890948_Systematic_review_of_greenhouse_gas_emissions_for_different_fresh_food_categories
6. <https://ahdb.org.uk/dairy/uk-dairy-trade-balance>
7. <https://ahdb.org.uk/agri-market-outlook>
8. <https://www.nationalgeographic.com/foodfeatures/feeding-9-billion/>
9. <https://ourworldindata.org/soy>
10. <https://inews.co.uk/news/national-food-strategy-cut-meat-consumption-30-per-cent-henry-dimbleby-food-tsar-1104517#:~:text=July%2015%2C%202021%2012%3A01%20am%20%28Udated%207%3A49%20am%29,latest%20instalment%20of%20the%20country%E2%80%99s%20National%20Food%20Strategy.>
11. National Food Strategy (published July 2021) - <https://www.nationalfoodstrategy.org/wpcontent/uploads/2021/07/National-Food-Strategy-Recommendations-in-Full.pdf>

12. <https://www.bbc.co.uk/news/science-environment-58831636>
(12)- <https://www.bbc.co.uk/news/uk-england-cambridgeshire-49637723>

Motion:

Council therefore resolves to:

- 1) *Follow the lead of many other councils around the country in ensuring that food and drink provided at all meetings and events hosted by SHDC be plant-based, and where possible, provided by a local caterer.*
- 2) *After engaging with a wide variety of catering options (including consideration of social enterprises), use SHDC events and online platforms to promote and showcase environmentally friendly plant-based food and drink options, alongside displayed information about the climate and health benefits and relative cost of different protein/food sources and educating people about how to achieve a balance plant-based diet.*
- 3) *Secure through a contract specification when re-tendering for suppliers that environmentally friendly, locally sourced plant-based food and drink options are to be available at providers on SHDC open spaces (where reasonably possible). Similarly when possible, via future contract specification when re-tendering for suppliers for Council run cafes, kiosks or leisure centres, specify that vegetable/legume rich plant-based options are listed prominently on menus, above non plant-based options.*
- 4) *Continue to use council communications channels to promote sustainable (and affordable) food and drink practices throughout the district, including details of the climate and health benefits of plant-based food and drinks and educating people on the best ways to achieve a balance plant-based diet.*
- 5) *Write to the government supporting UK endorsement of the Plant Based Treaty and invite all Party Group Leaders to sign the letter.'*

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Agenda Item 1

MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES ON THURSDAY 15 DECEMBER 2022

MEMBERS

* Cllr L Austen – Chairman

* Cllr B Taylor – Vice-Chairman

* Cllr V Abbott	* Cllr M Long
* Cllr K J Baldry	* Cllr J McKay
* Cllr H D Bastone	* Cllr D M O'Callaghan
* Cllr J P Birch	* Cllr G Pannell
* Cllr J Brazil	* Cllr J A Pearce
* Cllr D Brown	∅ Cllr J T Pennington
* Cllr M Chown	* Cllr K Pringle
* Cllr R Foss	* Cllr H Reeve
* Cllr J D Hawkins	* Cllr J Rose
* Cllr J M Hodgson	* Cllr R Rowe
∅ Cllr T R Holway**	* Cllr P C Smerdon
* Cllr N A Hopwood	* Cllr B Spencer
* Cllr S Jackson	* Cllr J Sweett
∅ Cllr L Jones	* Cllr D Thomas
∅ Cllr K Kemp	

* Denotes attendance

∅ Denotes apology for absence

** Denotes attendance via Teams in a non-voting capacity

Officers in attendance and participating:

For all items: Senior Leadership Team; Monitoring Officer; Democratic Services Manager; Assistant Director – Strategy and Organisational Development (via Teams) Head of Revenues and Benefits; Principal Natural Resources & Green Spaces Officer, Head of Housing (via Teams), Specialist – Climate Change (via Teams) and Licensing Specialist (via Teams)

47/22 **MINUTES**

The minutes of the Council meeting held on 22 September 2022 and the Special Council meeting held on 13 October 2022 were both confirmed as a true and correct record.

48/22 **DECLARATIONS OF INTEREST**

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.

ANNUAL REVIEW OF HEALTH AND SAFETY POLICY STATEMENT

Consideration was given to a report that sought Council approval to adopt a revised Health and Safety Policy Statement.

In her introduction, the Leader set out the proposed updates to the Health and Safety Policy since it had last been approved by the Council at its meeting held on 25 November 2021 (Minute 52/21 refers).

In debate, the following points were raised:

- a) A Member requested further information on the Public Health advice that had resulted in changes to the Health and Safety Policy with regard to the ability to Vape on Council premises. In response, an assurance was given that this information would be provided following this meeting;
- b) A Member queried as to how lone working would be monitored for Members who routinely worked alone in their respective Wards. In reply, it was confirmed that training on general Health and Safety, including Lone Working, had been provided to all Members as part of the Induction programme in 2019 and that the actions Members should take to minimise risk when working alone had been included in the session. However, as this was some time ago, a Member requested that a refresher session be held (via Teams) in early 2023;
- c) A request was made that the suite of adopted Council Policies, not solely the Health and Safety Policy, be placed on the intranet in a location easily accessible for all officers and Members.

It was then:

RESOLVED

That the Health and Safety Policy Statement be adopted and signed by the Head of Paid Service and the Leader of the Council.

TAMAR VALLEY AONB MANAGEMENT PLAN EXTENSION

Consideration was given to a report that sought an extension to the Tamar Valley AONB Management Plan, in line with Defra recommendations.

In discussion, disappointment was expressed about the time taken for the Glover Review to be considered by Government. This delay had resulted in the requirement for the Tamar Valley AONB Management Plan, amongst others, to be extended, which was felt to be regrettable.

It was then:

RESOLVED

That the Tamar Valley AONB Management Plan (2019-2024) be extended by up to 12 months to the end of 2025.

51/22

DARTMOUTH NEIGHBOURHOOD PLAN

The Council considered a report that recommended adoption of the Dartmouth Neighbourhood Plan.

In discussion, a number of Members paid tribute to the work undertaken by all those involved in developing the Plan, particularly the Sub-Committee of Dartmouth Town Council. However, disappointment was expressed over the low turn-out for the Referendum, despite which, nearly 90% had voted in support of the Plan.

It was then:

RESOLVED

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

52/22

KINGSBRIDGE, WEST ALVINGTON AND CHURCHSTOW NEIGHBOURHOOD PLAN

The Council considered a report that recommended approval of the Kingsbridge, West Alvington and Churchstow Neighbourhood Plan.

In discussion, Members paid tribute to the work undertaken by all those involved in developing the Plan, particularly Kingsbridge Town Council and the adjoining Parish Councils of West Alvington and Churchstow.

It was then:

RESOLVED

That the Kingsbridge, West Alvington and Churchstow Neighbourhood Development Plan be made (adopted).

53/22

REPORTS OF BODIES

That the minutes and recommendations of the undermentioned bodies be received and approved subject to any amendments listed below:-

(a) Salcombe Harbour Board – 13 June 2022

(b) Overview & Scrutiny Committee - 16 June 2022

(c) Overview & Scrutiny Committee - 21 July 2022

In noting the Minutes, a Member sought an update on the current position with the recruitment of staff into the Legal team. In reply, it was confirmed that there had been limited interest in the recent recruitment round and, as a result, all vacancies were due to be re-advertised early in the New Year.

(d) Development Management Committee – 7 September 2022

(e) Audit & Governance Committee – 8 September 2022

AG.12/22 Update on Progress on the 2022-23 Internal Audit Plan

In discussion, Members sought clarification on whether or not the Servaco Trading Company had been intended to be the vehicle for the Council to develop its own housing stock in the future. The Section 151 Officer replied that this was not the case and a different Trading Company was being developed for that purpose and that 'Servaco' had never traded since being established by the Council during the last administration.

It was then:

RESOLVED

That, with effect from 31 March 2023, the Servaco Trading Company be closed.

(f) Executive – 21 September 2022

E.33/22 Waste and Recycling Services Update

It was noted that the Recommendations to Council contained therein had been considered at the meeting of Council held on 22 September 2022 (Minute 35/22 refers).

E.34/22 Medium Term Financial Strategy 2023/24 to 2025/26

Since the Executive meeting of 21 September 2022, the Government had issued new guidance that permitted local authorities to raise Council Tax by 2.99% without triggering a Council Tax Referendum. In advising Members of this, the Leader stated that it was still her intention to propose to the Budget Council meeting in February 2023, that the Council Tax be raised by £5.00 for a Band D Property, and not the £5.39 now permitted under the new regulations

After a lengthy debate and, to clarify the new position, an amendment to Recommendation 1(i) was **PROPOSED, SECONDED** and when put to the vote declared **CARRIED** that:

“it be the strategic intention to raise Council Tax *by £5.00 for a Band D property (rather than the maximum allowed* without triggering a Council Tax Referendum) to endeavour to continue to deliver services. (NB. The actual Council Tax for 2023/24 will be decided by Council in February 2023)”

It was then:

RESOLVED

1. That it be the strategic intention to raise Council Tax by £5.00 for a Band D property (rather than the maximum allowed without triggering a Council Tax Referendum) to endeavour to continue to deliver services. (NB. The actual Council Tax for 2023/24 will be decided by Council in February 2023);
2. That the Council continue to respond to Government consultations on Business Rates Reform;
3. That active lobbying and engagement be continued 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 2024 onwards, when the business rates reset is predicted to happen (this is the earliest date it might happen); and
4. That lobbying be continued in support of the Government eliminating Negative Revenue Support Grant in 2023/24 (and thereafter) and lobbying for Rural Services Delivery Grant allocations which adequately reflect the cost of rural service provision.

(g) Salcombe Harbour Board – 26 September 2022

SH.17/22 2023/24 Budget and Fees and Charges

In proposing the recommendations, the Chairman of the Salcombe Harbour Board wished to put on record his thanks to the Harbour staff for their hard work during what had been a challenging time during the Covid pandemic.

It was then:

RESOLVED

1. That the proposed 2023/24 Budget (as set out within the published agenda report presented to the Board meeting) be approved; and
2. That, with effect from 1 April 2023, the proposed 2023/24 Fees and Charges (as set out in Appendix C of the published agenda report presented to the Board meeting) be approved.

(h) Overview & Scrutiny Committee – 29 September 2022

(i) Development Management Committee – 5 October 2022

(j) Executive – 13 October 2022

E.45/22 Key Partnerships Funding

RESOLVED

2. That funding be extended for the following key partners for a further two years as follows:

- SW Museum Development Trust - £4,000;
- Iybridge Ring and Ride - £5,710; and
- South Hams CVS - £10,000;

3. That an increase in funding be agreed for each of the next two years for the following partners in recognition of additional activities being delivered:

- Citizens Advice South Hams – £70,867 (an increase of £10,000 per annum funded from Covid-19 vulnerability grant underspend);
- South Devon AONB - £28,749 (an increase of £8,000 per annum), subject to a Service Level Agreement (being prior agreed by the Executive) in respect of focused support to meet the demand of South Hams District Council Development Management Service;

(k) Audit & Governance Committee – 20 October 2022

(l) Overview & Scrutiny Committee – 3 November 2022

(m) Development Management Committee – 9 November 2022

(n) Licencing Committee – 17 November 2022

L.09/22 Hackney Carriage and Private Hire Policy – The Statutory Taxi And Private Hire Vehicle Standards

RESOLVED

That that the draft Hackney Carriage and Private Hire Policy, as amended, be adopted.

L.10/22 Hackney Carriage and Private Hire Policy – Proposal to Delay Implementation of the Euro NCAP Safety Rating Standard

RESOLVED

That the draft Hackney Carriage and Private Hire Policy, as amended, be adopted.

(o) Executive – 1 December 2022

E.55/22 Revenue and Capital Budget Proposals for 2023/24 to 2025/26

A Member sought clarity as to whether the Council's Constitution would be amended to reflect the creation of a 'Budget Advisory Committee'. In reply, the Leader confirmed that this would be a matter for consideration as part of the next review of the Council Constitution. For clarity, the Leader advised that the purpose of establishing a Budget Advisory Committee was to ensure that all non-Executive Members of Council were formally consulted on the Council's Budget proposals prior to consideration by the Executive and Full Council.

It was then:

RESOLVED

- (v) That an advisory Committee comprising of all Non-Executive Members be established to consider the 2023/24 Revenue and Capital Budget Proposals and make recommendations to the Executive on the Budget Proposals (meeting date of Thursday, 19 January 2023 proposed);
- (vi) That membership of the Devon Business Rates Pool for 2023/24 be continued, 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 Portfolio Holder for Finance), would change this recommendation.

E.62/22 Devon Carbon Plan

RESOLVED

1. That the ambition and objectives set out within the Devon Carbon Plan be endorsed; and
2. That the Climate Change Strategy and Action Plan be revised to show how it will contribute to delivering the Devon Carbon Plan.

54/22

PUBLIC QUESTIONS

The Chairman informed the Meeting that no Public Questions had been received for consideration at this Meeting.

55/22

QUESTIONS ON NOTICE

It was noted that the following Questions on Notice had been received in accordance with Council Procedure Rules:

- a. From Cllr Hodgson to Cllr Holway (lead Executive Member for Climate Change and Biodiversity)

“With wider recognition of the climate crisis at COP 27 and the current international energy crisis, will SHDC support the opportunity to increase renewable energy capture in Devon by active lobbying to the Government for the National Grid link, to be installed as a matter of urgency?”

In reply, the lead Executive Member advised that there was no doubt that investment in the region’s electricity network was essential to enable connection of new sources of much needed renewable energy. He stated that the question referred to the Hinkley Point Connection Project which aimed to provide a 57km long new high-voltage electricity connection between Bridgwater and Seabank near Avonmouth. As stated in the question, this project was linked to the development of the Hinkley Point C by EDF and in view of this our ability to influence this nationally significant infrastructure project was limited. He confirmed that the Council would add its weight to regional calls for greater grid reinforcement and capacity improvement, continuing that there were other grid constraints that came in the form of high connection costs. After speaking to Devon County Council (DCC) it was understood that, from April 2023, connection costs would be shared in a more proportionate way, making new connections more affordable. In closing, Cllr Holway confirmed that the Council would also continue to work with DCC and our Community Energy Groups to explore small local solutions that would facilitate renewable energy development that did not rely on enhanced grid capacity.

In asking a supplementary question, Cllr Hodgson sought reassurance of the Council’s commitment to direct lobbying, through the Local Enterprise Partnership, to encourage the National Grid to make the link sooner rather than later. In reply, the Lead Executive Member confirmed that there would be direct lobbying and expressed his belief that Community Generation Projects were well worthwhile.

b. From Cllr Hodgson to Cllr Baldry (lead Executive Member for Environment)

“In moving forward with the Devon Carbon Plan and recognising that waste management has a high carbon footprint, can support be provided for Devon Community Recycling Network to enable them to provide direct support with, promotion, information and advice for new locally based community composting initiatives coming forward?”

In response, Cllr Baldry stated that Officers had already started communications with the Sustainable South Hams Working Group to assist with the issues that new groups were facing as part of setting up community composting schemes. As part of these discussions, Devon Community Recycling Network had put forward its proposals as to how the Network could support groups alongside the Council going forward which Officers were currently considering and looking to progress.

c. From Cllr Hodgson to Cllr Bastone (Deputy Leader of the Council)

“Now that regular SHDC Traveller Forum meetings are starting to take place, what is the current position with progress with developing serviced traveller sites in South Hams and is additional funding needing to be allocated in the forthcoming annual budget to properly address this need?”

On behalf of Cllr Bastone, Cllr Pearce replied that meetings of the Forum had recently recommenced and that South Hams District Council was hosting these to ensure that homelessness, housing advice and planning information was provided to people who did not fall within the Gypsy & Traveller protected characteristic group.

She further advised that the Joint Local Plan Policy Dev 13 was used to determine planning applications for Gypsy & Traveller sites and that there was currently no evidence of need for any permanent sites/pitches. She confirmed that this information would be revisited as part of the Joint Local Plan review. Therefore, there was no need to identify additional funding for this purpose from the forthcoming budget. As part of the review, consideration would be given to whether any permanent pitches would be required or whether any existing tolerated pitches could feasibly obtain planning permission. Should finance be required in the future this would be subject to an appropriate business case and grant funding opportunity.

Cllr Pearce added that our forum provided a space to support the needs of what were sometimes called “new age travellers” or van dwellers. There was no duty to provide a physical site for this group, however recognising the difficulties illegal parking on highways and byways could cause, the Council was working to identify the best location for a site within the South Hams. In addition, where there was no issue with an existing location, the Council would adopt a pragmatic approach and look to regularise planning to allow continued occupation. These were not generally on land owned by the Council and we would work with both the residents and the landowners to reach a solution.

In reply to a supplementary question, Cllr Pearce confirmed that efforts continued to find a suitable site and asked that, in the event that any Member(s) were aware of one (and a willing landowner), then they advise lead officers accordingly.

d. From Cllr Hodgson to Cllr Pearce (Leader of the Council)

“Now that Teignbridge is pursuing the development and direct delivery of council housing to provide much needed social housing, will SHDC follow this model and establish a similar initiative for the South Hams. Please can an update on Team Devon plans and initiatives towards delivering social housing be provided?”

In replying, the Leader stated that, Teignbridge District Council, like South Hams District Council (SHDC), had transferred all of its Council housing stock to Teign Housing and that, like SHDC had at St Ann's Chapel, Teignbridge had also begun to look at direct delivery at two sites. She continued that the Council was currently running an Expression of Interest process for 2 sites in Kingsbridge, one greenfield and one brownfield in order to bring forward affordable led housing on Council owned land.

Cllr Pearce advised that the report to the Executive meeting on 7 July 2022 had detailed the Council's progress on delivering affordable homes through our enabling activity and that the estimated delivery for the next 2 years was in the region of 352 homes through Section 106 monies alone.

She added that the Council continued to make best use of existing stock with one of the most generous downsizing payments in the Country. This had supported 14 households to move to smaller accommodation thereby freeing up their accommodation for families in need.

Through the Devon Task Force and our own lobbying work, the Council had been working to bring about change to the broad market area and local housing allowances, second homes and the loopholes in the business rate system, as well as a licensing system for holiday accommodation. Against the backdrop of our own housing crisis declaration, the Council had worked to support refugees through the Homes for Ukraine Scheme as well as placing a renewed focus on asylum dispersal.

In closing, the Leader added that the Devon Housing Commission, set up by the Housing Task Force and working with Exeter University, would start work shortly to look for new solutions appropriate to the settings and circumstances in Devon. The Council had been successful in securing a Local Government Association bid to offer practical help and tools to Community Land Trusts (CLT). The Council had had success locally with Newton and Noss CLT being the proud recipients of a national award from the CLT network and this was great news and they were to be congratulated.

In response to a supplementary question, the Leader confirmed that all rental houses that were approved in accordance with the adopted Joint Local Plan (JLP) were for Social Rental purposes.

56/22

MOTIONS ON NOTICE

It was noted that two Motions on Notice had been received in accordance with Council Procedure Rules

a. From Cllr Pearce and Cllr Brazil

"This Council will adopt a 100% Council Tax premium on second homes as soon as legislation allows."

In her introduction, Cllr Pearce advised that legislation was progressing through Parliament to enable Councils to introduce a 100% Council Tax Premium on second homes. The proposed date that such measures could be introduced was likely to be 1 April 2024.

During the ensuing debate, there was widespread support expressed for the Motion and frustration that the introduction of the Premium was likely to be well over 15 months away at best. Nonetheless, it was felt positive that the Council could make the 'in principle' decision to make the charge at this meeting and then, on the granting of Royal Assent of the Bill, be in a position to implement the Premium immediately.

A Member queried how the Council would be able to correctly ascertain whether homes were primary or secondary residences. In reply, the Head of Revenues and Benefits confirmed that a pre-emptive exercise was being undertaken shortly to gather this information by means of using existing Council Tax data.

It was then:

RESOLVED

That this Council will adopt a 100% Council Tax Premium on second homes as soon as legislation allows.

b. From Cllr Sweett and Cllr Long

"The Council will write to Central Government and trading standards requesting that all nicotine products including all types of "Vapes" are immediately subjected to the same restrictions as cigarette products."

In her introduction, the proposer outlined the differences in the legal requirements for the sale of traditional tobacco products and new Vaping products and also highlighted statistics regarding the increase in smoking rates and faster increasing vaping rates amongst young people.

During the debate, some Members felt that there was not yet sufficient evidence regarding the health related impacts of vaping to seek such restrictions on Vape products and that an element of personal choice should exist. However, Members were largely supportive of the Motion though recognised that the public health portfolio did not fall directly within the Council's remit. In seeking ways to increase its impact, an amendment to the motion was **PROPOSED, SECONDED** and when put to the vote declared **CARRIED** that:

*"The Council will write to Central Government, **Torbay and South Devon Healthcare Trust**, trading standards **and all partner organisations** requesting that all nicotine products including all types of "Vapes" are immediately subjected to the same restrictions as cigarette products."*

It was then:

RESOLVED

That the Council will write to Central Government, Torbay and South Devon Healthcare Trust, trading standards and all partner organisations requesting that all nicotine products including all types of "Vapes" are immediately subjected to the same restrictions as cigarette products.

(Meeting commenced at 2.00 pm and concluded at 4.05 pm)

Chairman

**SOUTH HAMS DISTRICT
COUNCIL**

16 FEBRUARY 2023

**2023/24
REVENUE AND CAPITAL
BUDGET PROPOSALS**

<p style="text-align: center;">2023/24 REVENUE & CAPITAL BUDGET PROPOSALS – FINAL RECOMMENDATIONS</p>
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Purpose of the Report

This report provides an update of our overall financial position and details the formal proposals of the Executive to achieve a balanced budget. The minutes of the Executive meeting of 26 January 2023 are included elsewhere on this agenda and provide a more complete picture of the decisions taken.

The General Fund Revenue Budget, Medium Term Financial Strategy (MTFS) and the recommendations for the 2023/24 financial pressures and savings are summarised in Appendices A to D of this report. The MTFS has been rolled forward to enable Members to look ahead to future years in considering their spending plans and council tax levels.

The finance settlement announced on 19th December 2022 is for a single year only and there will be further details on proposed funding reforms and consultations in 2023. The broad approach is based on a uniform roll-over of the core elements of the settlement. Finance reform has been deferred to at least 2025/26 and possibly later.

The Council now receives minimal Government Grant (Revenue Support Grant) of £138,000 to fund its services and the Council has to be self-sufficient.

The Council Tax Referendum limits for District Councils will be the higher of £5 or 2.99% for 2023/24.

The Council's Net Budget will be £11.7 million for 2023/24, for all of the services it delivers. Negative Revenue Support Grant (RSG) will be eliminated by the Government for 2023/24. The business rates baseline reset will be deferred until at least 2025/26. A business rates pooling gain of £300,000 has been modelled for 2023/24.

New Homes Bonus has been 'rolled over' for another year, with no legacy payments being paid, resulting in an allocation of £456,012 for 2023/24.

Rural Services Delivery Grant has been increased for 2023/24 to £478,583 (SHDC share). This is Government grant to recognise the additional cost of delivering services in rural areas. Although the final RSDG allocation is higher by £50,377, the extra funding has been deducted from the Funding Guarantee amount, which now has an allocation of £694,468. So the final Finance Settlement announced on 7th February 2023 is exactly the same overall as the provisional Finance Settlement announced in December 2022.

This report sets out the revenue budget proposals for a balanced budget for 2023/24. The Council is currently forecasting a budget gap of £0.3m for 2024/25. The cumulative aggregated Budget Gap by 2025/26 is £1.23million.

<p style="text-align: center;">2023/24 REVENUE & CAPITAL BUDGET PROPOSALS – FINAL RECOMMENDATIONS</p>
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Statutory Powers: Local Government Act 1972, Section 151
Local Government Finance Act 1992

RECOMMENDATIONS:-

(The references in the Recommendations below refer to the Appendices in this report or to the relevant Section of the 2023/24 Revenue Budget report presented to the Executive at its meeting on 26 January 2023).

It is RECOMMENDED that:

- i). Council Tax for 2023/24 be increased by £5 (Band D of £185.42 for 2023/24 – an increase equivalent to less than 10 pence per week or £5 per year – equating to a 2.77% increase). This equates to a Council Tax Requirement of £7,407,344;
- ii). the financial pressures (as shown in Appendix A of the presented agenda report and amounting to £4,107,700) be approved;
- iii). the net contributions from Earmarked Reserves of £(412,000) as shown in Appendix D of the presented agenda report, including the proposed use of £500,000 of New Homes Bonus funding to fund the 2023/24 Revenue Budget as set out in section 3.23 of the Executive report of 26 January 2023 and £400,000 from the Business Rates Retention Earmarked Reserve as set out in section 3.17 of the Executive report of 26 January 2023.
- iv). the savings/additional income of £2,422,000 (as shown in Appendix A of the presented agenda report) be approved;
- v). The Council approves the recommendation of the s151 Officer to agree to take up the ‘stepped pension contribution rates’ being offered by the actuaries of the Devon Pension Fund, following the results of the Triennial Pension Revaluation (as per 3.24 of the Executive report of 26 January 2023);
- vi). the Council sets its total net expenditure for 2023/24 at £11,738,067 (as set out in Appendix B of the presented agenda report);
- vii). the proposed Capital Programme Proposals for 2023/24 of £2,035,000 and the proposed financing of the Capital Programme (as set out in Appendix E of the presented agenda report) be approved;

<p style="text-align: center;">2023/24 REVENUE & CAPITAL BUDGET PROPOSALS – FINAL RECOMMENDATIONS</p>
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- viii). Unearmarked Reserves should continue to have a minimum level of £1.5 million (as set out in the adopted Medium Term Financial Strategy in September 2022), but an operating level of a minimum of £2 million;
- ix). the level of reserves and the assessment of their adequacy and the robustness of budget estimates be noted (NB. this is a requirement of Part 2 of the Local Government Act 2003);
- x) That the setting of fees and charges for the Dartmouth Lower Ferry (applicable for 2023/2024) are delegated to the Director of Place and Enterprise, in consultation with the Leader of the Council, the Executive Member for Assets and the S151 Officer.
- xi) The Council gives consideration to allocating £10,700 of New Homes Bonus funding to the Dartmoor National Park Authority, for the delivery of housing growth within its area over the past three years.

Officer contact:

Lisa Buckle, Corporate Director for Strategic Finance (S151 Officer)
lisa.buckle@swdevon.gov.uk

Part 1: The Executive's considerations in arriving at its final proposals for financial pressures, savings and Council Tax (Executive meeting held on 26 January 2023).

1. Over the last six months, the Executive has given the budget very detailed consideration and has sought views on budget proposals. This process has enabled and informed Members in their consideration of the appropriate level of service provision and council tax levels.
2. The Executive is recommending increasing council tax by £5 and is recommending that Full Council approve this. This would mean the council tax would increase to £185.42 (Band D) for 2023/24 (a 2.77% increase), an increase of £5 per year or the equivalent of less than 10 pence per week.
3. To balance the budget of £11.7 million, the Council has identified £2.4 million in savings and additional income. The Council is still forecasting a £0.3 million budget gap by 2024/25.

<p style="text-align: center;">2023/24 REVENUE & CAPITAL BUDGET PROPOSALS – FINAL RECOMMENDATIONS</p>
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4. The Executive also recommends a capital works programme for 2023/24 amounting to £2,035,000 as set out in Appendix E of the presented agenda report. Projects include:-
 - Private Sector Renewals (including Disabled Facility Grants)
 - Waste fleet replacement programme

5. Sensitivity analysis and risk analysis – The figures within the Budget proposals have been subject to a sensitivity analysis and a risk analysis. This has identified a potential adverse revenue effect of £1.38 million (from the sensitivity analysis in Appendix G). Revenue Reserves are recommended to be maintained at a minimum of £1.5 million (as set in the Medium Term Financial Strategy in September 2022), but at an operating level of a minimum of £2 million. Appendix G also sets out the CIPFA Financial Resilience Index for 2022, a comparative tool that can be used by S151 Officers as part of the annual budget report. The S151 Officer therefore confirms the robustness of the Budget Proposals and the adequacy of the reserves.

Part 2: Conclusion

6. The above paragraphs summarise the overall position faced by the Council and the considerations of the Executive in arriving at its final proposals to achieve a balanced budget.

7. The proposed budget will leave the Council on a stable financial footing with a level of reserves which will help the Council manage the uncertainty of the future reforms of Local Government Finances. Examples are the Fair Funding Review, the reset of the business rates baseline, the future of the new homes bonus scheme and uncertainty around negative revenue support grant and the continuation of grants such as the rural services grant in the longer term.

8. The Council, along with other local authorities, has faced unprecedented reductions in Government funding. Between 2009/10 and 2020/21, the Council's Core Government funding has reduced by £4 million. The Council now receives minimal Revenue Support Grant (main Government Grant) of £138,000.

9. The Council is currently forecasting a budget gap of £0.3m for 2024/25. The aggregated Budget Gap by 2025/26 is £1.23million. The Peer Review report in 2019 stated that it will be important to ensure that financial self-sufficiency becomes the byword over the medium term and focus is maintained to achieve this.

**2023/24 REVENUE & CAPITAL BUDGET PROPOSALS –
FINAL RECOMMENDATIONS**

10. The Council is asked to give consideration to allocating £10,700 of New Homes Bonus funding to the Dartmoor National Park for the delivery of housing growth within its area over the last three years. Eight units have been delivered since 2019/20. A request in writing will be received from the National Park Authority, for the Council to contribute an element of New Homes Bonus funding to the National Park Authority, for housing growth within the Park Authority over the last three years. This has been the practice in the past, where the Council has paid the National Park Authority for the New Homes Bonus equivalent to the housing growth within the Park Authority's boundaries.
11. In terms of unearmarked reserves, the recommendation of the s151 Officer is for the Council to continue to have a minimum level of unearmarked reserves of £1.5million (as set out in the Medium Term Financial Strategy in September 2022), but to have an operating level of a minimum of £2million for unearmarked reserves. The Council should be operating at a level of £0.5m above the minimum level on a day to day basis. Appendix G sets out a sensitivity analysis and risk analysis of Reserves.
12. The Council continues to do everything it can to make sure that residents, businesses and front-line services come first. Forward planning has allowed us to ease the pressures on front line services and for those in our community who face financial difficulties in these unprecedented times.
13. Local Government finances are increasingly stretched and there is a great deal of financial uncertainty for District Councils from 2023 onwards. The next few years will be challenging with the Government's Fair Funding Review and the reset of the Business Rates baseline being introduced, coupled with receiving minimal main Government Grant and the proposed cessation of the New Homes Bonus scheme.
14. This is a budget to maintain frontline services, whilst also preserving the longer term future of the Council. Strong financial management over many years and the continual drive for efficiency has enabled the Council to accommodate service pressures while still maintaining a low level of council tax. I commend the budget proposals to the Council.

Councillor J Pearce
Leader of the Council

<p style="text-align: center;">2023/24 REVENUE & CAPITAL BUDGET PROPOSALS – FINAL RECOMMENDATIONS</p>
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APPENDICES

- Appendix A – Budget pressures and savings
- Appendix B – Modelling of the Budget Position
- Appendix C – Schedule of Unearmarked and Earmarked Reserves
- Appendix D – Contributions to/(from) Earmarked Reserves
- Appendix E – Capital Programme Proposals for 2023/24
- Appendix F – Revenue Budget Summary for 2023/24
- Appendix G – Sensitivity analysis and risk analysis

BACKGROUND PAPERS

Members' Budget Workshop presentation slides – dated Thursday 10 November 2022

Executive 26 January 2023 – Draft Revenue and Capital Budget Proposals for 2023/24

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SOUTH HAMS DISTRICT COUNCIL - BUDGET PROPOSALS 2023/24
(This shows the changes to the existing Base Budget)

APPENDIX A

	BASE 2022/23	Yr1 2023/24	Yr2 2024/25	Yr3 2025/26
	£	£	£	£
BUDGET PRESSURES				
Inflation and increases on goods and services	110,000	450,000	250,000	110,000
Triennial Pension revaluation (increase in Pension Employer primary rate contributions)		150,000	150,000	250,000
Salaries - provision for pay award at 3% (£280,000) from 2023/24 onwards, total pay of £9.5m	185,000	280,000	280,000	280,000
Pay award 2022-23 - £1,925 per Scale Point (£630,000 is the amount over the current budget provision of £185,000 for 2022-23) - This will need to be built into the Base Budget in 2023-24	0	630,000	0	0
Increase in salaries - increments and pay and grading	0	200,000	0	0
The Planning Improvement Plan, Executive 26.5.22, noted that the cost of the staffing restructure, £98k per annum, will be funded for the first three years from the additional planning income held in the planning earmarked reserve.	164,000	98,000	0	0
Better Lives for All strategy - Council 23 September 2021 - £110,000 cost pressures for 22/23 and 23/24	110,000	0	(110,000)	
Waste collection, recycling and cleansing contract inflation (estimate of around 3%)	130,000			
Additional inflation for the waste service - 12.2% for 2022/23 (extra £360K) plus assume 5% for 2023/24 onwards (£205K)	0	565,000	205,000	205,000
Waste collection, recycling and cleansing service - Council 14 July 2022	0	1,250,000	0	0
Waste collection, recycling and cleansing service - additional properties	0	90,000	90,000	100,000
National Living Wage and National Insurance	140,000	75,000	75,000	75,000
Business Rates Revaluation 2023 - Increase in the Rateable Value of SHDC Assets which are liable to business rates	0	75,000	50,000	50,000
Dartmouth Lower Ferry - increase the R & M budget	0	80,000	0	0
Increased external audit fees (fees are increasing nationally)		75,000	0	0
Head of Revenues and Benefits Executive 7th April 2022	0	45,000	0	0
Housing Delivery Team Executive 26th May 2022	0	44,700	0	0
IT Support contracts	75,000			
Reduce the income budget for treasury management investment income	80,000			
Rough sleeper outreach worker (SHDC share of the cost is 60%), to be funded from Government Homelessness grant	24,000			
Community composting groups	10,000			
Salcombe Harbour recharges to the Council for staff time	16,600			
TOTAL BUDGET PRESSURES	1,044,600	4,107,700	990,000	1,070,000
Changes to contributions to Earmarked Reserves				
Reduce the contribution from the New Homes Bonus Reserve to fund the Revenue Base Budget (assumes a contribution of £0.5m in 22/23 and 23/24 onwards)	246,000	0	0	0
Dartmouth Ferry - increase annual contribution to reserve		30,000	30,000	0
Elections - increase the contribution to the Elections Reserve		30,000		
Contribution from Business Rates Retention reserve to smooth the volatility in business rates income from the baseline reset and the loss of a pooling gain (This would use £0.1m of the Reserve in 22/23, £0.4m in 23/24 and £0.4m in both 24/25 and 25/26)	(100,000)	(300,000)	0	0
Contribution from the Planning Reserve for the cost of the restructure within the planning service - Executive 26 May 2022 - to be funded for the first three years from the additional planning income held in the planning earmarked reserve		(98,000)		
Reduce contribution to Pension Reserve	0	(99,000)	0	0
Contribution to Joint Local Plan Earmarked Reserve	25,000	0	0	0
Contribution from Homelessness Reserve (to fund rough sleeper outreach worker)	(24,000)	0	0	0
Repairs and Maintenance Reserve - increase annual contribution in 2023-24	0	25,000	0	0
Total changes in contributions to Earmarked Reserves	147,000	(412,000)	30,000	

SOUTH HAMS DISTRICT COUNCIL - BUDGET PROPOSALS 2023/24
(This shows the changes to the existing Base Budget)

APPENDIX A

SAVINGS AND INCOME GENERATION IDENTIFIED

	BASE 2022/23	Yr 1 2023/24	Yr 2 2024/25	Yr 3 2025/26
Management fee income from external contracts such as leisure	0	0	(230,000)	(200,000)
IT FIT Project - software savings	(70,000)	(10,000)		
Establishment savings (salary savings) gained from IT and digital communications	(20,000)	(50,000)		
Employment Estates - additional rental income	(80,000)	(150,000)		
Extra recycling income - additional income has already been achieved in 2021-22	(70,000)	(90,000)		
Extra planning income (to fund four planning specialists and two legal specialists) - Planning Improvement plan - Executive 14.10.21	(164,000)			
Car parking income (from extra usage of the car parks particularly in the coastal areas)		(250,000)		
Dartmouth Lower Ferry (from extra usage of the Ferry and a review of charges for 2023)		(250,000)		
Extra treasury management income - to reflect increases in bank base rate		(677,000)		
Charged Garden Waste service		(575,000)		
Savings on Trade Waste tipping fees and extra income on recycling sacks, due to more trade waste being recycled. Extra income from Controlled Waste Regulations (CWR) properties . These savings were already achieved in 2021-22.		(190,000)		
Funding from Homelessness prevention government grant (this funds housing posts - funding to be reflected within the base budget)		(180,000)	(10,000)	
Discretion to charge up to an extra 100% extra council tax on Second Homes (timescale is that legislation maybe introduced for 24-25 but it also could be delayed to 25-26). There is a separate report on the Council agenda of 16 February 2023 regarding this.			(730,000)	
TOTAL SAVINGS AND INCOME GENERATION	(404,000)	(2,422,000)	(970,000)	(200,000)

Line	Appendix B - Assumes Council Tax is increased by £5 each year	BASE	Yr 1	Yr 2	Yr 3
No.	Modelling for the financial years 2023/24 onwards	2022/23 £	2023/24 £	2024/25 £	2025/26 £
1	Base budget brought forward	9,676,767	10,464,367	11,738,067	11,488,882
2	Budget pressures (as per Appendix A)	1,044,600	4,107,700	990,000	970,000
3	Savings already identified (as per Appendix A)	(404,000)	(2,422,000)	(970,000)	(200,000)
4	Changes in contributions to Earmarked Reserves (App A)	147,000	(412,000)	30,000	0
5	Projected Net Expenditure:	10,464,367	11,738,067	11,788,067	12,258,882
	Funded By:- (See Note 1 below regarding New Homes Bonus funding)				
6	Council Tax income - Modelling a £5 increase in 2023/24 onwards	7,061,585	7,407,344	7,702,299	8,002,254
7	Collection Fund Surplus	181,000	332,000	200,000	200,000
8	Localised Business Rates (estimate of business rates resources received in the year)	2,274,139	2,447,681	2,450,000	2,500,000
9	Negative Revenue Support Grant (RSG) Adjustment - Change to Baseline Need from 25/26 onwards	0	0	0	(450,000)
10	Revenue Support Grant	0	138,000	146,000	146,000
11	Business Rates Pooling Gain	300,000	300,000	0	0
12	Rural Services Delivery Grant	428,206	478,583	478,583	478,583
13	Funding from Funding Guarantee (3% increase in Core Spending Power) - this is a new grant for 23/24 onwards. Assume discontinued when the Fair Funding Review is implemented in 25-26.	0	694,468	650,000	0
14	Less grants rolled into the Funding Guarantee amount	0	(138,000)	(138,000)	0
15	Transitional funding - assume the introduction of the business rates baseline reset and the Fair Funding Review will translate into some transitional funding being available to Councils				750,000
16	Lower Tier Services Grant	86,501	0	0	0
17	Services Grant	132,936	77,991	0	0
18	Total Projected Funding Sources	10,464,367	11,738,067	11,488,882	11,626,837
	Budget Gap per year				
19	(Projected Expenditure line 5 - Projected Funding line 18)	0	0	299,185	632,045
	Actual Predicted Cumulative Budget Gap	0	0	299,185	931,230
	Aggregated Budget Gap (if no action is taken in each individual year to close the budget gap annually)	0	0	299,185	1,230,415
	Modelling Assumptions:				
	Council Tax (Band D) (Modelling a £5 increase per year)	180.42	185.42	190.42	195.42
	Council Tax Base (Assumes an increase in Band D Equivalent properties of 500 per annum)	39,139.70	39,949.00	40,449.00	40,949.00

Note 1 - New Homes Bonus Funding

The modelling for 2023/24 onwards includes a contribution of £500,000 from New Homes Bonus to fund the Base Budget. Although the NHB scheme is due to be replaced after 2023/24, it is assumed that a successor scheme will be implemented that will also be based on housing growth.

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RESERVES - PROJECTED BALANCES (EXCLUDES SALCOMBE HARBOUR)						APPENDIX C
EARMARKED RESERVES	Cost Centre	Opening balance	Additions to Reserve	Predicted Spend	Closing balance	Comments
		01.04.2022 £000s	2022/23 £000s	2022/23 £000s	31.03.2023 £000s	
Specific Reserves - General Fund						
Affordable Housing (Capital)	S0822	(544)		544	0	Actual spend relates mainly to Capital Programme expenditure including St Ann's Chapel
Affordable Housing (Revenue)		0	(408)	60	(348)	This is a new reserve set up as part of the 2022/23 Budget process and has been created from a one off contribution from the New Homes Bonus funding in 2022/23. Predicted spend in 2022/23 relates to the Step on Deposit Scheme pilot (Council Feb 2022).
Beach Safety	S0839	(14)			(14)	
Capital Programme	S0820	(249)	(182)	431	0	Predicted spend relates to Capital Programme commitments and a transfer of £80k to the Repairs & Maintenance earmarked reserve in respect of Follaton House roof refurbishment and replacement lift
Community Composting	S0933	(200)			(200)	Council 10/02/22 approved a one off amount of £200k to be transferred into a Community Composting Earmarked Reserve in 2021/22.
Community Parks and Open Spaces	S0826	(46)	(17)	9	(54)	
COVID-19	S0815	(209)		175	(34)	This reserve was set up in 2020/21 to protect against future COVID losses. In 2022/23 £174,632 will be used to fund the shortfall in the leisure management fee income in 2022/23 and the balance of £33,915 in 2023/24 (Executive 3/3/22).
Dartmouth Ferry Repairs & Renewals	S0830	(530)	(117)		(647)	
District Elections	S0838	(20)	(10)		(30)	
Economic Initiatives	S0831	(23)			(23)	
Economic Regeneration (Business Rates pilot gain 2018/19)	S0858	(24)			(24)	
Emergency Climate Change Projects	S0852	(553)		213	(340)	The set up of this reserve was approved by Executive on 6/2/2020 E74/19, funded originally by a £400k contribution from the New Homes Bonus Reserve. Predicted spend for 2022/23 includes the Climate Change & Biodiversity Locality Fund and 'Better Lives for All' commitments.
Environmental Health Initiatives	S0857	(20)			(20)	
Financial Stability	S0868	(280)			(280)	This is a new reserve set up in 2021/22. Council 10/02/22 approved for £280k to be transferred from unearmarked reserves to a Financial Stability Earmarked Reserve, to be available for any future financial pressures from future local government funding reforms and any other budget pressures.
Grounds Maintenance	S0901	(149)		92	(57)	A new reserve set up in 2020/21 to hold the Grounds Maintenance in year surpluses to be reinvested back into the service (Executive 18/6/20). Commitments in 2022/23 relate to equipment purchases.
Homelessness Prevention	S0851	(234)		195	(39)	This reserve has been created following underspends on Homelessness Prevention Costs. The main commitment in 2022/23 relates to the Housing staffing costs (£151k) - Executive 26/5/22
Housing Capital Projects	S0854	(408)			(408)	
ICT Development	S0836	(89)	(50)	107	(32)	Predicted spend in 2022/23 includes Future IT project and hardware commitments
Joint Local Plan		0	(25)	23	(2)	
Land and Development	S0829	(72)	(7)	14	(65)	
Leisure Services	S0858	(41)			(41)	
Maintenance Fund	S0927	(78)		46	(32)	This is a new reserve set up in 2021/22 to hold service charge income.
Maintenance, Management and Risk Management Reserve (MMRM)	S0861	(66)	(29)		(95)	This reserve was set up in 2019/20 to manage the ongoing maintenance costs of the Council's Investment Property. The contributions to the reserve equate to 10% of the rental income
Marine Infrastructure	S0828	(184)	(58)	10	(232)	£200k has been committed for match funding for the Fish Quay funding bid - Council May 2022
Members Sustainable Community Locality	S0846	(49)			(49)	This reserve holds the unspent balances.
New Homes Bonus	S0804	(1,917)	(1,008)	1,008	(1,917)	The NHB allocation for 22/23 is £1.008m. Projected spend in 2022/23 relates to £500k contribution to the base revenue budget, £100k contribution to the Capital Programme and £407,557 contribution to the Affordable Housing Earmarked Reserve. The remaining balance includes £235,016 unallocated from the 2020/21 New Homes Bonus and £122,274 from the 2021/22 New Homes Bonus with its future use to be decided when more details are known about the Spending Review for 2023/24 onwards and a replacement scheme for NHB.
On-Street Parking	S0834	(44)			(44)	
Pay & Display Equipment Renewals	S0833	(186)	(21)	32	(175)	This reserve provides for the periodic replacement of Pay & Display machines.
Pension Fund Strain Payments	S0810	(208)	(99)		(307)	This reserve is used to fund pension strain costs
Planning Policy & Major Developments	S0840	(531)	(50)	98	(483)	This reserve is for all planning matters and is also required to meet appeal costs. The predicted spend for 2022/23 relates to the Planning restructure. The cost of the first three years of this restructure is to be met from additional planning income in the Planning earmarked reserve (Executive 26/5/22)
Play Area Renewals	S0867	0	(128)		(128)	This is a new reserve to be set up to hold the anticipated underspend on Play Parks to be used for replacement play area equipment (Executive 22/10/20)
Recovery and Renewal Plan	S0864	(500)		158	(342)	This is a new reserve set up as part of the 2021/22 Budget to support the costs of the Recovery and Renewal Plan. Projected spend in 2022/23 relates to 'Better Lives for All' commitments.
Repairs & Maintenance	S0827	(374)	(173)	21	(526)	The additions to the reserve in 2022/23 mainly relate to the budgeted annual contribution (£80k) and a contribution from the Capital Programme earmarked reserve (£80k) towards the Follaton House roof refurbishment and replacement lift. £390k of this reserve balance is earmarked for Follaton House roof refurbishment and replacement lift.

Revenue Grants	S0821	(1,725)	(17)	317	(1,425)	This reserve comprises of government grants received for specific initiatives or new burdens and are held in the reserve for accounting purposes. £120,000 of this reserve has been earmarked in the future to fund the Council's share (60%) of a 2 year fixed term senior role to drive customer service and operational efficiency (Executive 15/9/22 - Waste & Recycling Services Update). In addition a commitment of £73k relates to the funding of three housing posts which were made permanent in the 2020/21 budget process and are funded from the Flexible Homelessness Support Grant. A further £50,000 has been earmarked to top up the Discretionary Housing Payments.
Section 106 Deposits	S0842	(38)			(38)	This reserve comprises of deposits with no repayment conditions - created as a result of IFRS
Section 106 Monitoring	S0929	(158)		20	(138)	This reserve funds the cost of an officer to oversee the administration of S106 deposits and how they are spent
Section 106 Technical Support	S0862	(14)		14	0	To meet the salary costs of a S106 technical support officer.
Support Services Trading	S0856	(75)		39	(36)	This reserve was created from external work carried out in other Councils e.g. HR work with Councils also embarking on a Transformation Programme. The 2022/23 commitment relates to the purchase of Audio Visual equipment.
Sustainable Waste Management	S0837	(1,065)	(25)	400	(690)	This reserve was created for one-off waste management costs. This reserve contains the additional income from increased recycling credits and dry recycling income and it also holds the value of the 2021/22 contractual performance deductions. This will contribute to the anticipated set up costs of bringing the service back in house in October 2022 and capital outlay (some of which will be spent in 2023/24).
Tree Maintenance	S0934	(60)			(60)	A new reserve set up in 2021/22 to hold in year surpluses generated to reinvest back into the Tree maintenance service.
Vehicles & Plant Renewals	S0832	(276)	(550)	10	(816)	Earmarked for the Fleet Replacement Programme. An annual contribution of £550k is made to this reserve.
Sub Total excluding the Business Rates Reserves		(11,253)	(2,974)	4,036	(10,191)	
Business Rates Retention	S0824	(4,546)		2,349	(2,197)	This relates to a timing issue on the accounting adjustments required for the localisation of business rates. This reserve also deals with any volatility in Business Rate income. In 2022/23 £100,000 has been earmarked to smooth the volatility in business rates. At Council on 14 July 2022, Members approved the use of £3million of this reserve, to fund the additional costs during the transitional phase of bringing the waste service back in house.
S.31 Compensation Grant (Business Rates)	S0866	(4,260)	(674)	3,472	(1,462)	This is a new reserve set up to hold the business rates S31 grants received in 2020/21 and 2021/22 to offset the business rate reliefs given to businesses during lockdown. Under current Collection Fund accounting rules, the S31 grants received will not be discharged against the Collection Fund deficit until the following year, 2022/23 and partly 2023/24. This reserve is not money which is available for the Council to spend and it is important that this is not misinterpreted in the Accounts, as this is a national issue.
TOTAL EARMARKED RESERVES		(20,059)	(3,648)	9,857	(13,850)	
TOTAL UNEARMARKED RESERVES (General Fund Balance)		(2,056)	46		(2,010)	This Unearmarked Reserve has a minimum balance of £1.5million and an operating level of £2 million (set by Members as part of the budget process). The predicted deficit for 2022/23 as at Month 8 of £46,000 has been debited to this reserve.
TOTAL REVENUE RESERVES (EARMARKED AND UNEARMARKED RESERVES)		(22,115)	(3,602)	9,857	(15,860)	

ANALYSIS OF CONTRIBUTIONS TO/(FROM) EARMARKED RESERVES

Budget 2022/23			Estimate 2023/24		Estimate 2024/25	
To £	(From) £		To £	(From) £	To £	(From) £
181,600		Capital Programme	181,600		181,600	
16,900		Community Parks & Open Spaces	16,900		16,900	
10,000		District Elections	40,000		40,000	
117,000		Ferry major repairs & renewals	147,000		177,000	
	(500,000)	New Homes Bonus (assumes a replacement scheme in 24/25 onwards)		(500,000)		(500,000)
	(72,700)	Flexible Homelessness Gov Grant		(72,700)		(72,700)
	(100,000)	Business Rates Retention Reserve		(400,000)		(400,000)
20,800		Pay & Display Equipment	20,800		20,800	
99,000		Pension Fund Strain Payments	0		0	
80,000		Repairs and maintenance	105,000		105,000	
550,000		Vehicles & Plant Renewals and additions	550,000		550,000	
7,000		Land and Development Reserve	7,000		7,000	
50,000		IT Development Reserve	50,000		50,000	
25,000		Sustainable Waste Management	25,000		25,000	
50,000		Planning Policy and Major Developments	50,000		50,000	
		Planning Policy and Major Developments (to fund salary costs)		(98,000)		(98,000)
25,000		Joint Local Plan (to part fund salaries of the JLP team)	25,000		25,000	
2,000		Interest from Reserves	2,000		2,000	
1,234,300	(672,700)	TOTALS	1,220,300	(1,070,700)	1,250,300	(1,070,700)
561,600		GRAND TOTAL	149,600		179,600	

The change in contributions to Earmarked Reserves is the difference between £561,600 in 22/23 and £149,600 in 23/24, being a change of £412,000, as shown in Appendix A.

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Capital Bids for 2023/24					
Priority Criteria					
Statutory Obligations	1	Compliance, H&S, DDA			
	2	Essential to keep Operational Assets open			
Strategic Plan	3	Fit with the Council's Delivery Plans for 'Better Lives for all'			
Good Asset Management	4	Rationalise service delivery or service improvement			
	5	Generate income, capital value or reduce revenue costs			
Service	Site	Project	Lead officer	Capital Bids for 2023/24 £'000	Priority code
Assets		Kingsbridge Skate Park (replacement of existing skate park) - match fund contributions from the Lottery, local crowdfunding, Kingsbridge TC and S106 funding	RS	30	2,3,4
Grounds Maintenance		Purchase of new bio shredder - Existing bioshredder has come to the end of its useful life and needs significant repairs. Provides support to community groups.	DC	65	1,2,3,4,5
Assets		Undertaking decarbonisation studies of our principle assets and operational buildings so as to understand measures that can be implemented to reduce carbon emissions (Scope 2) from our buildings. The surveys will set out the measures needed, the costs of implementation and the ongoing operating and maintenance costs. This would enable us to apply for future Government capital grants to enable the works.	LW	75	1, 3, 4, 5
Assets		Follaton House (Old House Ground Floor Area) - to ensure Follaton House is fit for purpose, meeting the needs of the organisation and in order to continue to provide good quality rental accommodation to our tenants, changes are required to the Old House Ground Floor Area	LW	90	1,2,3,4,5
IT		IT automation software - to be utilised by multiple service areas to automate tasks.	JD	25	3,4,5
Commercial Services		Waste Fleet Replacement/addition (already approved as part of Council Minute 41/18, Council 6.12.2018) - Included here for completeness	SM	550	1,2,3,4
Private Sector Renewals (inc Disabled Facility Grants) - funded by Government Grant funding from the Better Care Fund. This funding is passported from Devon County Council to South Hams DC to administer the scheme.		Annual Grant allocation from the Better Care Fund	IL	1,200	1, 3
Total				2,035	

TO BE FINANCED BY:-		
Allocation from the Capital Programme Earmarked Reserve (allocation for 2023/24 of £181,600) and the remainder of £103,400 from NHB funding (from previous years' allocations).	285	
Revenue contribution from the Vehicles and Plant Earmarked Reserve (see Appendix D)	550	
Better Care funding (Government grant scheme) for private sector renewals and disabled facility grants. This funding is passported from Devon County Council to South Hams DC to administer the scheme.	1,200	
Total financing for the Capital Programme	2,035	

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South Hams District Council
Draft Base Revenue Budget for the Financial Year 2023/24

		(1)	(2)	(1)+(2)= 2a	(3)	(4)	(5)	(2a)+(3)+(4)+(5)
Service Group	SLT Budget Holder	22/23 Base Net Budget £'s	22/23 Virements £'s	22/23 Revised Net Budget £'s	23/24 Pressures/ (Savings) £'s	23/24 Budget Preparation Virements £'s	23/24 Salary Estimate Virements £'s	23/24 Final Base Budget £'s
a)	Customer Service & Delivery	7,843,817	0	7,843,817	1,728,215	208,330	201,600	9,981,962
b)	Place & Enterprise	(156,067)	(26,200)	(182,267)	(105,670)	(19,430)	24,800	(282,567)
c)	Governance & Assurance	2,019,894	51,200	2,071,094	358,200	(21,600)	32,400	2,440,094
d)	Strategic Finance	2,128,123	(25,000)	2,103,123	(295,045)	(167,300)	(258,800)	1,381,978
Total		11,835,767	0	11,835,767	1,685,700	0	0	13,521,467
Contributions to/(from) Earmarked Reserves		561,600						149,600
Contributions to/(from) Unearmarked Reserves		0						0
Reversal of Depreciation		(1,933,000)						(1,933,000)
Net Budget Total		10,464,367						11,738,067
Funded by:								
Localised Business Rates		2,274,139						2,447,681
Business Rates Pooling Gain		300,000						300,000
Council Tax (modelling an increase of £5 for 23/24)		7,061,585						7,407,344
Collection Fund Surplus		181,000						332,000
Revenue Support Grant		0						138,000
Rural Services Delivery Grant		428,206						478,583
Lower Tier Services Grant		86,501						0
Services Grant		132,936						77,991
Funding Guarantee		0						694,468
Less grants rolled into the Funding Guarantee amount		0						(138,000)
Total		10,464,367						11,738,067

		(1)	(2)	(1)+(2)= 2a	(3)	(4)	(5)	(2a)+(3)+(4)+(5)
a)	Customer Service & Delivery	22/23 Base Net Budget £'s	22/23 Virements £'s	22/23 Revised Net Budget £'s	23/24 Pressures/ (Savings) £'s	23/24 Budget Preparation Virements £'s	23/24 Salary Estimate Virements (see note 1) £'s	23/24 Final Base Budget £'s
	Operations Team Leader	0	0	0	0	50,700	0	50,700
S1010	Customer Contact Centre	306,700	0	306,700	37,300	0	28,000	372,000
S1013	Localities Team Salaries	409,200	0	409,200	37,400	0	8,200	454,800
S1304	Grounds Maintenance	525,485	0	525,485	31,600	0	26,200	583,285
S1309	Tree Maintenance	42,000	0	42,000	0	0	0	42,000
S1565	Housing Benefit Payments	158,000	0	158,000	0	0	0	158,000
S1568	Housing Benefit Administration	(182,100)	0	(182,100)	0	0	0	(182,100)
S1571	Council Tax Collection	(386,600)	0	(386,600)	0	0	0	(386,600)
S1574	Council Tax Support	(84,000)	0	(84,000)	0	0	0	(84,000)
S1988	ICT Team Salaries	326,300	0	326,300	49,500	0	(43,000)	332,800
S1989	Waste & Cleansing Team Salaries	169,600	0	169,600	16,100	0	60,200	245,900
S1992	Benefits Team Salaries	322,800	0	322,800	44,100	0	(43,000)	323,900
S1995	Revenues Team Salaries	314,300	0	314,300	38,600	0	12,200	365,100

S2017	Street and Beach Cleaning	Sarah Moody	1,179,545	0	1,179,545	0	260	0	1,179,805
S2030	Totnes Depot	Sarah Moody	26,440	0	26,440	4,000	4,170	0	34,610
S2043	Ivybridge Depot	Sarah Moody	26,865	0	26,865	6,000	0	0	32,865
S2044	Torr Quarry Depot	Sarah Moody	5,200	0	5,200	5,000	0	0	10,200
S2701	Waste & Recycling Collection Contract	Sarah Moody	2,919,335	0	2,919,335	27,015	15,000	0	2,961,350
S2713	Trade Waste Services	Sarah Moody	(27,600)	0	(27,600)	0	0	0	(27,600)
S2716	Food Waste Services	Sarah Moody	(3,400)	0	(3,400)	0	0	0	(3,400)
S2701 to S2716	Waste collection, recycling and cleansing service - Council 14th July 2022 - The cost pressure of £1.25m is to be apportioned to in-house waste services and predominately cost centres S2701 to S2716	Sarah Moody	0	0	0	1,250,000			1,250,000
S2884	Supervisors Vehicles	Sarah Moody	5,300	0	5,300	0	0	0	5,300
S4001	Senior Leadership Team	Andy Bates	304,800	0	304,800	36,200	0	12,700	353,700
S4002	Heads of Service	Andy Bates	657,000	0	657,000	114,800	0	105,000	876,800
S4082	Landline Telephones	Mike Ward	39,700	0	39,700	0	0	0	39,700
S4084	ICT Support Contracts	Mike Ward	547,747	0	547,747	10,000	0	0	557,747
S4085	Mobile Phones	Mike Ward	19,000	0	19,000	0	0	0	19,000
S4086	ICT Hardware Replacement	Mike Ward	46,600	0	46,600	0	0	0	46,600
S4087	Photocopiers/MFD's	Mike Ward	33,900	0	33,900	0	0	0	33,900
S4155	Digital Mail Room	Jim Davis	81,000	0	81,000	13,600	138,200	(500)	232,300
S4501	Performance & Intelligence Salaries	Jim Davis	60,700	0	60,700	7,000	0	35,600	103,300
			7,843,817	0	7,843,817	1,728,215	157,630	201,600	9,981,962

(1) (2) (1)+(2)= 2a (3) (4) (5) (2a)+(3)+(4)+(5)

b)	Place & Enterprise	Budget Manager	22/23 Base Net Budget	22/23 Virements	22/23 Revised Net Budget	23/24 Pressures/ (Savings)	23/24 Budget Preparation Virements	23/24 Salary Estimate Virements (see note 1)	23/24 Final Base Budget
			£'s	£'s	£'s	£'s	£'s	£'s	£'s
S1030	Economic Development	Chris Shears	24,300	0	24,300	0	0	0	24,300
S1060	Community Development	Chris Shears	135,400	0	135,400	0	0	0	135,400
S1070	Environmental Initiatives	Chris Shears	46,300	0	46,300	0	0	0	46,300
S1082	Strategic Planning Salaries	Chris Shears	86,500	0	86,500	14,400	0	(7,200)	93,700
S1092a	Sherford Development Salaries	Ian Sosnowski	118,500	0	118,500	12,100	0	35,600	166,200
S1104	Land & Investment Properties	Laura Wotton	(917,510)	0	(917,510)	0	0	0	(917,510)
S1165	Follaton House Offices	Laura Wotton	259,279	0	259,279	43,300	1,260	1,800	305,639
S1301	Community Parks & Open Spaces	Laura Wotton	159,880	0	159,880	6,900	2,020	0	168,800
S1305	Cemeteries & Burials	Laura Wotton	21,270	0	21,270	0	0	0	21,270
S1306	Countryside Recreation	Laura Wotton	500	0	500	0	0	0	500
S1310	Leisure Centres	Jon Parkinson	(176,300)	0	(176,300)	0	0	0	(176,300)
S1311	Outdoor Sports & Recreation	Laura Wotton	166,630	0	166,630	0	280	0	166,910
S1365	Flood Defence & Land Drainage	Laura Wotton	20,380	0	20,380	0	0	0	20,380
S1367	Coast Protection	Laura Wotton	29,350	0	29,350	0	0	0	29,350
S1400	Employment Estates	Laura Wotton	(462,470)	0	(462,470)	(143,900)	21,770	0	(584,600)
S1501	General Health	Ian Luscombe	11,000	0	11,000	0	0	0	11,000
S1503	Public Health	Ian Luscombe	(31,023)	0	(31,023)	0	0	0	(31,023)
S1531	Licensing	Ian Luscombe	(188,600)	0	(188,600)	2,300	0	0	(186,300)
S1533	Pest Control	Ian Luscombe	20,000	0	20,000	0	0	0	20,000
S1534	Pollution Control	Ian Luscombe	(4,100)	0	(4,100)	3,000	0	0	(1,100)
S1535	Food Safety	Ian Luscombe	2,750	0	2,750	0	0	0	2,750
S1536	Health & Safety at Work	Ian Luscombe	9,900	0	9,900	0	0	0	9,900
S1544	Community Safety	Ian Luscombe	5,600	0	5,600	0	0	0	5,600
S1545	Emergency Planning	Ian Luscombe	9,600	0	9,600	0	0	0	9,600
S1550	Housing Standards	Ian Luscombe	4,350	0	4,350	0	3,550	0	7,900
S1551	Homelessness	Isabel Blake	82,710	0	82,710	0	0	0	82,710
S1552	Housing Advice	Isabel Blake	3,000	0	3,000	0	0	0	3,000
S1555	Private Sector Housing Renewal	Ian Luscombe	0	0	0	0	0	0	0

S1558	Housing Strategy	Chris Shears	2,800	0	2,800	0	0	0	2,800
S1993	Environmental Health Team Salaries	Ian Luscombe	580,800	0	580,800	74,200	0	(19,200)	635,800
S1994	Assets Team Salaries	Laura Wotton	728,200	(158,000)	570,200	64,800	0	(20,400)	614,600
S1999	Housing Team Salaries	Isabel Blake	258,800	65,800	324,600	(89,500)	0	(34,000)	201,100
S2002	Beach & Water Safety	Cam Sims-Stirling	50,150	0	50,150	4,100	0	0	54,250
S2005	Salcombe Harbour	Cam Sims-Stirling	0	0	0	0	0	0	0
S2010	Dartmouth Lower Ferry	Cam Sims-Stirling	71,490	0	71,490	(46,600)	0	16,000	40,890
S2101	Car & Boat Parking	Emma Widdicombe	(1,675,860)	0	(1,675,860)	(143,600)	16,990	39,400	(1,763,070)
S2310	Dog Warden Service	Emma Widdicombe	5,000	0	5,000	0	0	0	5,000
S2400	Public Conveniences	Emma Widdicombe	461,627	0	461,627	47,730	0	0	509,357
S2734	Pannier Markets	Ian Luscombe	(89,970)	0	(89,970)	0	0	0	(89,970)
S2841	Repairs & Maintenance	Laura Wotton	13,700	0	13,700	36,600	(65,300)	15,000	0
S4105	Economy Team Salaries	Chris Shears	0	66,000	66,000	8,500	0	(2,200)	72,300
			(156,067)	(26,200)	(182,267)	(105,670)	(19,430)	24,800	(282,567)

(1) (2) (1)+(2)= 2a (3) (4) (5) (2a)+(3)+(4)+(5)

c)	Governance & Assurance	Budget Manager	22/23 Base	22/23	22/23 Revised	23/24	23/24 Budget	23/24 Salary	23/24
			Net Budget	Virements	Net Budget	Pressures/ (Savings)	Preparation Virements	Estimate Virements (see note 1)	Final Base Budget
			£'s	£'s	£'s	£'s	£'s	£'s	£'s
S1003	Land Charges Salaries	Helen Smart	67,000	0	67,000	5,500	0	500	73,000
S1020	Planning Applications and Advice	Pat Whymer	(973,100)	0	(973,100)	0	0	0	(973,100)
S1040	Local Land Charges	Pat Whymer	(143,000)	0	(143,000)	0	0	0	(143,000)
S1996	Human Resources Team Salaries	Andy Wilson	105,600	0	105,600	12,400	0	1,600	119,600
S1997	Strategy & Governance Salaries	Neil Hawke	129,300	(41,000)	88,300	11,000	0	44,000	143,300
S1998	Planning Service Salaries	Helen Smart	1,385,200	92,200	1,477,400	216,100	(21,600)	(128,100)	1,543,800
S3001	Electoral Registration	Helen Jarvis	164,800	0	164,800	10,700	0	(5,500)	170,000
S3030	Staff Forum	Michelle Pierce	5,000	0	5,000	0	0	0	5,000
S3041	Communications & Media	Michelle Pierce	58,330	0	58,330	9,400	0	(200)	67,530
S3050	Democratic Representation & Management	Darryl White	311,754	0	311,754	0	0	0	311,754
S3051	Member Support & Democratic Services	Darryl White	121,700	0	121,700	15,700	0	15,000	152,400
S4004	Corporate Training & Occupational Health	Andy Wilson	38,900	0	38,900	0	0	0	38,900
S4005	Business Support Service Based Training	Andy Wilson	25,800	0	25,800	0	0	0	25,800
S4015	Specialists Service Based Training	Andy Wilson	29,500	0	29,500	0	0	0	29,500
S4041	Internal Audit	Neil Hawke	71,000	0	71,000	7,900	0	(5,900)	73,000
S4101	Legal Team Salaries	David Fairbairn	203,400	0	203,400	63,700	0	106,300	373,400
S4102	Design Team Salaries	Michelle Pierce	42,700	0	42,700	5,800	0	4,700	53,200
S4200	Insurance	Neil Hawke	313,740	0	313,740	0	0	0	313,740
S4511	Building Control Services	Pat Whymer	62,270	0	62,270	0	0	0	62,270
			2,019,894	51,200	2,071,094	358,200	(21,600)	32,400	2,440,094

(1) (2) (1)+(2)= 2a (3) (4) (5) (2a)+(3)+(4)+(5)

d)	Strategic Finance	Budget Manager	22/23 Base	22/23	22/23 Revised	23/24	23/24 Budget	23/24 Salary	23/24
			Net Budget	Virements	Net Budget	Pressures/ (Savings)	Preparation Virements	Estimate Virements (see note 1)	Final Base Budget
			£'s	£'s	£'s	£'s	£'s	£'s	£'s
S1001	Business Support Team Leader Salaries	Pauline Henstock	141,300	0	141,300	19,700	(50,700)	(110,300)	0
S1991	Finance Team Salaries	Pauline Henstock	230,500	0	230,500	25,100	(8,000)	213,400	461,000
S4009	Non Distributed Costs	Pauline Henstock	494,200	(25,000)	469,200	200,000	0	(65,100)	604,100
S4010	Inflation/Pension Provision	Pauline Henstock	0	0	0	30,555	0	0	30,555
S4150	Support Services Salaries	Pauline Henstock	373,800	0	373,800	31,600	(108,600)	(296,800)	0
S4160	Corporate Management and External Audit	Pauline Henstock	159,800	0	159,800	75,000	0	0	234,800
S4199	Central Service Overheads	Pauline Henstock	74,100	0	74,100	0	0	0	74,100
S6040	Borrowing Costs	Pauline Henstock	777,423	0	777,423	0	0	0	777,423

S6050	Interest & Investment Income	Pauline Henstock	(123,000)	0	(123,000)	(677,000)	0	0	(800,000)
			<u>2,128,123</u>	<u>(25,000)</u>	<u>2,103,123</u>	<u>(295,045)</u>	<u>(167,300)</u>	<u>(258,800)</u>	<u>1,381,978</u>

Note 1. Salary costs for Business Support staff have been re-allocated into their respective Service Delivery teams, as the Heads of Service are now responsible for both Specialist and Business Support salary budgets within their service areas.

Sensitivity analysis and risk analysis of the Medium Term Financial Strategy (MTFS)

1. The budget assumes approximately £9.5 million of income from fees and charges, recycling and investments. Given the position of the economy there is a risk that income could fall or be less than anticipated. A 5% reduction in income would result in a loss of £475,000.
2. The MTFS relies on proposed savings and income generation over the next 3 years of £3,592,000. A 5% reduction in this figure would equate to £179,600.
3. The MTFS assumes budget pressures over the next 3 years of £6.17 million. A 5% increase in the budget pressures would equate to £308,000.
4. Council Tax Income has been modelled based on an extra 500 Band D Equivalent properties per annum increase. If this figure were to actually be say 300 properties (i.e. 200 properties less), this would mean that Council Tax Income would be £37,000 less.
5. Council Tax has been modelled in the MTFS to increase by £5 over each of the next three years. For example, for 2024-25 this would equate to a Band D of £190.42 (an increase of £5). The additional council tax income this would generate is £202,000. If council tax for 2024/25 were to remain at £185.42, the income from council tax would be overstated by this amount in the MTFS.
6. If Council Tax income collection fell by 1% (collection in 21/22 was 98.34% – 2.44% higher than the national average of 95.9%), this would mean a reduction of council tax income of around £75,000. Similarly if Business Rates income collection fell by 1% (collection in 21/22 was 98.13%, which was 2.63% higher than the national average of 95.5%), this would mean a reduction in business rates income of £25,000.

7. Income from investments has been assumed to increase in line with the expected interest rate forecasts. A 0.25% variation in interest rates on investment income equates to £75,000.

Borrowing Levels

Exempt Appendix G of the Medium Term Financial Strategy from September 2018 gave advice on the borrowing level for the Council and the Interest payments on the borrowing as a percentage of available Reserves. The table below shows the impact that Interest payable at 4% on borrowing has on this Indicator.

Total Borrowing	Interest repayments at 4%	Level of Reserves (£2.0m Unearmarked Reserves and £13.9m Earmarked Reserves) – predicted levels at 31.3.2023 – as per Appendix C	Interest payments (at 4%) as % of available Reserves
£75m	£3,000,000	£15,900,000	18.9%

8. The capital programme is funded by capital receipts, grants, and contributions. Realistic assumptions about these have been made for the future.
9. Known liabilities have been provided for and there are no significant outstanding claims.

CIPFA'S Financial Resilience Index 2022

CIPFA has published a Financial Resilience Index which is a comparative analytical tool that can be used by Chief Financial Officers (S151 Officers) to support good financial management and to provide a common understanding within a Council of its financial position. The index shows a Council's position on a range of measures associated with financial risk. Section 151 Officers can use the index in the annual budget report.

The extracts below show the financial resilience indicators for South Hams District Council for 2022, when compared against Nearest Neighbours and Non-Metropolitan Districts. Bars on the left show a higher risk of financial stress for different categories e.g. Gross External Debt, interest payments as a proportion of net revenue expenditure etc. Similarly bars on the right show a lower risk of financial stress for each indicator.

CIPFA Financial Resilience Index 2022 (based on the 2021-22 financial year)



The tables show that when compared against nearest neighbours and non metropolitan districts, South Hams has a median risk around its level of reserves and a lower risk around the reliance on council tax income and fees and charges to fund its net revenue expenditure. Interest payable on borrowings and gross external debt is higher than average risk when compared against nearest neighbours, but lower than average risk when compared against non metropolitan districts. All other indicators are lower risk when benchmarked against nearest neighbours and non-metropolitan districts.

Summary & conclusion

Sensitivity analysis and risks are identified above with a potential total adverse revenue effect for 2023/24 of **£1.38 million**. However, revenue reserves are recommended to be maintained at a minimum of £1.5 million, with an operating level of £2million. I therefore confirm the robustness of the Medium Term Financial Strategy and the adequacy of the reserves.

Mrs Lisa Buckle, Corporate Director for Strategic Finance (S151 Officer)

6 February 2023

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Report to: **Council**
Date: **16 February 2023**
Title: **Council Tax Discounts and Premiums**
Portfolio Area: **Cllr Judy Pearce – Leader of the Council**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:

Author: **Geni Hotchkiss** Role: **Head of Revenues and Benefits**

Contact: **geni.hotchkiss@swdevon.gov.uk**

Recommendations:

That Council RESOLVES:

- 1. To adopt Council Tax discounts as follows with effect from 1 April 2023:**
 - The discount for unoccupied and substantially unfurnished dwellings is 100% for a maximum period of 1 month;**
 - The discount for unoccupied and substantially unfurnished dwellings for 1 month to 2 years is zero;**
 - The discount for dwellings which are vacant and require major repair work to render them habitable is 50% for a maximum period of 12 months;**
 - The discount for unoccupied furnished dwellings (second homes) is zero;**
 - An empty homes premium of an additional 100% is levied on dwellings that have remained unoccupied and substantially unfurnished for at least two years, but less than 5 years;**
 - An empty homes premium of an additional 200% is levied on dwellings that have remained unoccupied and substantially unfurnished for at least five years, but less than 10 years;**

- **An empty homes premium of an additional 300% is levied on dwellings that have remained unoccupied and substantially unfurnished for at least 10 years.**
- 2. That, subject to the Levelling Up and Regeneration Bill receiving Royal Assent, from 1 April 2024 the current 100% premium for dwellings which are unoccupied and substantially unfurnished will be levied after a period of one year.**
- 3. That subject to the Levelling Up and Regeneration Bill receiving Royal Assent, from 1 April 2024 a premium of 100% will be levied on all dwellings which are unoccupied and substantially furnished (second homes).**

1. Executive summary

- 1.1 The Local Government Finance Act 2012 abolished certain council tax discounts with effect from 1 April 2013 and replaced them with discounts which can be determined locally.
- 1.2 The majority of council tax legislation incorporates mandatory discounts such as single person discounts, disregards and exemptions where no local discretion is allowed.
- 1.3 The report confirms the council tax discounts already in place and makes recommendations for changes from 1 April 2024 to the levying of council tax premiums in the District.
- 1.4 The changes are contained in the Levelling Up and Regeneration Bill which is currently making its way through Parliament. The changes impacting on council tax are in two parts and relate to second homes and long term empty dwellings.
- 1.5 The Bill proposes to bring forward the period from two years to one year when an unoccupied and unfurnished dwelling can be charged a council tax premium of 100%. All other empty homes premiums remain unchanged, namely:
 - A premium of 200% can be levied where a dwelling has remained empty for a period of 5 years or more;
 - A premium of 300% can be levied where a dwelling has remained empty for a period for 10 years or more;
- 1.6 Any decision must be taken by Full Council as a Billing Authority. The Levelling Up and Regeneration Bill will require one year's notice to be given and, if adopted, the premiums would be effective from 1 April 2024.
- 1.7 Due to the likely timescale, it is imperative that a decision is taken by Full Council by 31 March 2023. Any resolution will be

subject to the Levelling Up and Regeneration Bill receiving Royal Assent.

2. Background

- 2.1 The Local Government Finance Act 2012 abolished certain council tax discounts with effect from 1 April 2013 and replaced them with discounts which can be determined locally.
- 2.2 Prior to 1 April 2013, billing authorities could charge up to a maximum 100% council tax on dwellings that had been empty for more than two years. From 1 April 2013, billing authorities were given new powers to charge a premium of up to 50% of the council tax payable. Further legislation was then introduced allowing a 100% empty homes premium to be levied from 1 April 2019.
- 2.3 There were then further incremental changes leading to the current position as follows:
 - Dwellings left unoccupied and substantially unfurnished for two years or more can be charged a premium of up to 100%
 - Dwellings left unoccupied and substantially unfurnished for 5 years or more up to 200%
 - Dwellings left unoccupied and substantially unfurnished for 10 years or more up to 300%
- 2.4 The original legislation and subsequent amendments were introduced with the express intention to encourage owners to bring empty properties back into use and the Council charges the maximum premium in all cases.
- 2.5 Both the Government and local authorities have recognised that as well as there having been an increase in the number of empty properties, there is also a loophole regarding second homes which requires further legislation to address. A premium can be avoided by the dwelling being unoccupied and 'furnished' which means it is classed as a second home for council tax purposes as it is non-one's sole or main residence.
- 2.6 Clauses in the Levelling Up and Regeneration Bill have been introduced to seek to address this loophole and bring more empty properties back into use.
- 2.7 The table below the current discounts and premiums the Council has adopted:

	Definition	Current discount/premium
Class A – Second Homes	Dwellings which are no one's sole or main residence which are substantially furnished and subject to a 28 day planning restriction.	0% discount
Class B – Second Homes	Dwellings which are no one's sole or main residence and are substantially furnished.	0% discount
Class C	Dwellings which are unoccupied and substantially unfurnished.	100% discount for a period of 1 month.
Class D	Dwellings which are unoccupied and substantially unfurnished and require major repair work to render them habitable.	50% for a maximum period of 12 months.
Empty Homes Premium	Dwellings which are unoccupied and substantially unfurnished for more than 2 years and less than 5 years.	100% premium.
Empty Homes Premium	Dwellings which are unoccupied and substantially unfurnished for between 5 years and 10 years.	200% premium.
Empty Homes Premium	Dwellings which are unoccupied and unfurnished for 10 years or more.	300% premium.

The Council's lobbying of Government in response to the Housing crisis

- 2.8 The Council declared a housing crisis in September 2021 and backed the declaration with a 12-point action plan. One of those actions included lobbying the Government to allow councils to charge a 100% premium, i.e. 200% council tax, on second or holiday homes, to ensure they contribute fairly to the services they receive.
- 2.9 The Council's lobbying has proved successful, as in May 2022, the Government published the Levelling Up and Regeneration Bill which included proposals aimed at addressing the negative impact of second homes on the supply of homes available to meet local housing need.

- 2.10 The Bill proposes that billing authorities will be able to introduce a council tax premium of up to 100% in respect of second homes, meaning second homes would pay double the amount of council tax for an area.

Introduction of a council tax premium for second homes

- 2.11 At present an empty homes premium can only be charged in respect of dwellings which are unoccupied and substantially unfurnished. This term is not defined by legislation and instead use must be made of case law. Dwellings which are no one's sole or main residence and furnished are classed as second homes.
- 2.12 Second home ownership in the South Hams is significant and is recognised to have a negative impact in terms of the supply of homes available to meet local housing need.
- 2.13 The long-term viability of communities within the South Hams has been detrimentally affected by the level of second homes ownership. The sheer quantity of second homes means that house prices are pushed upwards. This can deny a home to a local resident as prices are pushed outside of what they can reasonably afford. This is especially acute for the younger generation.
- 2.14 Clause 73 of the Levelling Up and Regeneration Bill will insert a new section 11C into the Local Government Finance Act 1992. This will allow billing authorities to apply a premium to dwellings which have no resident and are "substantially furnished". The maximum council tax charge in these cases would be a standard 100% plus a further 100% premium resulting in a total council tax charge of 200%.
- 2.15 There would be no requirement for the dwelling to have been used as a second home for a fixed period of time before the premium could be levied.
- 2.16 During the 2023/24 financial year the level of income from second homes will be maintained at the same level as at present, subject to any natural movement in the property market.
- 2.17 For 2024/25 the implementation of a second homes premium would increase the amount of council tax received in the Collection Fund and would also increase the council tax base.
- 2.18 Based on the CTB (October 2022) form, the Council has 3,947 second homes. This means that nearly 1 in every 12 homes in the South Hams is a second home. The table below illustrates the number by council tax band.

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
555	408	575	694	688	457	478	92	3,947

- 2.19 Council tax is charged to households to help fund the services that the area's local town, district, county council, police and crime commissioner and fire and rescue service provide. These services are essential for a community to function and are designed to improve the quality of life for people who live in these communities. Many services provided by local authorities such as waste services, highways and the blue light services all increase with an increase in seasonal population.
- 2.20 Initial high level analysis shows that the levying of a 100% premium on second homes could generate further council tax income of £7.9m, with South Hams' share being £810,000.
- 2.21 These estimated figures may be revised subject to the Bill receiving Royal Assent and any subsequent guidance regarding the circumstances in which a council tax premium can be charged.
- 2.22 The Secretary of State has the power to prescribe certain classes of dwelling that will not be subject to a council tax premium. Currently these are dwellings that are empty due to the council taxpayer living in armed forces accommodation for job-related purposes or where annexes are being used as part of the main dwelling. It is anticipated that there may be similar exceptions in any new guidance and the Council would look to exercise these in a fair and equitable manner, particularly on the grounds of unique and extenuating circumstances.

Reducing the minimum period for an empty homes premium

- 2.23 The second key measure in the bill is a proposal to reduce the minimum period for charging a council tax premium for empty properties from two years to one year.
- 2.24 Clause 72(1) (b) of the Bill will allow billing authorities in England to charge an empty homes premium after one year rather than the current two. This gives effect to a commitment given by the Government in the Levelling Up White Paper.
- 2.25 Clause 72(1) (a) requires billing authorities to have regard to any guidance issued by the Secretary of State when deciding whether to charge an empty homes premium. It is expected that the current guidance, which was published in 2013, will be updated.

- 2.26 Clause 72(2) of the Bill proposes that from 1 April 2024, that billing authorities can charge an empty homes premium of 100% after one year even if it became empty before this date.
- 2.27 Potential income related to this proposal is difficult to estimate as the eligibility of a dwelling for this premium changes over time. Financial benefit is likely to decrease in time as the premium is there to incentivise bringing empty properties back into use and change behaviours.
- 2.28 The table below sets out the number of properties recorded on the CTB (October 2022) form that have been empty for more than 6 months.

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
54	40	38	31	29	17	16	3	228

- 2.29 Due to the nature of the housing market there is always some movement in the number of empty homes, however the figures above give an estimate of the number of additional dwellings likely to be subject to a premium in the future.

3. Outcomes/outputs

- 3.1 The Government encourages all billing authorities to charge council tax premiums on empty properties with a view to incentivising property owners to bring those properties back into use.
- 3.2 Whilst recognising the importance of second homes to the visitor economy, the Council has long recognised the negative impact of second homes in terms the supply of homes to meet local housing need and the affordability of housing for local people. Some business sectors may also be negatively impacted by the decline in year round residential populations due to properties being purchased as second homes.
- 3.3 It is not unreasonable to expect second home owners to make a financial contribution to the areas in which their properties are located with the assumption that generally they are in a better position to make that contribution.
- 3.4 The South Hams has a significant level of second home ownership and is clearly the type of area the Government has in mind in bringing forward this legislation.
- 3.5 Financially the levying of a 100% second homes premium could generate a significant amount of additional council tax for the Council and precepting authorities in Devon.

- 3.6 Second home owners could decide to sell their properties rather than pay the additional council tax, which although potentially reducing income from council tax, would release properties onto the market to help address local housing need.

4. Options available and consideration of risk

- 4.1 The Council could choose not to charge a 100% premium on second homes. This option is not recommended for the reasons outlined in the report.
- 4.2 A number of concerns have been raised regarding whether charging a second homes premium would encourage council tax 'avoidance', for example through owners transferring such dwellings to business rates. Given that the current discount for second homes is zero and therefore is the same as full council tax charge, the levying of a second home premium may result in some customer contact seeking to reclassify the dwelling for genuine reasons reducing the potential revenue which could be derived from the premium.
- 4.3 At the present time, dwellings that are available to let for 140 days in a calendar year can be assessed as business rates by the Valuation Office Agency. Limited evidence is required by the Valuation Office Agency, such as an advertisement letting the dwelling, in support of this assessment. From 1 April 2023, the Valuation Office Agency (VOA) will look at letting information from the previous operating year. In order to be liable for business rates rather than council tax, the property must be:
- Available for letting commercially (with a view to making a profit) for short periods. These short periods must total 140 days or more in the previous and current year.
 - Actually let commercially for 70 days or more in the previous 12 months.
- 4.4 The new rules will apply equally to all self-catering properties across England. New holiday lets will be liable for council tax each day until the property meets the eligibility rules.
- 4.5 In order to pre-empt some of these issues, the Revenues team will be undertaking an exercise over the coming months to ensure that all dwellings are properly classified as a second home. The council taxpayer will be required to provide evidence in the form of a council tax bill that they are liable for full council tax on their main residence.
- 4.6 The initial burden of proof, where the owner says the property should be business rated rather than subject to council tax, lies on the owner of the property. Any information provided will be verified by the Council and reported to the VOA who will then contact the owner for further information.

- 4.7 A further concern is that couples who own second homes may claim that they are living separately and occupy each property on their own. If such cases arise the Council can check and validate the circumstances giving rise to any discount or exemption claimed, including single person discounts. Financial penalties can be imposed where false information is provided and will assist in ensuring that data held is accurate.

5. Proposed Way Forward

- 5.1 The Council confirms the council tax discounts and premiums applicable from 1 April 2023 and the premiums which will be charged from 1 April 2024, subject to the Levelling Up and Regeneration Bill receiving Royal Assent before 31 March 2023.
- 5.2 The approach taken by the Council is to encourage council taxpayers to use a dwelling as their main residence or allow others to do the same. It also seeks to bring empty properties back into use to increase the supply and affordability of housing in the District.
- 5.3 The implementation of revised and additional council tax premiums, will provide additional income from council tax which will be used to provide services to residents.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>Section 11B of the Local Government Finance Act 1992 (as amended) allows the Council to charge a council tax premium. Section 67(2) of that Act provides that the power to decide to charge a premium can only be exercised by full Council. Further, The Rating (Property in Common Occupation) and Council Tax Empty Dwellings Act 2018 allows billing authorities, from 1 April 2020, to apply a premium of an additional 200% of the council tax due where a dwelling has been empty for five years and over. A premium of an additional 300% can be applied where the dwelling has been empty for ten years and over from April 2021.</p> <p>The recommendations set out within this report are subject to the Levelling Up and Regeneration Bill receiving Royal Assent.</p>
Financial implications to include reference		Although a key driver for levying a premium is to bring empty dwellings back into use, charging

to value for money		<p>council tax premiums will result in additional council tax income being generated.</p> <p>Initial high level analysis shows that the levying of a 100% premium on second homes could generate further council tax income of £7.9m, with South Hams' share being £810,000.</p> <p>The levying of council tax premiums also increases the taxbase.</p>
Risk		<p>There is a risk that the implementation of a second homes premium may encourage council tax 'avoidance' through owners seeking to transfer their properties to business rates as holiday lets. This will be reduced by the new evidence requirements being introduced by the Valuation Office Agency. It is for the Valuation Office Agency to make the decision if a property is entered into the Rating List or the Valuation List.</p> <p>There is a risk that the legislation may be delayed, making it more challenging to build assumptions into the medium-term financial strategy.</p>
Supporting Corporate Strategy		<p>Delivering quality Council services. Strengthening community wellbeing</p>
Consultation & Engagement Strategy		<p>As this relates to an amendment to council tax legislation, no consultation is required.</p>
Climate Change - Carbon / Biodiversity Impact		<p>No impact.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		<p>There are no specific equality and diversity issues emerging from the potential implementation of additional council tax premiums. If adopted, there will be additional revenue to invest in services for the residents of the South Hams.</p>
Safeguarding		<p>None as a direct result of this report, however if more dwellings are brought back into use it may help to keep vulnerable children and adults safe.</p>
Community Safety, Crime and Disorder		<p>None as a direct result of this report, however there may be a reduction in anti-social behaviour in respect of empty properties.</p>

Health, Safety and Wellbeing		There is a potential positive impact on the wellbeing of residents if under used or empty properties are brought back into use.
Other implications		The recommendations in the report are subject to the Levelling Up and Regeneration Bill receiving Royal Assent.

Appendices:

None

Background Documents:

None

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Report to: **Council**

Date: **16 February 2023**

Title: **Business Rates Relief: 2023/24 Retail, Hospitality and Leisure Scheme and 2023 Supporting Small Business Relief**

Portfolio Area: **Support Services – Cllr Hilary Bastone**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
Immediately following this meeting.

Author: **Geni Hotchkiss** Role: **Head of Revenues and Benefits**

Contact: **geni.hotchkiss@swdevon.gov.uk**

Recommendations:**That the Council:**

- 1. Approves the Business Rates Relief: 2023/24 Retail, Hospitality and Leisure Scheme Policy attached at Appendix A.**
- 2. Approves the implementation of the 2023 Supporting Small Business Relief scheme.**

1. Executive summary

- 1.1 The report sets out changes to discretionary relief for business rates announced as part of the Autumn Budget.
- 1.2 Although the Council intends to follow the Government guidance in implementing the changes, it is a discretionary decision and is therefore good practice for the Council to endorse the implementation of the relief schemes through a policy document which clearly sets out the eligibility criteria for awarding the relief.
- 1.3 The 2023/24 Retail, Hospitality and Leisure Scheme will provide eligible, occupied retail, hospitality and leisure properties with a 75% relief up to a cash cap limit of £110,000 per business.
- 1.4 As this is a temporary measure for 2023/24, the government is not changing the legislation relating to the reliefs available to hereditaments. Instead, the Government will, in line with the

eligibility criteria set out in the guidance, reimburse local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant relief. It will be for individual billing authorities to adopt a local scheme and determine each individual case when, having regard to the guidance, they can grant relief under section 47.

- 1.5 The Chancellor also announced a 2023 Supporting Small Business scheme. This will cap bill increases at £600 per year for businesses losing eligibility for some or all Small Business Rate Relief or Rural Rate Relief at the 2023 Revaluation.
- 1.6 Again as this is a temporary measure, the Government is not amending the legislation and expects billing authorities to use their discretionary powers to award the relief.

2. Background

- 2.1 At the Autumn Statement on 17 November 2022 the Chancellor announced the introduction of a new business rates relief scheme for retail, hospitality and leisure properties worth around £2.1 billion in 2023 to 2024.
- 2.2 The 2023/24 Retail, Hospitality and Leisure Scheme will provide eligible, occupied retail, hospitality and leisure properties with a 75% relief up to a cash cap limit of £110,000 per business.
- 2.3 As this is a temporary measure for 2023/24, the government is not changing the legislation relating to the reliefs available to properties. Instead, the government will, in line with the eligibility criteria set out in the guidance, reimburse local authorities that use their discretionary rate relief powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant relief. It will be for individual billing authorities to adopt a local scheme and determine each individual case when, having regard to the guidance to grant relief under section 47.
- 2.4 The Chancellor also announced a 2023 Supporting Small Business scheme. This will cap bill increases at £600 per year for businesses losing eligibility for some or all Small Business Rate Relief or Rural Rate Relief at the 2023 revaluation.
- 2.5 Again it is for individual billing authorities, which administer the 2023 Supporting Small Business Relief, to adopt a local scheme and determine in each individual case when, having regard to the guidance, to grant relief under section 47.
- 2.6 It is important that the Council agrees to implement the guidance in February 2023, to enable the relief to be applied to the 2023/24 annual bills due to be issued in the coming weeks.
- 2.7 2023 Supporting Small Business Relief will apply for the duration of the 2023 Rating List i.e. for the period 2023/24 to 2025/26.

- 2.8 Due to the complexity of the eligibility criteria, this scheme is not attached to this report as a policy document. Officers will, however, award relief in accordance with the requirements of the Government guidance.

3. Outcomes/outputs

- 3.1 A decision to adopt the Business Rates Relief: 2023/24 Retail, Hospitality and Leisure Scheme and the 2023 Supporting Small Business Relief scheme will mean that the Council will continue to be able to support businesses who are continuing to experience difficult trading conditions post pandemic and through the cost of living crisis.
- 3.2 By agreeing a scheme now we will be able to award the relief to ratepayers 2023/24 annual bills which will have an immediate benefit in reducing the amount of business rates payable.
- 3.3 Initial estimates suggest that we will be able to support approximately 1,080 businesses through Retail, Hospitality and Leisure relief and 153 businesses through 2023 Supporting Small Business Relief.

4. Options available and consideration of risk

- 4.1 The Council could choose not to access the government funding and exercise its discretionary powers in awarding rate relief. This means that businesses would pay more business rates than they need to and may cause the Council unnecessary reputational damage.

5. Proposed Way Forward

- 5.1 Approve the Business Rates Relief: 2023/24 Retail, Hospitality and Leisure Scheme attached at Appendix A.
- 5.2 Approve the award of 2023 Supporting Small Business Relief to those businesses that meet the Government’s eligibility criteria as set out in Business Rates Relief: 2023 Supporting Small Business Relief, local authority guidance.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		Both relief schemes will be administered through discretionary rate relief powers, introduced by the Localism Act 2011, which amended section 47 of the Local Government Finance Act 19887.
Financial implications to include reference		The government will fully reimburse billing authorities and major precepting authorities for their loss of income under the rates retention scheme as

to value for money		<p>a result of awarding the relief that falls within the definitions in the guidance, using a grant under section 31 of the Local Government 2003.</p> <p>Local authorities will be asked to provide an estimate of their likely total cost for providing the relief in their National Non-Domestic Rate Return 1 (NNDR1) for 2023/24. Central government will provide payments to authorities to cover the local share. Local authorities will also be asked to provide outturn data on the actual total cost for providing the relief, via the National Non-Domestic Rate 3 (NNDR3) forms. Any required reconciliations will then be conducted at these points.</p>
Risk		If the recommendations in this report are not approved, funding will not be distributed to businesses in need of support which could cause reputational damage to the Council.
Supporting Corporate Strategy		Supporting the Council's Quality Council Services. Stimulating a thriving economy.
Consultation & Engagement Strategy		As this is the implementation of a central Government change no consultation is required.
Climate Change - Carbon / Biodiversity Impact		None directly arising from this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None directly arising from this report.
Safeguarding		None directly arising from this report.
Community Safety, Crime and Disorder		None directly arising from this report.
Health, Safety and Wellbeing		None directly arising from this report.
Other implications		None directly arising from this report.

Supporting Information

Appendices:

Appendix A – Business Rates Relief: 2023/24 Retail, Hospitality and Leisure Scheme



South Hams District Council

Business Rates Relief: 2023/24 Retail, Hospitality and Leisure Scheme

1. Introduction

- 1.1 At the Autumn Statement on 17 November 2022, the Chancellor announced the introduction of a new business rates relief scheme for retail, hospitality and leisure properties worth around £2.1 billion in 2023/2024.
- 1.2 The 2023/24 Retail, Hospitality and Leisure business rates relief scheme will provide eligible, occupied, retail, hospitality and leisure properties with 75% relief up to a cash cap limit of £110,000 per business.
- 1.3 This document explains how the scheme will operate and the eligibility criteria for businesses in the South Hams District Council area.

2. Eligibility for the Retail, Hospitality and Leisure Relief Scheme

- 2.1 Hereditaments that meet the eligibility criteria for the Retail, Hospitality and Leisure Scheme 2023/24 will be occupied hereditaments which meet all of the following conditions for the chargeable day:
 - a. they are wholly or mainly being used:
 - i. as shops, restaurants, cafes, drinking establishments, cinemas or live music venues,
 - ii. for assembly and leisure; or
 - iii. as hotels, guest and boarding premises or self-catering accommodation.
- 2.2 We consider shops, restaurants, cafes, drinking establishments, cinemas and live music venues to mean:
 - i. Hereditaments that are being used for the sale of goods to visiting members of the public:**
 - Shops (such as florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores and supermarkets)

- Charity shops
- Opticians
- Post offices
- Furnishing shops/display rooms (such as carpet shops, double glazing and garage doors)
- Car/caravan show rooms
- Second-hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:

- Hair and beauty services (such as hairdressers, nail bars, beauty salons and tanning shops)
- Shoe repairs/key cutting
- Travel agents
- Ticket offices e.g for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire

iii. Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

iv. Hereditaments which are being used as cinemas

v. Hereditaments that are being used as live music venues

- Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).

- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g. the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g. because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music. Although we would expect this would be clear in most circumstances, guidance on this may be found in [Chapter 16 of the statutory guidance](#) issued in April 2018 under section 182 of the Licensing Act 2003.

2.3 We consider assembly and leisure to mean:

i. Hereditaments that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities).

- Sports grounds and clubs
- Museum and art galleries
- Nightclubs
- Sport and leisure facilities
- Stately homes and historic houses
- Theatres
- Tourist attractions
- Gyms
- Wellness centres, spas and massage parlours
- Casino, gambling clubs and bingo halls

ii. Hereditaments that are being used for the assembly of visiting members of the public.

- Public halls
- Clubhouses, clubs and institutions

2.4 We consider hotels, guest and boarding premises and self-catering accommodation to mean:

i. Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:

- Hotels, Guest and Boarding Houses
- Holiday homes
- Caravan parks and sites

2.5 To qualify for the relief the hereditament should be wholly or mainly being used for the above qualifying purposes. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore,

hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

- 2.6 The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied uses that exist within the qualifying purposes. We will consider if particular hereditaments not listed are broadly similar in nature to those above and, if so, the Council considers them eligible for relief.

3. Hereditaments not eligible for relief

- 3.1 The list below sets out the types of use the Government does not consider to be an eligible use for the purpose of this relief.

3.2 i. Hereditaments that are being used for the provision of the following services to visiting members of the public

- Financial services (e.g banks, building societies, cash points, bureaux de change, short-term loan providers and betting shops)
- Medical services (e.g vets, dentists, doctors, osteopaths and chiropractors)
- Professional services (e.g solicitors, accountants, insurance agents/financial advisers, employment agencies, estate agents and letting agents)
- Post office sorting offices

ii. Hereditaments that are not reasonably accessible to visiting members of the public.

4. Duration of relief awards

- 4.1 This relief will apply effective from 1 April 2023 for the 2023/24 financial year only.
- 4.2 If a ratepayer moves out of a property, the relief will be apportioned on a daily basis for the number of days the property is occupied.
- 4.3 Ratepayers are required to notify the Council immediately of any change in circumstances which may affect their entitlement to the relief.

5. The Cash Cap and Subsidy Control

- 5.1 Under the cash cap, no ratepayer can in any circumstances exceed the £110,000 cash cap across all of their hereditaments in England.
- 5.2 Where a ratepayer has a qualifying connection with another ratepayer then those ratepayers should be considered as one ratepayer for the purposes of the cash caps. A ratepayer shall be treated as having a qualifying connection with another:
- a. where both ratepayers are companies, and
 - i. one is a subsidiary of the other, or

ii. both are subsidiaries of the same company; or

b. where only one ratepayer is a company, the other ratepayer (the “second ratepayer”) has such an interest in that company as would, if the second ratepayer were a company, result in its being the holding company of the other.

5.3 The Retail, Hospitality and Leisure Scheme is likely to amount to a subsidy. Any relief provided by local authorities under this scheme will need to comply with the UK’s domestic and international subsidy control obligations. See the BEIS guidance for public authorities which contains guidance and information for the new UK subsidy control regime, which commenced on 4 January 2023.

6.0 Review process

6.1 If you disagree with a decision made under this policy, you must write and tell us why you think the decision is wrong. We will consider any additional information provided in deciding if the eligibility criteria has been properly applied.

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Report to: **Council**

Date: **16th February 2023**

Title: **South Devon AONB Management Plan Extension**

Portfolio Area: **Cllr J Pearce
Leader**

Wards Affected: **All but particularly Wembury & Brixton;
Newton & Yealmpton; Charterlands;
Salcombe & Thurlestone; Loddiswell &
Aveton Gifford; Ermington & Ugborough;
South Brent; Allington & Strete;
Kingsbridge; Stokenham; Blackawton &
Stoke Fleming; Dartmouth & East Dart;
West Dart; Marldon & Littlehempston.**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting.

Author: **Chris Brook** Role: **Director of Place & Enterprise**

Contact: **01803 861 170**
Chris.brook@swdevon.gov.uk

RECOMMENDATION

That the Council confirm agreement to extend the South Devon AONB Management Plan (2019-2024) by up to 12 months to the end of 2025.

1. Executive summary

- 1.1 The Council confirmed adoption of the current South Devon AONB Management Plan (2019-2024) in February 2019.
- 1.2 A review and production process for the 2024-2029 Management Plan was due to begin in late 2022, with a new version expected to be consulted on and approved by relevant Local Authorities by 2024 at the latest.
- 1.3 Following the 'Glover' Landscapes Review 2019, the government committed to strengthen Management Plans. Defra has asked Natural England to revise its guidance on the approach to AONB Management Plans.

- 1.4 Defra has suggested that AONBs may wish to extend their current Management Plans by up to 12 months to ensure their next plans align and consider any new guidance from Natural England, new outcome-based targets and new policies to be outlined in the government's response to the Landscapes Review, all expected in 2023.
- 1.5 The South Devon AONB Core Funding Group and Partnership have agreed that this is the approach that should be taken for the South Devon AONB Management Plan and is seeking approval of this extension from the respective Local Authorities with responsibility for the South Devon AONB.

2. Background

- 2.1 Under the Countryside and Rights of Way Act (2000), it is a statutory requirement for Local Authorities to produce Management Plans for AONBs in their area, and to review adopted plans at periods of not more than five years.
- 2.2 The District Council as well as the other three relevant Local Authorities delegated the authority to review and implement the South Devon AONB Management Plan for the next five years to the South Devon AONB Unit. The current Management Plan was sent to the Secretary of State in 2019 and covers the period to 31st March 2024.
- 2.3 Typically the process of Management Plan review would have commenced towards the end of 2022, with a new version to be consulted upon and approved by respective Local Authorities by 2024.
- 2.4 Soon after adoption of the existing Management Plan in 2019, there was a national review of Protected Landscapes (AONBs and National Parks) commissioned by the Government, known as the Glover Review.
- 2.5 Following a key recommendation of the Glover Review, Defra asked Natural England to revise its guidance on the key requirements, format and process of producing AONB Management Plans, to ensure that future plans meet the priorities and expectations of Government funders and sponsors, as well as those of other key stakeholders.
- 2.6 The outcome of the Natural England review and new Management Plan guidance are expected to be published in Spring 2023. Parallel work to develop an outcomes framework for all English protected landscapes is being undertaken by Defra together with developing new policies for Protected Landscapes to be outlined in the governments response to the Landscapes review.
- 2.7 To take account of these substantive changes and ensure consistency with future guidance, Defra have written to all AONBs to give them the option to delay the publication of upcoming Management Plans (due in 2023 or 2024) by up to 12 months from their planned review date.
- 2.8 Defra have suggested that AONB Partnerships could simply produce a light-touch one page review in which they commit to produce a new Management Plan after the new guidance is

produced and setting out intentions for the next Management Plan.

- 2.9 The South Devon AONB Core Funding Group and Partnership has recommended the approval of an extension of up to 12 months to the existing Management Plan to enable due consideration of new material, subject to approval of this extension from the respective Local Authorities covering the AONB. The South Devon AONB will produce light-touch review documentation later this year following the advice given by Defra.

3. Outcomes/outputs

- 3.1 The intended outcome of this report is to confirm Council agreement to the South Devon AONB Partnership that the existing South Devon AONB Management Plan (2019-2024) can be extended by up to 12 months to the end of 2025.

4. Options available and consideration of risk

- 4.1 The alternative to the proposed approach, would be to commence the review and production process for the 2024-2029 Management Plan in early 2023 as originally envisaged. This however, would commence without the benefit of the outcome of the forthcoming Natural England review and guidance on the new requirements for AONB Management Plans.
- 4.2 In the context of Defra referencing a proposal to make 'wide-ranging and significant reforms' it is considered unwise to proceed with any Management Plan review in advance of the new Natural England guidance, running the risk of significant amounts of abortive work being undertaken, and undermining relationships with communities and stakeholders.

5. Proposed Way Forward

- 5.1 It is recommended that Council confirm their agreement to extend the South Devon AONB Management Plan (2019-2024) by up to 12 months to the end of 2025. This allowing subsequent review with the benefit of new Natural England guidance on the production of AONB Management Plans.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>Section 89 of the Countryside and Rights of Way Act (CRoW Act, 2000) sets out the statutory requirement for Local Authorities to produce Management Plans for AONBs in their area, and to review adopted plans at periods of not more than five years.</p> <p>Defra (in their letter from Lord Benyon on 7th July 2022) advise that to comply with the CRoW Act,</p>

		<p>2000, AONBs could <i>'simply produce a light-touch review in which they commit to produce a new Management Plan after the new guidance is published.'</i></p> <p>The Council (as well as the other constituent Local Authorities – these being Devon County Council, Plymouth City Council and Torbay Council) has delegated the authority of reviewing the Management Plan to the South Devon AONB team.</p>
Financial implications to include reference to value for money		<p>The Council makes an annual contribution of £20,749 to the South Devon AONB, and from 1 April 2023 a further £8,000 specifically for development management advice and support. This combined total along with constituent Local Authority contributions amounts to 25% of the core operating budget, a further 75% being provided by Defra.</p> <p>This contribution meets the cost of the core AONB team and their production and delivery of the AONB Management Plan. Management Plan implementation is largely achieved through externally funded project grants and other income generation activities.</p>
Risk		<p>Failure to publish a plan and submit to the Secretary of State by end of March 2024 would result in the Council failing to meet the statutory duty set out in Section 89 of the CRoW Act.</p> <p>To meet this timetable, the AONB would need to begin the review of the Management Plan later in 2022.</p> <p>As set out in this report, such a timetable would be in advance of new guidance from Natural England expected in spring 2023.</p> <p>Accordingly, the 12 month extension of the existing Management Plan and associated one-page 'light-touch review' would ensure the Council complies with the statutory duty set out in the Crow Act, 2000.</p>
Supporting Corporate Strategy		Built and Natural Environment, Climate Change and Increasing Biodiversity; Community Wellbeing
Climate Change - Carbon / Biodiversity Impact		Climate Change and Biodiversity each have their respective chapters within the existing AONB Management Plan, noting the relevance to coastal change and river flooding, agriculture, pollinators, erosion and land use.

		These will continue to be critical in future reviews, notably with issues such as nature recovery, farm and land management, and resilience to climate change being at the forefront of sustaining and supporting the changing landscape and communities of the South Devon AONB.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		None

Supporting Information

Appendices:

Appendix A – letter from The Rt Hon Lord Benyon at Defra to AONB Partnerships dated 7th July 2022

Background Papers:

None

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Department
for Environment
Food & Rural Affairs

The Rt Hon Lord Benyon
Parliamentary Under Secretary of State

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2 Marsham Street
London
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07 July 2022

Dear colleagues,

I am writing to confirm a decision by Defra, effective today, to give you and your partners an option to delay the publication of upcoming Management Plans by up to 1 year from their original planned review date, after new Management Plan guidance and new Protected Landscapes outcomes are published.

I am addressing this letter specifically to those Protected Landscape Management Plan Partnerships (hereafter: "Partnerships") that are required by law to review their next Management Plan in 2023 or 2024. For awareness, I have copied this letter to Protected Landscapes bodies who will not be affected by this option to delay and can proceed with their current review timetable as planned.

Please allow me to explain the rationale for this, and to reassure you that you are under no obligation to delay the publication of your next Management Plan if you would prefer not to and/or if a delay is unsuited to your management planning cycle.

The government committed to strengthen Management Plans in its [response to the Landscapes Review](#). We have already begun work to implement non-legislative change during 2022. For example, we are working with Natural England, National Parks England, and the National Association of AONBs to update the Management Plan guidance for both National Parks and AONBs. We are also working to ensure that new ambitious outcomes are agreed for the role of Protected Landscapes in delivering on the government's goals, aligned with the revised 25 Year Environment Plan and interim environmental targets under the Environment Act 2021 and the Net Zero Strategy.

We recognise the scale and significant implications of these reforms for management planning. We have also listened carefully to those of you who have voiced support for a more flexible and less prescriptive approach to management planning during our consultation on the Landscapes Review Response, which ended on 9 April.

We have therefore decided to grant you an option to delay publication of your next Management Plan. In practice, this option to delay will only apply to Partnerships that are required by law to review their next Management Plan in 2023 or 2024 and will therefore apply to Partnerships who currently find themselves in the middle or nearing the end of their five-year Management Plan cycle. Protected Landscapes that are due to publish their next Management Plan from 2025 onwards will not be affected by the delay and will work to the same timelines as planned.

The purpose of this optional delay is to give Partnerships time to digest new outcome-based targets (due to be published in January 2023), new Management Plan guidance (due to be published in Spring 2023), and new policies outlined in the government's response to the Landscapes Review, and to embed these more easily into their Plans.

Defra considers that that any Partnerships wishing to delay their next Plan would still need to respect their five-year review cycles as stipulated by the Environment Act 1995 (for National Park Management Plans) and the Countryside and Rights of Way Act 2000 (for AONB Management Plans). In order to comply with the law without compromising the integrity of future Management Plans, Defra judges that Partnerships could simply produce a light-touch review in which they commit to produce a new Management Plan after the new guidance is published.

Defra has considered what a light-touch review might look like and advises the following: Partnerships would agree and publish one page of text setting out their intentions for the next Management Plan. This could include a brief vision statement, a summary of how the Management Plan will be structured, and a summary of the Partnerships' objectives over the next five-year review period (carrying forward actions and/or adding new ones for the year affected by the delay). Producing a light-touch review of this nature would allow Partnerships to carry over their existing Plan by demonstrating they have considered the next Plan, in compliance with the law. Partnerships would not need to consult extensively to produce this light-touch review, as we expect it would be pitched as a continuation/extension of the current Plan.

We remain committed, however, to ensuring substantive Management Plan reviews are conducted. We therefore ask all Protected Landscapes electing to delay their next Management Plan to complete a review of that Plan no later than 31 December 2025. We will consider any requests for an additional, exceptional extension on a case-by-case basis. Although we are committed to ensuring the management planning process is more flexible going forwards, we envisage this being a one-off delay in light of the wide-ranging and significant reforms we are proposing to make.

Let me be clear that any Plans that have recently been published will remain valid and effective for their current cycle in full (that is, five years from the date of publication). We recognise the considerable work that has gone into these Plans and want to assure you that any new targets, guidance, or policies can be embedded at a later stage, either during your current cycle or as part of the next five-year review.

Once again, I would like to reassure you that this delay is optional; it is entirely up to you, as Partnerships, whether to exercise it.

I hope that this option to delay can help to ensure a smooth and flexible transition as we roll out reforms to strengthen Management Plans. As we begin this process of longer-term reforms to Management Plans, we would like to explore how we can better harmonise Management Plan cycles so that we can promote partnership working and coordination of plan implementation across the 44 Protected Landscapes, while respecting local circumstances. I look forward to your input as we develop this work.

Management Plans are vital strategic documents and I am grateful for your tireless work to draft, develop and deliver them. My officials and I look forward to continuing to work with you on multiple programmes of work linked to Management Plans, including updating the new Management Plan guidance, setting new targets for Protected Landscapes, and developing the National Landscapes Partnership and the National Landscapes Strategy.

I would be grateful if you could share this letter among your Partnerships and wider networks to ensure they are informed.

I have also copied this letter to Tony Juniper, Chair of Natural England, Philip Hygate, Chair of the National Association of AONBs, and Andrew McCloy, Chair of National Parks England.

Yours ever,

Richard Benyon.

THE RT HON LORD BENYON

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Report to: **Council**

Date: **16 February 2023**

Title: **Scheme of Members' Allowances – Review**

Portfolio Area: **Leader – Cllr Judy Pearce**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Immediately following this meeting and backdated to 1 April 2022**

Author: **Darryl White** Role: **Democratic Services Manager**

Contact: darryl.white@swdevon.gov.uk or **01803 861247**

RECOMMENDATION

That the Council RESOLVES that the recommendations of the Independent Panel on Members' Allowances (as presented at paragraph 3 below) be agreed and that the revised draft Scheme of Members Allowances (as shown at presented Appendix C) be adopted with immediate effect, with any consequent increases in Allowances being backdated to 1 April 2022.

1. Executive summary

- 1.1 The Council's Scheme of Members' Allowances has been automatically aligned to the Staff Pay Award for the maximum period permissible (five years) and this provision expired on 31 March 2022.
- 1.2 As a result, the Council is required to conduct a review into the contents of the Scheme and the Council's Independent Panel on Members' Allowances was convened on Thursday, 2 February 2023 and proceeded to make a series of recommendations on a revised Scheme of Members' Allowances.

2. Background

- 2.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, it is a requirement that any changes to a Council's Scheme of Members' Allowances are considered initially

by an Independent Panel appointed for that purpose which in turn then makes recommendations to the Council;

2.2 Prior to the Panel meeting being held on 2 February 2023, all Members were given the opportunity to complete a survey and/or express a wish to be interviewed by the Panel. Survey submissions were subsequently received from Cllrs Hopwood, O'Callaghan, Rowe and Spencer and Cllrs Hopwood, O'Callaghan, Pearce and Spencer also made a request to be interviewed by the Panel;

2.3 The Council's Independent Remuneration Panel meeting on 2 February 2023 was attended by all four Panel Members:

- Bryony Houlden (South West Councils' Chief Executive) (Chairman);
- Cllr Linda Durman (Town/Parish Council Representative);
- Janie Moor (Community and Voluntary Sector Representative); and
- David Grose (Business/Commercial Sector Representative).

As a basis for its deliberations, the Panel considered a report that asked it to focus on the following specific questions:

- Should the Basic Allowance be increased?
- Should the Basic Allowance be re-aligned to a prescribed index?
- Should the current list of roles entitled to claim a Special Responsibility Allowance (SRA) be amended?
- Should any of the multipliers applied to the SRAs be amended?

2.4 In addition, the Panel also considered the current Scheme of Members' Allowances (as set out at Appendix A); comparative benchmarking information (as detailed at Appendix B) and the submissions received from the completed surveys and a Briefing Note from the Chief Executive. The Panel meeting was attended (and supported) by the Democratic Services Manager and the Democratic Services Senior Case Manager.

3. Panel Recommendations

3.1 Basic Allowance

3.1.1 The Panel noted that the current Basic Allowance was set at £5,492 per annum. In discussion, the Panel also recognised that the Basic Allowance for other Devon District Councils ranged from £4,360 (East Devon) to £6,425 (Exeter City), with the mean average of Devon Districts (excluding South Hams) currently being £5,284 per annum;

3.1.2 In other District Councils in the South West region (where the Panel had the information available), the Panel acknowledged that the Basic Allowance ranged from £4,731 (Mendip) to £7,350 (Tewkesbury);

- 3.1.3 Since the Panel had not been convened for five years, some representatives felt that the Scheme now required a fundamental belt and braces review. In particular, representatives were concerned that the Basic Allowance could act as a major disincentive in being able to attract a diverse range of candidates from standing for the upcoming local elections. This was particularly pertinent given that it appeared that workloads (and therefore demands) on Members had significantly increased during and since the Covid Pandemic. Both of these points were reiterated by those Members who made representations to the Panel. However, the Panel was unable to deduce how widely these views were held amongst Members as they had only received four completed surveys;
- 3.1.4 The Panel was also very mindful about the impact of the cost of living crisis on both (current and prospective) Members as well as local residents. Whilst not the responsibility of the Panel to consider budgetary issues when making its recommendations, it was aware of the impact on the Council's running costs and services of the cost of living crisis and austerity, which meant that the timing of the review and recommendations on increases would be particularly difficult for the Council;
- 3.1.5 On balance and recognising the need to both attract candidates to stand for election and the additional demands being placed on Members, the Panel is recommending an increase in the Basic Allowance. The Panel did consider that a significant increase might be required to deliver the outcomes around diversity (as set out above). However, in recognising the financial challenges facing the Council and the fact that it had received evidence from a total of only five Members who made formal representations through the survey/interviews, the Panel is recommending an increase that they believe to be appropriate and that should be phased in over a two-year period. The Panel therefore **RECOMMENDED** that:

*'The Basic Allowance be increased by **6%** for both 2022/23 (from £5,492 to **£5,822**) and 2023/24 (from £5,822 to **£6,171**), with the Panel being reconvened during the early Autumn of 2023 to review all aspects of the Scheme and specifically the merits of re-aligning the Basic Allowance to a Prescribed Index for the forthcoming years.'*

3.2 **Special Responsibility Allowances**

- 3.2.1 The representations to the Panel from Members presented three issues in relation to the current list of Special Responsibility Allowances that were felt to warrant further consideration at this time. These were:
- The multiplier currently applied to the Executive Member role;
 - The merits of retaining a Special Responsibility Allowance for the role of Licensing Committee Chairman; and

- Whether or not the Vice-Chairman of the Audit & Governance Committee role should be entitled to claim a Special Responsibility Allowance.

3.2.2 In recognition that the Panel is now proposing that it should be reconvened for a more detailed 'structural' review of the Scheme in the Autumn of 2023, it was felt that these issues (and any additional matters brought forward by the new Council administration) should be given further consideration at that time.

4. Options available and consideration of risk

4.1 In ultimately making a decision, the Council must pay due regard to the recommendations of its Independent Remuneration Panel. However, the Council does have the discretion to reach an alternative view on some (or all) of the Panel's recommendations if it so wishes.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Local Authorities (Members' Allowances) (England) Regulations 2003. The Council has a statutory requirement to adopt a Scheme of Members Allowances and to consider the recommendations of its Independent Panel in doing so.
Financial implications to include reference to value for money	Y	If all of the Panel recommendations are approved by the Council, then there will be an overall increase in cost of Members' Allowances to the Council of £15,500. It is proposed that the additional cost is met from the annual inflation provision within the Medium Term Financial Strategy.
Risk	Y	The risk implications are set out at Section 4 above.
Supporting Corporate Strategy	Y	Council Theme – <i>Efficient and Effective Council</i>
Consultation & Engagement Strategy	Y	All Members have been consulted (and invited to submit their comments) as part of this Review.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	N/A

Climate Change & Biodiversity	N	N/A
Safeguarding	N	N/A
Community Safety, Crime and Disorder	N	N/A
Health, Safety and Wellbeing	N	N/A
Other implications	N	None

Appendices:

A: The Current Scheme of Members' Allowances;

B: Members' Allowances – Benchmarking Information

C: The Updated Scheme of Members' Allowances (assuming all of the Panel recommendations were to be approved).

Background Documents:

The report (and appendices) considered by the Panel at its meeting on 2 February 2023; and

The Council Constitution

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Part 6 Members' Allowances Scheme

April 2021

SOUTH HAMS DISTRICT COUNCIL

MEMBERS' ALLOWANCES SCHEME

The Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:-

This scheme may be cited as the South Hams District Council Scheme of Members' Allowances, and shall have effect from 1 April 2021

1 Basic Allowance

Subject to paragraph 9, for the period 1 April 2021 to 31 March 2022, a Basic Allowance of £5,492 per annum shall be paid to each Councillor. This is intended to recognise the time commitment of Members to Council and constituency duties and costs relating to the use of the Members' home, postage, stationery and minor office equipment.

2. Special Responsibility Allowances

(a) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified below:-

	Amount per annum (£)
(i) Leader of the Council	16,476
(ii) Deputy Leader of the Council)	8,238 each
Chairman of Development Management Committee)	
(iii) Other Members of the Executive	5,492 each
(iv) Vice-Chairman of the Development Management Committee	2,746
(v) Chairman of the Overview & Scrutiny Panel	5,492
(vi) Vice-Chairman of the Overview & Scrutiny Panel	2,746
(vii) Chairman of the Audit Committee	4,119
(viii) Chairman of the Licensing Committee	2,746
(ix) Chairman of Salcombe Harbour Board (to be paid from Board finances)	2,746
(x) Minority Groups allowance	(£10,984) x 31 number in each group
(xi) Independent Persons	500 each

(b) Allowances for Chairman and Vice-Chairman of Council:-

- | | |
|-------------------------------|-------|
| (i) Chairman of Council | 5,492 |
| (ii) Vice Chairman of Council | 1,486 |

(c) Subject to paragraph 9, the amount of each such allowance shall be the amount specified against that special responsibility in sub-paragraph (a) above. Where a Councillor is entitled to more than one Special Responsibility Allowance, only one such Allowance, equivalent to the higher entitlement, shall be paid.

3. Travelling Allowances

Those duties as set out at Schedule 1 will attract the payment of a travelling allowance at the following rates:-

- (a) The rate of travel by public transport shall not normally exceed the cheapest fare available, subject to the Senior Specialist – Democratic Services exercising discretion in the case of special visits or where business needs to be transacted on the journey.
- (b) The rates of travel by a Member's motor cycle shall be 24 pence per mile.
- (c) The rates of travel by a Member's motor vehicle (other than a motor cycle) shall be 45 pence per mile.
- (d) A supplement of 5 pence per mile for each passenger carried will also be paid.
- (e) The actual amount incurred on any tolls, ferries or parking fees, including overnight garaging shall be reimbursed.
- (f) The rates of travel by a Member's bicycle shall be 20 pence per mile.
- (g) The rate of travel by taxi-cab shall not exceed:-
 - (i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
 - (ii) in any other case, the amount of the fare for travel by appropriate public transport.
- (h) The rate of travel by a hired motor vehicle other than a taxi-cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Member, provided that the rate may be increased at the Senior Specialist – Democratic Services discretion (as in (a) above) to an amount not exceeding the actual cost of hiring.
- (i) Where travel by air is the only effective means of travel or produces sufficient savings in time and / or other allowances, the rate shall not exceed the cheapest fare available.

In addition, Co-opted Members on the Salcombe Harbour Board and the Independent Persons are entitled to claim their travel expenses.

4. Subsistence Allowances

(a) Subsistence allowances may be claimed to meet the costs of meals, refreshments, accommodation etc, in connection with the performance of an approved duty as specified at Schedule 1. The rates shall not exceed:-

(i) in the case of an absence, not involving an absence overnight, from the usual place of residence:-

- A. of more than 4 hours, £5.00 for breakfast;
- B. of more than 4 hours, £5.00 for lunch;
- C. of more than 4 hours, including the period 3.00 pm to 6.00 pm, £2.94 for tea;
- D. of more than 4 hours, ending after 7.00 pm, £5.00 for an evening meal;

provided that, for meetings such as Council, Committee or other Council body meetings, meals or refreshments may be provided by the Council, including on occasions where the absence from the residence may not exceed 4 hours.

Where such meals are provided or paid for separately by the Council, the appropriate subsistence allowance shall not be paid to a Member, unless the Member has specifically indicated that he or she is unable or does not wish to take the meal provided by the Council, or otherwise where other unforeseen commitments prohibit the taking of the meal.

(ii) in the case of an absence overnight from the usual place of residence, £79.82, or, for such an absence overnight in London or an annual conference of the Local Government Association or such other association of bodies as the Secretary of State may designate, £91.04.

(b) The actual reasonable costs of meals taken on trains may be reimbursed. (This would replace the subsistence allowance for the appropriate meal period).

5 Dependants' Carers' Allowance

A Councillor may claim a Carers' allowance in accordance with the provisions specified at Appendix A.

6. Renunciation

A Councillor may by notice in writing given to the Senior Specialist – Democratic Services elect to forego any part of his entitlement to an allowance under this scheme.

7 Part-Year Entitlements

- (a) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- (b) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:-
 - (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year, the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year (ie a pro-rata calculation will be made).
- (c) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- (d) Where this scheme is amended as mentioned in sub-paragraph (b), and the term of office of a period Councillor does not subsist throughout the period mentioned in sub-paragraph (b)(i), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.
- (e) Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

- (f) Where a Councillor has been appointed on a temporary basis to a position which attracts a special responsibility allowance, that Councillor's entitlement shall, following a 3 month period in that position, be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year. Payment to the Councillor previously entitled to the special responsibility allowance shall, at the same point, cease.
- (g) Where this scheme is amended as mentioned in sub-paragraph (b), and a Councillor has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (b)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

8. Claims and Payments

- (a) No payment will be made of any travel and subsistence claim received by Democratic Services more than three months after the meeting for which the claim is made, unless authorised by the Senior Specialist – Democratic Services in exceptional circumstances. Members are encouraged to submit a claim every month with any such claims being accompanied by receipts.
- (b) Payments shall be made on a monthly basis along with payments for the basic and any special responsibility allowances. Such payments will be made direct to the bank or building society account of the Member's choice.
- (c) Where a payment under this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

9. Suspension

If a Member is suspended or partially suspended from his responsibilities or duties as member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the proportion of the basic allowance, any special responsibility allowance and travelling and subsistence allowance payable to him/her in respect of the period for which he is suspended or partially suspended may be withheld by the authority.

SCHEDULE 1

APPROVED DUTIES

There is specified as an approved duty for the purpose of the payment of travelling and subsistence allowances, attendance at:-

- (a) meetings of the Council, its Committees, the Executive and Overview & Scrutiny Panel, subject, in each case of attendance at any bodies of which a Councillor is not a Member, to the prior invitation of the relevant Chairman;
- (b) meetings of other bodies to which the authority makes appointments, or of any committee or sub-committee of such a body;
- (c) any other meeting the holding of which is authorised by the authority, or a committee, group of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee, provided that:-
 - (i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the authority is not so divided, it is a meeting to which the authority is a member;
- (d) the following types of meetings, provided that where the authority is divided into two or more political groups, Members of at least two such groups have been invited:-
 - (i) briefing and other meetings relating to activities of the Council or matters affecting the District;
 - (ii) meetings relating to future change in local government;
- (e) the opening of tenders in accordance with Standing Orders by the relevant nominated Members;
- (f) a meeting of any association of authorities of which the authority is a member.
- (g) a meeting of any town or parish council within their electoral ward, and of which they are not already a member.

In addition, Members may claim travelling and subsistence allowances for meetings or events not otherwise provided for in this scheme when asked in writing to attend by a member of the Senior Management Team, when such attendance is in the interests of the Council or in pursuance of its policies.

Duties excluded by these provisions are those in respect of which the Member receives remuneration otherwise than under this scheme.

For further information, please contact:-

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Democratic Services
e-mail: Anna.Gribble@swdevon.gov.uk
Tel: (01803) 861113

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Tel: (01803) 861247

APPENDIX A**South Hams District Council****Dependants' Carers' Allowance**

An allowance in line with the current National Living Wage hourly rate may be claimed when a carer for a dependent has been engaged to enable a councillor to carry out an approved duty (as specified in Schedule 1).

A carer will be any responsible person who does not normally live with the councillor as part of that councillor's family.

An allowance will be payable if the dependent being cared for:-
is a child under the age of 14
is an elderly person; or
has a recognised physical or mental disability

who normally lives with the councillor as part of that councillor's family and should not be left unsupervised.

For meetings or duties within the Council's boundaries, the allowance will be paid (at the current National Living Wage hourly rate) for the duration of the meeting or otherwise approved duty plus an allowance for up to one hour's total travelling time before and after the meeting.

The level of allowance will be adjusted automatically in line with any adjustments made to the National Living Wage.

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Devon, TQ9 5NE

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Authority	Tier	Basic Allowance Payment	Leader		Deputy Leader		Cabinet Members		DM Chair		Scrutiny Chair		Other Chairs Multiplier Used and/or £ SRA Payment	Civic Lead		Comments
			Multiplier Used	£ SRA Payment		Multiplier Used	£ SRA Payment									
Devon County	1	13444	2.5	33610	2	26888	1.5	20166	0.5	6722	0.73	9814	paid between 0.5 (6722) and 0.25 (3361)	0.8	10755	
East Devon	2	4360	3.3	14421	0.9	4021	1.4	6184	1.4	6184	0.7	3098	paid between 2010 & 3098	1.8	7813	
Mid Devon	2	5495	3	16485	1.5	8242	1.25	6868	1.25	6868	1.25	6868	paid between 1374 - 4121	0.5	2747	£150 IT allowance also payable
North Devon	2	4970	2.5	12426	1	4970			1	4970			paid between 0.5 (2485) and 1 (4970)	No SRA mentioned		
Teignbridge	2	5742	3.5	20097	1.75	10049	1.5	8613	1.4	8039	1.1	6316	paid between 0.5(2871) and 1.x (6316)	1	5742	
Torridge	2	5100	2.35	11985	1	5100			1	5100	1	5100	paid between 1,(5100) 0.5 (2550), and (659)	1	5100	
Torbay	1	9062	2.3	20914	1.3	11606	1.2	11221	0.8	7481	0.8	7481	most 3740	0.4	3470	
Exeter	1	6425	3.25	20880			1.75	11243	1	6425	1	6425	between 0.75 (4818) and 0.5 (3212)	1	6425	
Plymouth	1	11504	2.9	34152	2.1	24283	2	23003	1	11504	1	11504	between 2876-11504	1.4	15981	
South Hams	2	5492	3	16476	1.5	8238	1	5492	1.5	8238	1	5492	Between 1 (5492) & 0.5 (2746)	1	5492	
West Devon	2	4893	2.5	12233	1.5	7340	1	4893	1.2	5872	1	4893	1 (4893)	0.61	3000	
Cornwall	1	15131		27992		20994		19594		5598		8398	between 8398-2799		19594	
Gloucestershire County	1	10750		34170				19130		6360		6360	6360		9570	
Gloucester City	2	6214	3.5	21749		13982		10875		4971		3728	between 0.5 (3107) and 0.1 (621)		6000	
Cheltenham Borough	2	5797		18095				14242		3833		2999	899 - 332		7772	Constitution not publically available
Stroud District	2	5265		10021						5100			6120 - 5100		3060	
Tewkesbury Borough	2	7350		8800		6600		4400		2200		2200	2200		2200	
Forest of Dean District	2	5100	2.4	12240	1.6	8160	1.4	7140	1	5100	1	5100	0.5 (2550)	1	5100	
Cotwolds	2	5000		15000		10000		7500		7500		5000	2500		5000	
Lincolnshire County	1	11249		35639		23388		20047		13498		10683	13498 - 8910		13498	
Boston Borough	2	4692		14076		7038		5865		4692		1280		1280	5865	
City of Lincoln	2	5127		10905		7053		5772		4491		4491	1281-4491	No SRA mentioned		
East Lindsey District	2	4935		14006		7003		4904		4204		4204	4204		4204	Scheme from 2016-2021
North Kesteven DC	2	5634		15553		9494		7115		5135		3526	1912-3526		1912	
South Holland DC	2	6255		20140		11884		9063		5035			4952 - 3962		4431	
South Kesteven DC	2	5886	3.5	20589	2.75	16176	2	11766	0.9	5298	1	5886	3924-3257	No SRA mentioned		
West Lindsey DC	2	6242		12611		4573		3152		3152		3152	3152		4040	
Suffolk County	1	11175	3	33525	2	22350	1.75	19556	0.5	5587	0.5	5587	0.5 (5587)	1.25	13969	
Babergh DC	2	5240		13101		6550		6550		5240		5240	2620		2670	Shared Service arrangement with Mid Suffolk DC
Mid Suffolk DC	2	5240		13101		6550		6550		5240		5240	2620		5240	Shared Service arrangement with Baberg DC
East Suffolk DC	2	7841		19603		13095		7606		6743		5254	5254		9801	
Ipswich Borough	2	4326	2.8	12114	0.7Ba x 2.8	8480	1.86	8047	0.93	4024	0.93	4024	0.93 (4024)	0.93	4024	
West Suffolk	2	6292	2.5	15729	2.5	9438	1.25	7865	0.9	5563	0.9	5563	0.66 (4153)	1.25	7865	
Cumbria County	1	8985		26992		15116		10797		7502		10797	7502		5632	
Allerdale Borough	2	3367		21000		9973		5441		4500		2721	2993 & 2721		7071	
Barrow Borough	2	2643	6	15859	2.5	6608			2	5286	1.6	4229	2 (5286) & 1.6 (4229)	1.2	3172	
Carlisle City	2	4887		17967		11229		6735		4497		4497	4497 - 1128	No SRA mentioned		
Copeland Borough	2	3341		6359				6359		2000		2000	2000		2000	
Eden District	2	3972		11916		4965		4965		3972		1986	663 - 1986		663	
South Lakeland	2	4201		12120		7171		6060		2795		1863	931		1863	
East Sussex County	1	13149		36817		18792		16107		6711		6711	6711		13420	
Eastbourne Borough	2	2808		4212		2808		2808		2106		1404	1404		2802	Shared Service arrangement with Lewes DC
Hastings Borough	2	6150		12300		7999		6642		3693		3077	3077-1002		6542	
Lewes District	2	3317		15382				6153		4614		3691	4614- 1154		2308	Shared Service arrangement with Eastbourne BC
Rother District	2	4703		13735		3873		2988		2988		2988	2186	No SRA mentioned		
Wealden District	2	4846		14170				5858		4465		3964	3964-1439		5025	
Derbyshire County	1	11414		37717		28258		18852		9414		9414	9414		9414	Calculation as % of Leaders SRA
Amber Valley District	2	4210		12632		6316		4391		2526		1882	1674	No SRA mentioned		
Bolsover District	2	9902		14672		9781		4891		4890		3260	3260-1222	No SRA mentioned		set in 2017 and rising in line with staff pay award
Chesterfield Borough	2	6286		29122		16021		7993		5912		4885	4885-3663	No SRA mentioned		
Derbyshire Dales District	2	4628		12024		6012			1	4628			1 (4268) - 0.35 (1620)	1	4628	Leaders SRA = £231 per Member Plus 1.5 of Basic. D/L 50% of Leader
Erewash Borough	2	4321		14320		8592		6444		3792		3792	3792		3992	
NE Derbyshire District	2	5488		18867		13557		8647		8256		4128	4128		5216	
South Derbyshire District	2	6900		19653		10809				9815		9815	4865	No SRA mentioned		
Derby City	1	11523		34569		25927		17285		8642		8642	8642 - 6050		8642	Calculation as % of Leader's SRA

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Part 6 Members' Allowances Scheme

April 2022

SOUTH HAMS DISTRICT COUNCIL

MEMBERS' ALLOWANCES SCHEME

The Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:-

This scheme may be cited as the South Hams District Council Scheme of Members' Allowances, and shall have effect from **1 April 2022**.

1 Basic Allowance

Subject to paragraph 9, for the period 1 April 2022 to 31 March 2023, a Basic Allowance of **£5,822** per annum shall be paid to each Councillor. This is intended to recognise the time commitment of Members to Council and constituency duties and costs relating to the use of the Members' home, postage, stationery and minor office equipment.

2. Special Responsibility Allowances

(a) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified below:-

	Amount per annum (£)
(i) Leader of the Council	17,466
(ii) Deputy Leader of the Council)	8,733 each
Chairman of Development Management Committee)	
 (iii) Other Members of the Executive	5,822 each
(iv) Vice-Chairman of the Development Management Committee	2,911
 (v) Chairman of the Overview & Scrutiny Panel	5,822
(vi) Vice-Chairman of the Overview & Scrutiny Panel	2,911
 (vii) Chairman of the Audit Committee	4,367
(viii) Chairman of the Licensing Committee	2,911
(ix) Chairman of Salcombe Harbour Board (to be paid from Board finances)	2,911
 (x) Minority Groups allowance	(£11,644) x 31 number in each group
 (xi) Independent Persons	500 each

(b) Allowances for Chairman and Vice-Chairman of Council:-

- | | |
|-------------------------------|-------|
| (i) Chairman of Council | 5,822 |
| (ii) Vice Chairman of Council | 1,456 |

- (c) Subject to paragraph 9, the amount of each such allowance shall be the amount specified against that special responsibility in sub-paragraph (a) above. Where a Councillor is entitled to more than one Special Responsibility Allowance, only one such Allowance, equivalent to the higher entitlement, shall be paid.

3. Travelling Allowances

Those duties as set out at Schedule 1 will attract the payment of a travelling allowance at the following rates:-

- (a) The rate of travel by public transport shall not normally exceed the cheapest fare available, subject to the Senior Specialist – Democratic Services exercising discretion in the case of special visits or where business needs to be transacted on the journey.
- (b) The rates of travel by a Member's motor cycle shall be 24 pence per mile.
- (c) The rates of travel by a Member's motor vehicle (other than a motor cycle) shall be 45 pence per mile.
- (d) A supplement of 5 pence per mile for each passenger carried will also be paid.
- (e) The actual amount incurred on any tolls, ferries or parking fees, including overnight garaging shall be reimbursed.
- (f) The rates of travel by a Member's bicycle shall be 20 pence per mile.
- (g) The rate of travel by taxi-cab shall not exceed:-
- (i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
 - (ii) in any other case, the amount of the fare for travel by appropriate public transport.
- (h) The rate of travel by a hired motor vehicle other than a taxi-cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Member, provided that the rate may be increased at the Senior Specialist – Democratic Services discretion (as in (a) above) to an amount not exceeding the actual cost of hiring.
- (i) Where travel by air is the only effective means of travel or produces sufficient savings in time and / or other allowances, the rate shall not exceed the cheapest fare available.

In addition, Co-opted Members on the Salcombe Harbour Board and the Independent Persons are entitled to claim their travel expenses.

4. Subsistence Allowances

(a) Subsistence allowances may be claimed to meet the costs of meals, refreshments, accommodation etc, in connection with the performance of an approved duty as specified at Schedule 1. The rates shall not exceed:-

(i) in the case of an absence, not involving an absence overnight, from the usual place of residence:-

A. of more than 4 hours, £5.00 for breakfast;

B. of more than 4 hours, £5.00 for lunch;

C. of more than 4 hours, including the period 3.00 pm to 6.00 pm, £2.94 for tea;

D. of more than 4 hours, ending after 7.00 pm, £5.00 for an evening meal;

provided that, for meetings such as Council, Committee or other Council body meetings, meals or refreshments may be provided by the Council, including on occasions where the absence from the residence may not exceed 4 hours.

Where such meals are provided or paid for separately by the Council, the appropriate subsistence allowance shall not be paid to a Member, unless the Member has specifically indicated that he or she is unable or does not wish to take the meal provided by the Council, or otherwise where other unforeseen commitments prohibit the taking of the meal.

(ii) in the case of an absence overnight from the usual place of residence, £79.82, or, for such an absence overnight in London or an annual conference of the Local Government Association or such other association of bodies as the Secretary of State may designate, £91.04.

(b) The actual reasonable costs of meals taken on trains may be reimbursed. (This would replace the subsistence allowance for the appropriate meal period).

5 Dependants' Carers' Allowance

A Councillor may claim a Carers' allowance in accordance with the provisions specified at Appendix A.

6. Renunciation

A Councillor may by notice in writing given to the Senior Specialist – Democratic Services elect to forego any part of his entitlement to an allowance under this scheme.

7 Part-Year Entitlements

- (a) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- (b) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:-
 - (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year, the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year (ie a pro-rata calculation will be made).
- (c) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- (d) Where this scheme is amended as mentioned in sub-paragraph (b), and the term of office of a period Councillor does not subsist throughout the period mentioned in sub-paragraph (b)(i), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.
- (e) Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

- (f) Where a Councillor has been appointed on a temporary basis to a position which attracts a special responsibility allowance, that Councillor's entitlement shall, following a 3 month period in that position, be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year. Payment to the Councillor previously entitled to the special responsibility allowance shall, at the same point, cease.
- (g) Where this scheme is amended as mentioned in sub-paragraph (b), and a Councillor has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (b)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

8. Claims and Payments

- (a) No payment will be made of any travel and subsistence claim received by Democratic Services more than three months after the meeting for which the claim is made, unless authorised by the Senior Specialist – Democratic Services in exceptional circumstances. Members are encouraged to submit a claim every month with any such claims being accompanied by receipts.
- (b) Payments shall be made on a monthly basis along with payments for the basic and any special responsibility allowances. Such payments will be made direct to the bank or building society account of the Member's choice.
- (c) Where a payment under this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

9. Suspension

If a Member is suspended or partially suspended from his responsibilities or duties as member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the proportion of the basic allowance, any special responsibility allowance and travelling and subsistence allowance payable to him/her in respect of the period for which he is suspended or partially suspended may be withheld by the authority.

SCHEDULE 1

APPROVED DUTIES

There is specified as an approved duty for the purpose of the payment of travelling and subsistence allowances, attendance at:-

- (a) meetings of the Council, its Committees, the Executive and Overview & Scrutiny Panel, subject, in each case of attendance at any bodies of which a Councillor is not a Member, to the prior invitation of the relevant Chairman;
- (b) meetings of other bodies to which the authority makes appointments, or of any committee or sub-committee of such a body;
- (c) any other meeting the holding of which is authorised by the authority, or a committee, group of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee, provided that:-
 - (i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the authority is not so divided, it is a meeting to which the authority is a member;
- (d) the following types of meetings, provided that where the authority is divided into two or more political groups, Members of at least two such groups have been invited:-
 - (i) briefing and other meetings relating to activities of the Council or matters affecting the District;
 - (ii) meetings relating to future change in local government;
- (e) the opening of tenders in accordance with Standing Orders by the relevant nominated Members;
- (f) a meeting of any association of authorities of which the authority is a member.
- (g) a meeting of any town or parish council within their electoral ward, and of which they are not already a member.

In addition, Members may claim travelling and subsistence allowances for meetings or events not otherwise provided for in this scheme when asked in writing to attend by a member of the Senior Management Team, when such attendance is in the interests of the Council or in pursuance of its policies.

Duties excluded by these provisions are those in respect of which the Member receives remuneration otherwise than under this scheme.

For further information, please contact:-

Anna Gribble
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APPENDIX A**South Hams District Council
Dependants' Carers' Allowance**

An allowance in line with the current National Living Wage hourly rate may be claimed when a carer for a dependent has been engaged to enable a councillor to carry out an approved duty (as specified in Schedule 1).

A carer will be any responsible person who does not normally live with the councillor as part of that councillor's family.

An allowance will be payable if the dependent being cared for:-
is a child under the age of 14
is an elderly person; or
has a recognised physical or mental disability

who normally lives with the councillor as part of that councillor's family and should not be left unsupervised.

For meetings or duties within the Council's boundaries, the allowance will be paid (at the current National Living Wage hourly rate) for the duration of the meeting or otherwise approved duty plus an allowance for up to one hour's total travelling time before and after the meeting.

The level of allowance will be adjusted automatically in line with any adjustments made to the National Living Wage.

Published by:-
South Hams District Council
Follaton House Plymouth Road TOTNES
Devon, TQ9 5NE

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Report to: **Council**
Date: **16 February 2023**
Title: **Pay Policy Statement**
Portfolio Area: **Leader – Cllr J Pearce**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting.

Author: **Andy Wilson** Role: **Head of Human Resources**

Contact: **01803 861154: andy.wilson@swdevon.gov.uk**

RECOMMENDATION:

That Council agrees the Pay Policy for 2022/23 (as set out at Appendix A).

1. Executive summary

- 1.1. The Council is required under the Localism Act 2011 to agree and publish a pay policy statement each year before 31 March, which includes details of remuneration received by chief officers.
- 1.2. The report proposes that the Council agrees the pay policy statement (attached at Appendix A).

2. Background

- 2.1. Section 38 of the Localism Act 2011 requires local authorities in England and Wales to prepare and publish a statutory pay policy statement for 2012/2013 and each financial year thereafter. Once agreed, the policy will be published on the Council's website.
- 2.2. The pay policy statement sets out the authority's policies for the financial year relating to the remuneration of its chief officers, the remuneration of its median and lowest-paid employees and the relationship between the salary of the Head of Paid Service and the salaries of the median and lowest paid employees.

3. Outcomes/outputs

3.1. Pay Policy Statement

3.2. The Hutton Report identified that the most appropriate way of measuring pay dispersion within an organisation is the multiple of Head of Paid Service to median earnings. Tracking this multiple will ensure that the Council is accountable for the relationship between the pay of its executives and the wider workforce. Through the pay policy statement, the Council can track this multiple on an annual basis.

3.3. If the relationship between the salary of the Head of Paid Service and the lowest paid employee exceeds a factor of 10, the Leader is required to bring a report to Full Council for consideration.

3.4. The annual median salary of all employees is £25,927pa.

3.5. The annual salary of the lowest paid employee is £20,043pa.

3.6. The relationship between the remuneration of the Head of Paid Service and the median salary of all employees is 4.83.

3.7. The relationship between the remuneration of the Head of Paid Service and the salary of the lowest paid employee is 6.24.

3.8. Gender Pay Gap

3.9. The Council also has a separate statutory duty to publish a report on the gender pay gap of its employees by 30 March 2022. The report will be published through the Government's gender pay gap reporting service and on the Council website.

4. Options available and consideration of risk

4.1. The Council has a legal requirement under the Localism Act 2011 to publish a Senior Pay Policy each year.

5. Proposed Way Forward

5.1. Council is asked to adopt the Pay Policy Statement at Appendix A and publish it on its website to meet its statutory requirements.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Yes	The Localism Act 2011 requires the Council to adopt and publish a Pay Policy Statement annually.

Financial	Y	There are no risks associated with the report, Pay Policy Statement.
Risk	N	There are no risks associated with the report, Pay Policy Statement.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	There are no Equality or Diversity implications associated with the report or the Pay Policy Statement or the Pay and Reward Strategy.
Safeguarding	N	There are no Safeguarding implications associated with the report or the Pay Policy Statement.
Community Safety, Crime and Disorder	N	There is no positive or negative impact on crime and disorder reduction associated with the report or the Pay Policy Statement.
Health, Safety and Wellbeing	N	There are no Health, Safety and Wellbeing implications associated with the report or the Pay Policy Statement.
Other implications	N	There are no other implications associated with the report or the Pay Policy Statement.

Supporting Information

Appendices:

A: Pay Policy Statement 2022/23

Background Papers:

None.

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PAY POLICY STATEMENT (Appendix A)

Purpose and scope of the Policy

1. Section 38 of the Localism Act 2011 (the Act) requires local authorities in England and Wales to produce a statutory pay policy statement for 2012/2013 and each financial year thereafter.
2. The pay policy statement must be approved by a resolution of the Council before it comes into force and each subsequent statement must be prepared and approved before the end of the preceding financial year to which it relates.
3. The Council may by resolution amend this pay policy statement at any time during the year, subject to the amended statement being published as soon as is reasonably practicable.
4. This Pay Policy Statement reflects the position on the reporting date of 31st March 2022.
5. The pay policy must set out the authority's policies for the financial year relating to—
 - 5.1. the remuneration of its chief officers,
 - 5.2. the remuneration of its lowest-paid employees, and
 - 5.3. the relationship between—
 - 5.3.1. (i) the remuneration of its chief officers, and
 - 5.3.2. (ii) the remuneration of its employees who are not chief officers.
6. For the purposes of this pay policy, and in accordance with section 43 (2) of the Act, the following officers are considered to be relevant chief officers and deputy chief officers within scope of the Councils' statutory obligation:
 - Chief Executive
 - Directors
 - Section 151 Officer
 - Monitoring Officer

7. The above officers are collectively known as Chief Officers for the purpose of this pay policy statement.

Shared Services

8. For the purposes of this pay policy statement, it should be noted that all of the identified chief officers operate under a shared service agreement with West Devon Borough Council and their salary costs are shared on an agreed basis. For the purpose of this pay policy statement, all shared chief officers are shown, notwithstanding the identity of their employing authority.

Current Senior Leadership Arrangements

9. . The current senior leadership structure was introduced in September 2019 and comprises of a Chief Executive, and Directors of Customer Service and Delivery, Strategy and Governance, Place and Enterprise, and Strategic Finance.
10. The substantive salaries of the Senior Leadership Team were agreed by the Council on the recommendation of the Leader after taking advice on comparable salary levels in other organisations.
11. The salary of the Monitoring Officer includes an additional responsibility allowance, set at 20% of their substantive salary, in recognition of carrying out the duties of the Monitoring Officer.

Remuneration for Chief Officers

12. The council has chosen to introduce local arrangements for the Senior Leadership Team pay because it believes that this delivers a better outcome in terms of managing performance and flexibility.
13. The Leader of the Council may recommend to Full Council changes to the remuneration package following a review and after taking independent pay advice from the Local Government Association, South West Councils or a similar body.
14. Salary increases in relation to cost of living will be made in line with the relevant recommendation of the National Joint Council for Local Government Services (the NJC), the Joint Negotiating Committee for Chief Executives (the JNC) or other relevant national negotiating body for each chief officer.
15. The salary for the Chief Executive includes remuneration for holding the statutory office of Head of Paid Service.
16. The salary for the Chief Executive is a spot salary. Directors will be paid in accordance with an incremental grade as part of the Council's pay and grading

structure. The pay band has three incremental points and post holders can progress through the increments each April, subject to satisfactory performance.

17. From time to time, the Chief Executive will designate a Chief Officer to carry out the role of Deputy Chief Executive in addition to their substantive role. The nominated Deputy Chief Executive receives a special responsibility allowance of £8135pa.
18. Where possible, salary levels will be consistent with similar organisations, although the Council will retain the right to have due regard to market forces that may affect its ability to recruit and retain high quality officers, whilst balancing this against the need to ensure value for money for residents.
19. The salaries, including the special responsibility allowances paid to the Deputy Chief Executive and the Monitoring Officer are the only remuneration for work carried out. At present, there are no additional payments made to chief officers relating to performance or any other matters and no bonus is payable.
20. Additional payments are made by Central Government to officers carrying out additional duties at elections. The determination of the allowance is made by the Government and these payments are not within the scope of this policy. There are no payments made by the Council for election duties.
21. In accordance with the provisions of the Council's Travel and Subsistence Policy, that applies equally to all employees, the relevant chief officers may attract an essential car user lump sum allowance and be reimbursed with business expenses subject to the submission of a claim with receipts. For 2021/22, all of the Chief Officers are designated as casual car users and will not receive an essential car user lump sum allowance.
22. From 1 April 2013, all business mileage will be reimbursed in accordance with the approved HMRC rates, currently 45p per mile. This replaces the previous policy under which business mileage was reimbursed at the higher rate agreed by the NJC, currently 50.5p per mile for essential users and 65p per mile for casual users.

Severance payments

23. Any termination payments payable to the relevant chief officers will be in accordance with the Council's Redundancy and Interests of Efficiency Policy. All such payments are equally applicable to all employees and no additional payments will be made without the express approval of the Full Council. All severance payments are subject to the provisions of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as amended.

Relationship with the remuneration of other employees of the Council

24. The Hutton Report identified that the most appropriate way of measuring pay dispersion within an organisation is the multiple of highest earnings to median earnings. Tracking this multiple will ensure that the Council is accountable for the relationship between the pay of its executives and the wider workforce. Through this pay policy statement, the Council will track this multiple on an annual basis and will publish the following information on its website each year (see Appendix A):

- The level and elements of remuneration to each relevant chief officer
- The remuneration of the lowest paid employees
- The relationship between the remuneration of the Head of Paid Service and the median earnings of all employees
- Other specific aspects of relevant chief officer remuneration

25. Each year the published data will be reviewed by the Leader of the Council and if the multiplier between the highest and the lowest paid employee within the Council exceeds a factor of 10, the Leader shall present a report to the Full Council for consideration.

26. For the purposes of this pay policy statement, the 'lowest paid employees' are identified as those employees carrying out a substantive role within the Council's established workforce with the lowest annual full-time equivalent salary.

27. The 'median earnings' have been identified by listing all salaries paid to employees in ascending order and finding the salary paid to the employee ranked in the middle of the list.

Appendix A

1. The levels and elements of remuneration for each Chief Officer at the reporting date of 31 March 2022 are as follows:

Post	Salary (£) per annum	Comments
Chief Executive	£125,150	
Director of Customer Service and Delivery*	£87,592	Includes a special responsibility allowance of £8135 pa for carrying out the duties of Deputy Chief Executive.
Director of Place and Enterprise*	£79,457	
Director of Governance and Assurance	£79,457	
Director of Strategic Finance and Section 151 Officer*	£79,457	
Monitoring Officer	£58,869	Including a Responsibility Allowance of 20%
* employed by West Devon Borough Council		

Please note: All chief officers operate under a shared service agreement with West Devon Borough Council and all salary and associated costs are shared on an agreed basis between the two councils.

The Senior Leadership Team (SLT) consists of the Chief Executive and the four Directors, but excludes the Monitoring Officer.

2. The lowest paid employee is a Corporate Business Support Officer, paid in accordance with spinal column point 6 of the National Joint Council for Local Government Services pay spine, currently £20,043 pa.
3. The annual median salary of all employees £25,927pa.
4. The Chief Executive's salary is a pay multiple of 4.83 times the median earnings.

5. The Chief Executive's salary is a pay multiple of 6.24 times the lowest paid employee.

Report to: **COUNCIL**
Date: **16 February 2023**
Title: **Calendar of Meetings 2023/24**
Portfolio Area: **Council – Cllr Pearce, Leader**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

Author: **Darryl White** Role: **Democratic Services Manager**

Contact: **Email: darryl.white@swdevon.gov.uk**

RECOMMENDATION:

That Council be RECOMMENDED to approve the draft Calendar of Meetings for 2023/24 (as presented at Appendix A).

1. Executive summary

- 1.1 Each year, the Council is required to approve a Calendar of formal decision-making Meetings for the forthcoming year.

2. Background

- 2.1 The Constitution sets out requirements relating to the number and frequency of meetings of Council Bodies. In setting the Calendar of Meetings each year, the Council can ensure that these requirements are met. Adoption of a twelve-month Calendar also enables for forward planning and avoids potential meeting clashes.

3. Outcomes/outputs

- 3.1 Set out at Appendix A is the draft Calendar of Meetings for 2023/24.
- 3.2 In drawing up the calendar of meetings, a number of parameters have been taken into account. These include:
- 3.2.1 Constitutional requirements which, for some Bodies, sets the number and frequency of meetings that are to be held annually;

3.2.2 The wishes of Members that Thursdays are seen as 'Member Days' and therefore as many meetings as possible are arranged to take place on this day; and

3.2.3 The wishes of Members, wherever possible, to avoid formal meetings being held during school holidays;

4. Options available and consideration of risk

4.1 By approving the Calendar of Meetings each year, the Council will avoid potential Member meeting clashes and ensure that its Constitutional requirements are provided for with the wishes of Members, wherever possible, being taken into account.

5. Proposed Way Forward

5.1 Approval of the Calendar of Meetings will support the organisation in its corporate work programming for the 2023/24 Municipal Year and will enable potential candidates who are considering standing for Council in the May 2023 local elections to be aware of formal meeting date commitments.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory Powers – Local Government Act 1972
Financial implications to include reference to value for money	N	There are no direct financial implications
Risk	N	These are addressed in the report
Supporting Corporate Strategy		Efficient and Effective Council
Climate Change - Carbon / Biodiversity Impact		Attendance at formal Member meetings is required for voting Members, however car sharing is actively encouraged. The use of Microsoft Teams is also now actively encouraged for all informal Member Briefing sessions and Workshops
Comprehensive Impact Assessment Implications		

Equality and Diversity		Not applicable
Safeguarding		Not applicable
Community Safety, Crime and Disorder		Not applicable
Health, Safety and Wellbeing		Not applicable
Other implications		Not applicable

Supporting Information

Appendices:

Calendar of Meetings 2023/24 – Appendix A

Background Papers:

None

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Draft Calendar of Meetings 2023/24 - South Hams

	2023								2024				
	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Audit & Governance			6		28			7			7 (pm)		
Council	25	29			28			14		15	21		16
Executive		22 (am)			21		30		25		7 (am)	18	
Overview & Scrutiny		22 (pm) *	20			5		21		8	14		2
	* Work Programming Meeting												
Salcombe Harbour Board			3*		18		13		22		18		
Council Tax Setting Panel										22			
Licensing							9						
Development Management Committee		7 and 28	26	30	20	18	15	13	17	14	13	10	15
Site Inspections		5 and 26	24	29	18	16	13	11	15	12	11	8	13

Budget Advisory Committee **

18 (TBC)

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT CLIFF HOUSE, SALCOMBE, ON MONDAY, 14 NOVEMBER 2022**

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr J Brazil (Chairman)	*	Mr P Brown
*	Cllr D Brown	∅	Ms A Jones
*	Cllr R J Foss	*	Mr A Owens
*	Cllr M Long	*	Mr C Plant
		*	Mr I Shipperley
		*	Mr I Stewart

Other Members in attendance and participating:
Cllrs H Bastone and J Pearce

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Director of Place & Enterprise; Salcombe Harbour Master; Deputy Harbour Masters; Deputy Section 151 Officer and Democratic Services Manager

SH.19/22 APOLOGIES FOR ABSENCE
It was noted that an apology for absence for this Board Meeting had been received from Ms Jones.

SH.20/22 MINUTES
The minutes of the Salcombe Harbour Board meetings held on 13 June 2022 and 26 September 2022 were both confirmed as a true and correct record.

SH.21/22 URGENT BUSINESS
There were no items of urgent business raised at this meeting.

SH.22/22 DECLARATIONS OF INTEREST
Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following was made:

Messrs Owens and Stewart both declared a disclosable pecuniary interest in all related agenda items by virtue of paying harbour duties. As a result of the Deputy Monitoring Officer having granted each Board Member a dispensation, they were able to take part in the debate and vote on any related matters (Minute SH.05/22 refers).

SH.23/22 PUBLIC QUESTION TIME
In accordance with the Public Question Time Procedure Rules, there were no Questions raised at this Board Meeting.

SH.24/22

FEEDBACK FROM HARBOUR COMMUNITY FORUMS

The Board received verbal update reports from those Members who attended the Harbour Community Forums. The updates were given as follows:

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

The Board was informed that the Forum had met on 18 October 2022. Items that were discussed included:

- A presentation had been received from two University of Plymouth students on their Estuary research projects;
- An update on the publication of the Area of Outstanding Natural Beauty guide;
- A recent Natural England survey had established that oyster and limpet species were significant within the Estuary. The Forum was informed that a specific oyster removal project was planned to be carried out during the winter months;
- The ongoing Washabrook stream silt project;
- An update on the East Portlemouth seagrass issue;
- The role of the Harbour Authority with regard to the disposal of dead birds. Whilst DEFRA had produced mixed messages regarding their disposal, the Harbour Master confirmed that the Harbour Authority continued to follow the published guidance and was currently looking to find an approved disposal contractor;
- Water quality monitoring. With the agreement of the Board, the Forum representative committed to setting up a Briefing for the Board on the key issues affecting water quality in the Estuary during the spring of 2023.

South Devon & Channel Shellfishermen

The representative advised that the price of crab meat had increased and the Shellfishermen were generally content.

The Shellfishermen had expressed their support for a meeting being held with the Harbour Master and the re-build of the Fish Quay continued to be an ongoing saga.

Kingsbridge and Salcombe Marine Business Forum

As advised earlier, the Board representative had submitted her apologies to this meeting and there was therefore no update given.

Kingsbridge Estuary Boat Club (KEBC)

Having been reported to the Board at its last meeting (Minute SH.16/22 refers), the representative informed that the Boat Club remained adamant that the Kingsbridge Slipway could be better utilised. In particular, the introduction of a dinghy rack and a kayak storage area would be most welcomed additions. The Board recognised that a meeting was being held with the Chairman and Vice-Chairman of the Boat Club on 22 November and it was felt that this would be an appropriate opportunity to discuss these points further.

The Boat Club had also expressed some concerns over access issues associated with the Kingsbridge Skatepark proposals. In light of these, officers committed to following these up outside of this Board meeting.

Finally, the Boat Club had made the point that the Security Key Code for the pontoons had been the same for a good period of time and should be changed.

East Portlemouth Parish Council

The representative confirmed that there were no issues arising from the Parish Council.

SH.25/22

GOVERNANCE ARRANGEMENTS – MEMORANDUM OF UNDERSTANDING WITH THE EXECUTIVE

The Board considered a report that reminded it that a review of the Council's governance arrangements had resulted in the Executive assuming the role of duty holder for the purposes of the Port Marine Safety Code with the Board thereby becoming an advisory board to the Executive.

The report sought approval for the Board Chairman to sign a Memorandum of Understanding with the Executive setting out the respective roles of the Board and the Executive.

In discussion, the following points were raised:

- (a) It was confirmed that Executive Members had now been in receipt of Duty Holder Training and that any recommendations from the Board would be presented to the Executive for onward consideration;
- (b) The Board requested that the Harbour Board Guidance Notes (Annex 3 of the published agenda report refers) be updated to reflect that the Board comprised 4 appointed South Hams District Council Member representatives and 6 Co-Opted Member representatives. Furthermore, it was agreed that the Notes should include the point that the Vice-Chairman of the Board had to be a Co-Opted Member;
- (c) With regard to whether the Council or the Harbour Authority was responsible for certain 'wet side' and 'dry side' assets, the Harbour Master committed to seeking further legal advice following this Board meeting.

It was then:

RECOMMENDED

That the Board agrees to its Chairman signing the Memorandum of Understanding with the Executive in relation to the exercise of the Executive's Harbour functions and its role as Duty Holder for the purposes of the Port Marine Safety Code and **RECOMMENDS** that the Executive authorise the Leader of Council to also sign it on behalf of the Executive.

SH.26/22 REVENUE BUDGET MONITORING 2022/23

A report was presented that updated Members on income and expenditure variations against the approved budget and provided a forecast on the year-end position.

In discussion, the following points were raised:

- (a) A Member felt it would be helpful to have a better understanding of the competing demands that were placed upon the Harbour Reserves;
- (b) The Harbour Master informed that the piles were tested every year but acknowledged that the outcome of this exercise was not always reported to the Board;
- (c) Some Members were of the view that the Harbour Authority required a detailed Asset Management Plan;
- (d) With regard to the interest payable to the Council, officers confirmed that the interest rates were fixed at the time that the loan was taken out and the Council did not make any income from these arrangements;
- (e) The Board recognised that some of the variances were attributed to the unprecedented circumstances related to the COVID pandemic over the last two years.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2022/23 Financial Year and the projected surplus of £92,200 be noted.

(Meeting commenced at 2:30 pm and concluded at 4:05 pm)

Chairman

**MINUTES OF A MEETING OF THE AUDIT AND GOVERNANCE COMMITTEE
 HELD IN THE COUNCIL CHAMBER, FOLLATON HOUSE, PLYMOUTH ROAD,
 TOTNES ON THURSDAY, 24 NOVEMBER 2022**

Members in attendance			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr L Austen (Chairman)	*	Cllr R Rowe
∅	Cllr J Brazil	*	Cllr B Spencer (Vice-Chairman)
∅	Cllr J McKay	*	Cllr B Taylor
∅	Cllr J T Pennington		

Member(s) also in attendance:
Cllrs H D Bastone; N Hopwood (via Teams) and J Pearce

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Section 151 Officer; Head of Finance; Democratic Services Manager; Internal Audit Manager; and External Auditor.

AG.26/22 MINUTES

The minutes of the Audit and Governance Committee meeting held on 20 October 2022 were confirmed as a true and correct record.

AG.27/22 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting, but none were made.

AG.28/22 GRANT THORNTON AUDIT FINDINGS REPORT

A Grant Thornton report was considered that highlighted the key matters arising from their audit of the Council’s financial statements for the year ended 31 March 2022.

The External Auditor took Members through the report and explained that the Council had been given a clean bill of health by its external auditors, Grant Thornton LLP, who intended to issue an unqualified opinion on the Council’s Accounts by the end of November 2022. This meant that the Council’s financial statements were properly prepared in accordance with the Accounting Code of Practice and gave a true and fair view of the financial position of the Council and its income and expenditure for the year.

Grant Thornton made specific reference to the high quality of the work and accounting records by the Council's finance team with only presentational adjustments to the draft accounts as a result of the audit. They stated that this reflected favourably in comparison to other Councils.

In discussion, the following points were highlighted:

- (a) The Committee was advised that there was a national issue affecting the completion of Audits for all Local Authorities with responsibility for significant Infrastructure Assets. A Statutory Instrument was awaited to resolve this issue and it was anticipated that it would come into force during early 2023. Until in place, Grant Thornton was unfortunately unable to formally complete the Audit. A Member questioned the nature of 'Infrastructure Assets' and it was confirmed that, for South Hams, this included the: Salcombe Fish Quay, Dartmouth Ferry Slipway, Pontoons and the Kingsbridge Quay Wall;
- (b) Members referenced the increasing duration of the annual Audit process with the completion dates having moved back from 31 July to 30 November over recent years and were disappointed that, through no fault of the Council, the Audit of the 2021/22 financial year would not be completed until well into 2023;
- (c) With regard to Value for Money requirements, it was noted that no significant weaknesses had been identified in the Council's arrangements for securing economy, efficiency and effectiveness in its use of Resources;
- (d) It was noted that good progress had been made against a recommendation generated during the 2020/21 audit in relation to the time and manual intervention previously required to produce transaction reports, with the information having been successfully drawn directly from the Software system for the 2022 Audit;
- (e) Members expressed their gratitude to the Section 151 Officer, Head of Finance and the Finance team for their hard work and commitment in managing the Council's resources so effectively.

It was then:

RESOLVED

That the contents of the Grant Thornton Audit Findings Report be noted.

AG.29/22

ANNUAL STATEMENT OF ACCOUNTS 2021/2022

Consideration was given to a report that presented a summary of net revenue and capital expenditure and sought approval of the audited Statement of Accounts for 2020/21.

The lead Executive Member for Finance gave thanks to the Finance Team and stated that the audited Statement of Accounts was a great credit to them and to the Council.

It was then

RESOLVED

1. That the wording of the Letter of Representation (as at Appendix A of the presented agenda report) be approved;
2. That the audited Statement of Accounts for the financial year ended 31 March 2022 (as at Appendix B of the presented agenda report) be approved;
3. That the Annual Governance Statement post audit (as set out at Appendix C of the presented agenda report) be approved;
4. That authority be delegated to the Chairman of the Audit and Governance Committee to sign off the Accounts following any notional changes required from the publication of the infrastructure assets statutory instrument (as detailed in paragraphs 4.1 to 4.5 of the published agenda report).

AG.30/22 UPDATE ON PROGRESS ON THE 2022-23 INTERNAL AUDIT PLAN

A report was considered that sought to inform Members of the principal activities and findings to date of the Council's Internal Audit Team for 2022/23.

In discussion, the following points were raised:

- (a) The Committee was informed that three Internal Audits had recently been completed and had delivered 'Substantial Assurance'. These were Audits of: 'Treasury Management'; 'Contract Management – Leisure'; and the 'Business Grants Scheme'. Members noted that the Audit of the Business Grants Scheme had been undertaken during the period that £86 Million had been paid through 16,600 Covid Support Grants which were administered at pace and with the appropriate due diligence fraud checks being in place;
- (b) Officers stated that three further Audits that had rec been undertaken into: 'Payroll'; the 'Dartmouth Lower Ferry'; and 'Climate Change' had delivered 'Reasonable Assurance';
- (c) It was noted that Fraud was a growing issue nationally and it was confirmed that a Fraud Risk Assessment was planned to take place over the coming months;
- (d) A Member suggested that, to help lessen the risk of Fraud, error and

theft, the Council might consider conducting a review into ending cash transactions across all of its services (e.g. the taking of cash in Council car parks);

- (e) The Committee noted that there was good progress being made to deliver most of the audit plan by April / May 2023.

It was then:

RESOLVED

That the progress made against the 2022/23 internal audit plan, and any key issues arising be noted and approved.

AG.31/22 AUDIT & GOVERNANCE COMMITTEE WORKPLAN 2022-23

Members were presented with the latest version of the Committee Work Programme and noted its contents.

(Meeting commenced at 2:00 pm and concluded at 2.50 pm)

Chairman

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE
held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES**, on **WEDNESDAY,**
14 December 2022

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil (for 6 (b), (c) and (d) only (Minute DM.46/22 refers))	*	Cllr K Pringle
*	Cllr D Brown	∅	Cllr H Reeve
*	Cllr R J Foss (Chairman)	*	Cllr R Rowe (Vice Chair)
*	Cllr J M Hodgson	*	Cllr B Taylor
∅	Cllr K Kemp	*	Cllr P Smerdon (substituting for Cllr H Reeve)
*	Cllr G Pannell	*	Cllr Thomas (substituting for Cllr K Kemp)

Other Members also in attendance and participating:

Cllr J Pearce, Cllr H Bastone, Cllr D O’Callaghan and Cllr J Hawkins

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Senior Specialists, Specialists and Senior Case Manager – Development Management; Monitoring Officer; IT Specialists; Specialist Engineering and Democratic Services Officer

DM.43/22 MINUTES

The minutes of the meeting of the Committee held on 9 November 2022 were confirmed as a correct record by the Committee.

DM.44/22 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr B Taylor declared an Other Registerable Interest in application 6(a), (b), (c) and (d) (minutes DM.46/22 (a), (b), (c) and (d) below refer) because he is a member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

DM.45/22 PUBLIC PARTICIPATION

The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.46/22 PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**6a) 4774/21/FUL Burgh Island Hotel", Burgh Island, Bigbury On Sea.
Parish - Bigbury**

Development: READVERTISEMENT (Revised plans) Extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation, extension to Pilchard Inn, extension to Bay View Café and site wide landscape and biodiversity enhancements.

Case Officer Update: The Case Officer reported that an additional letter of representation had been received from the freehold cottage adjacent to the Pilchard Inn, they raised concerns on access to the beach, emptying of and access to the septic tank, the proposed building, tidal surges and rooftop seating which will overlook into the cottage.

A question was raised on the number of applications and why they were not being looked at separately. The Officer reported that Members will have to determine the application before them because the applicant has chosen to present the application this way.

The Officer highlighted that there was a proposal to build on the car park to provide for staff accommodation and that aspect was removed and no longer forms part of the application. The applicant has purchased Korniloff to be used as proposed staff accommodation.

The Officer then gave an overview of the developments on the island, which included the extension to the Pilchard Inn, west wing extension to the hotel, staff accommodation under the tennis court, Fisherman's Gardens, proposed tearoom, extension to the Nettleford Bar, realignment of footpath towards the Mermaid Pool and the improvements to Chirgwin. The Officer reported that many discussions took place at pre-app stage and a Design Review Panel appointed to overlook this application.

In response to questions raised, the Officer reported that:

- With regard to the overlooking into the neighbouring cottage from the Pilchard Inn, people can currently stand and not concerned that will be worse than already is, however there was a potential for a loss of amenity;
- The Design Review Panel consists of selection of SW based designers and architects. They are independent and look at the proposals, visit the site and feedback their comments. These comments are included on the website;

- The Environment Agency (EA) raised a concern about the building and proximity to the sea wall and whether the building could withstand sea surges. The applicant commissioned drainage experts and following discussion with EA, EA have withdrawn their objections subject to 2 conditions which asks for details to be supplied before commencement of work in this area;
- The basement under the staff accommodation will be plant room necessary for the solar heating;
- The proposal to move the footpath would be a separate application looked at by Public Rights of Way at Devon County Council. Also could be an application to South Hams and will form a separate application and the granting of the planning permission does not automatically grant the alteration to route of a public right of way;
- The Island was in not in the AONB, however the mainland is. The proposals for the staff accommodation has the least impact on the landscape and have not received comments from AONB on this application;
- Access to the hotel is restricted to the public but the rest of the island is available for public use;
- There will be some form of sewage treatment in Fisherman's Gardens and rebeds were not considered feasible;
- No plans to change the slipways at this moment;
- The colour Chirgwin will be painted was not raised as an issue and previously was a lighter colour;
- Solar panels will sit flat on the roof;
- Neighbouring parishes if they had concerns could have commented on the application.

Speakers included: Objector – Mr Harvey (statement read out by the Clerk); Supporter – Mr Fuchs; Parish Councillor – Cllr Scott; Ward Member – Cllr Taylor.

Following the objector's statement, the Officer clarified the concerns on the accommodation to the rear of Bay View Café within the current application. It was confirm this has been removed from the plans. It was also highlighted that a unilateral undertaking to be provided for the Tamar Estuaries and 4 conditions require slight revision.

In response to questions raised, the supporter reported that:

- With regard to waste and sewage outfall they had looked at every possible solution. The system they were using was the best solution and the water once through the system will be of drinking quality;
- They will have a plan in place on how the soil will be distributed and reused across the island;
- There are 3 freehold properties on the island;
- Next to the Pilchard Inn there is a seating area and will ensure the neighbouring garden is protected as much as possible;
- The sewage system has been designed for the future and confident that the solution in place is robust;

- The Officer reported that Condition 23 will cover waste;
- A standby generator was a good consideration and will be added.

The Officer reported that it was possible to have a condition on the opaque screening by the seating area.

In response to questions, the Parish Councillor reported that the space behind the hotel and the land not developed is shown as local green space and allocation in the adopted Neighbourhood Plan was equivalent to greenbelt.

The Ward Member said on the site visit to the island he had a lot of negatives but since the visit was more positive about the application. They felt that the negatives can be overcome with conditions. He congratulated the officers on the work undertaken. This is an iconic building and a gem in South Hams. To keep the hotel running you need to increase rooms and need more staff.

During the debate, Members felt that the site visit was informative and what was being proposed fairly sympathetic to what is already there and a natural progression for the hotel. They also felt that the hotel needs to be brought up to date, with more rooms, staff accommodation and that it was difficult to get hospitality staff especially in this area. In principle this was a friendly application and sewage issues addressed.

Following an adjournment, the Officer stated that Councillor Scott mentioned Policy BV15 being equivalent to greenbelt and whilst a justification was given in the report for staff accommodation the wording exceptional circumstances was not included. For clarification this is considered as an exceptional circumstance because of the business case and the need for staff to be accommodated to support the hotel and for that accommodation to be located on the island. This therefore justifies the recommendation made.

The debate continued and Members also felt this was an important asset to the area and important to protect this unique asset. There were concerns on the impact on sewage but recognised this heritage asset and the need to modernise. The need to ensure this iconic hotel continues and to secure future employment.

A request for a condition on the car park behind the café to protect from future development. It was reported that you can condition that the car park is retained for use for hotel only but cannot prevent future development. A further request for a condition to include a 5 year landscaping conditions and new trees to have TPO.

The Monitoring Officer asked if the Proposer and Seconder were in agreement to an amendment to the proposal: To be approved as recommended subject to the completion of a unilateral undertaking to secure the payment contribution subject to the Head of Planning in conjunction with the Head of Legal Services as to whether the application should be advertised as a departure pursuant to the Town and Country Planning Consultation England Direction 2021 and if so concluding be advertised accordingly.

For clarification, for certain applications and in accordance with the 2021 Direction have to be referred to the Secretary of State to allow them to determine whether they want to call in for their own determination and in reference to green belt development and floor space. The floor space is met and whether the greenbelt is an open designated green space.

The Proposer and Secunder happy to propose this.

Recommendation: Approval, subject to a Section 106 agreement to secure the Tamar SAC contributions and the off-site parking requirements.

Committee decision: To be approved as recommended subject to the completion of a unilateral undertaking to secure the payment contribution subject to the Head of Planning in conjunction with the Head of Legal Services as to whether the application should be advertised as a departure pursuant to the Town and Country Planning Consultation England Direction 2021 and if so concluding be advertised accordingly.

The following conditions to be included:

- Screening to protect the neighbouring property;
- Additional wording to be included in the Landscape and Ecology Plan;
- The car park to be retained for hotel use only;
- Minor tweaks to 4 conditions.

The above to be agreed by Head of Development Management.

Conditions:

(list not in full)

1. Time limit
2. Accord with plans, including AIA
3. Joinery details to be submitted
4. Materials to be submitted
5. Stonework to match existing
6. Extraction equipment to be submitted and agreed with the LPA prior to bringing the restaurant in The Pilchard into use.
7. EA Future raising of flood wall.
8. EA flood resilience measures
9. CEMP required
10. LEMP required
11. Details of mitigation requirements for nesting birds to be submitted prior to commencement

12. BNG of 10% shall be provided. If this cannot be provided on the island then an offsite contribution will be required.
13. Details of the measures to avoid the spread of invasive species shall be so included in the CEMP.
14. Lighting proposals shall be included in the LEMP and the CEMP
15. Reptile mitigation measures shall be included in the CEMP
16. At least one integrated bird box/brick be built into the new staff accommodation building to offer nesting opportunities for small passerine birds
17. No unnecessary lighting should be installed and the cliff boundaries should remain dark.
18. The requirement for additional parking on land outside of the site shall be required to be provided in perpetuity prior to work commencing.

**6b) 1386/22/FUL Dennings, Wallingford Road, Kingsbridge
Parish: Kingsbridge**

Development: Erection of six new residential dwellings (resubmission of 3830/20/FUL)

Case Officer Update: The Case Officer reported that two objections received regarding drainage and flood risk and whether the application should be re-advertised. The application to include additional ecology conditions and an updated drainage condition. Previous appeal refused solely on drainage issues and not having an adequate surface water drainage strategy in place. Drainage concerns have now been addressed.

In response to questions raised, it was reported that officers were using the latest ONS data and clarification was also sought on the two applications for this site and it was reported this was a standalone application and if approved it was likely that the other application would be withdrawn.

Speakers included: Objector – Mr L Pengelly; Supporter – Caroline Waller; Parish Council – Cllr P Cole; Ward Member – Cllr D O’Callaghan (MS Teams).

In response to questions, the objector reported the main hedgerow was supposed to remain and not aware if planning permission was sought to remove the hedgerow.

The officer provided clarification on drainage and it was highlighted that drainage on site will manage the surface water for the site. Any flooding issues on the site would be picked up by the other application and SW Water are not a statutory consultee and have been contacted because they are the owner of the new sewer.

In response to questions, the supporter reported that with regard to the design access statement which states that these homes are designed for the family housing market which is in great shortage in the Kingsbridge area. This statement was written by someone else, however, officers and the inspector were content with the design and that the only thing in dispute is the drainage.

In response to questions, the Parish Councillor reported that 725 people voted for Neighbourhood Plan.

The Ward Member felt that a site visit could have been useful for Members but wanted to raise two issues: housing mix and drainage. In the Inspector's report one of the issues was not housing mix but there is an affordable housing crisis in Kingsbridge, recommended to approve 6 large expensive homes which will not benefit the community or the environment. The previous application for 14 dwellings had 3 affordable homes, this application however has no affordable housing neither does it make a contribution for affordable housing in the area. The applicant has stated that there is a shortage of large detached homes in Kingsbridge using out of date data. Other housing estates in development in the area are well underway with nearly 100 homes being built. The JLP and DEV8 states that housing that address an imbalance with housing for young families and older people. The related SPD states that South Hams has an imbalance on the housing mix and there is a higher proportion of 4-5 bedroom homes in the area so there is a need for smaller homes and the current housing stock unaffordable. This site is in a critical drainage area and there is a major concern on flood risk, the Applegate housing site above this application has unresolved drainage issues with SW Water. On this site a hedgerow has been removed and new entrance created and this has made flooding more likely to happen and residents have reported further flooding. DCC issued a report after 4 June floods stating that the development site had contributed to the flooding and that all authorities to work together to address this and feel that refusal or deferral to look at this application more holistically to address the flooding concerns.

In response to a question regarding the neighbourhood plan being approved at Full Council tomorrow, and if this application heard at next meeting would we have to take into account the neighbourhood plan, the Officer reported that the Neighbourhood Plan being ratified tomorrow is irrelevant to this application and the plan has the same weight as it moves through the different processes until finally being adopted.

In response to questions raised by Members, Officers reported that:

- It was questioned why we only had SW Water's view and not a view from DCC. It was reported that the in-house drainage expert has looked at this and reason it went to SW Water is because they will oversee the surface water and storm water drain. There is a condition to ensure that SW Water have installed what is required and taken into account the impacts highlighted by the Planning Inspector. DCC will not comment on this because of the scale of the development.
- It was reported that grey water recycling on this site had not been considered. The drainage proposals for this site manage all surface

water to an attenuation tank and then controlled discharge to a dedicated sewer and included in the condition that they meet CDA requirements;

- The attenuation tank will be sited under the parking bays;
- The analysis does contain reference to the emerging Neighbourhood Plan, but does not specifically mention the housing mix. Housing mix has been given consideration under DEV8 and DEV10, however should have made reference for clarity. It was highlighted that the previous application did not include housing mix;
- Since that plan submitted have received confirmation from SW Water that sewer has been installed and now operational.

During the debate, one Member felt unsure whether this type of home was right for the area and had concerns on drainage issues. Another Member highlighted the Planning Inspector's comments on the previous application and that the issues raised concerning the drainage had now been addressed.

The Officer highlighted to the Committee that recommendation should be delegated approval to the Head of Development Management subject to completion of S106.

The debate continued and a Member felt the Planning Inspector did not consider the housing market or housing mix and was minded to refuse the application on this consideration. The MO asked whether the Member had the evidence to support a refusal on housing mix. The Member responded that the Neighbourhood Plan asking that consideration should be given to provide housing solutions for young families and the elderly in the parish.

It was further debated that residents of Kingsbridge cannot afford to buy a property in the area and the applicant used data from the 2011 census stating a shortage of big family houses. This is not the case. Affordable houses for young people and older people to downsize and this application does not address this. The Planning Inspector failed to look into the housing mix. Concerns with the drainage and flooding issues in Kingsbridge but would not refuse on drainage grounds. However will refuse on housing mix grounds because the Inspector is silent on this. Housing mix is a massive issue in this application and on those grounds refuse this application. It was also highlighted that the SH and WD Housing Strategy reports an under occupancy of 4 and 5 bedroom homes at 27% in South Ham compared to 19% nationally. SPD DEV 8 delivery of smaller homes will create a better churn of housing stock.

The Head of Legal Services asked Members for a clearer reason for refusing the application. The application refused because Members do not feel that the provision of 6 large dwellings meets KH2 of the Kingsbridge Neighbourhood Plan or DEV8.

Recommendation: Conditional Approval

Committee decision: Refusal

6c) 2327/22/OPA "Distin's Boatyard", Old Mill Lane, Dartmouth Parish – Dartmouth

Development: Outline application with some matters reserved for proposed onsite security building with manager's accommodation as live work unit (resubmission of 0412/22/OPA)

Case Officer Update: The Case Officer reported that there was a lack of justification for dwelling on this site, the glazing on the dwelling will cause light spill and close to an ancient woodland.

In response to questions raised by Members, it was reported that:

- It was difficult to justify conditions such as attaching the dwelling to the boatyard and curtains to reduce light spill;
- It was unusual to seek revised plans from the applicant when the officer recommendation was to seek refusal;
- It would be a challenge to condition the strength of lightbulbs used inside the dwelling;
- Security issues at the site are highlighted within the supporting documents.

Speakers included: Supporter – Dave Distin, Parish Councillor – Cllr C Campos, Ward Councillor – Cllrs H Bastone and J Hawkins.

In response to questions to the supporter, the Supporter responded that:

- He would make changes to the windows;
- By having a manager on site would secure the future of the business;
- Across the water there is a bungalow above the boatyard;
- CCTV already on-site.

The Ward Councillor reported that this application is supported by Dartmouth Town Council. Cottages were there previously and the applicant asking for a small home and despite security cameras being installed has impacted the business. There is a need to support and sustain local businesses and ask the Committee to give this boatyard the support and approve the application.

The Ward Councillor felt this was really important to secure this employment site for the family who have worked on the Dart for generations. By having someone on site will step up security. A landscaping condition to make this more sympathetic and to be assisted by Officer on ensuring appropriate lighting. The Neighbourhood Plan being adopted tomorrow will ensure that the property protected only for full time residence.

During the debate Members highlighted that this is a busy boatyard and a family business for over 70 years and supported by Dartmouth Town Council. This site will be providing employment and security for the boatyard. Some Members raised concerns on the issues with lighting and it was reported that the only option to approve subject to receipt of received plans to reduce glazing. Members also raised that there was a need to support businesses and were supportive of this application being approved.

Recommendation: Refusal

Committee decision: Minded to approve the application subject to receipt of revised plans showing a reduction in the amount of glazing to the satisfaction of the Head of Planning in consultation with the Proposer, Seconder and ward members and subject to conditions to be determined by the Head of Planning.

6d) 2579/22/HHO Red Gables, Cliff Road, Wembury Parish – Wembury

Development: Householder application for conversion of existing garage to extra living accommodation

Case Officer Update: The Case Officer highlighted the site plans and reported that the annex was approved on appeal in 1999 as ancillary use for parents but has been used as a holiday rental since 2017. The proposal is to convert the garage to an extension, however, the accumulative nature of the proposal, the policies that have not been adhered to and the likelihood this extension will become a property in its own right.

In response to questions raised by Members, it was reported:

- There will be 3 different levels to the roof heights;
- Under the current definition of the terms this is not an annex;
- There was no evidence on how the garage was being used but can't be used as an independent dwelling;
- That breach of occupancy is 10 years and not 4 years and not to focus on that aspect as part of this application;
- Being in the AONB limits permitted development.

Speakers included: Supporter – Stephen Lang (statement read out by the Clerk), Ward Member – Cllr D Brown.

The Ward Member reported that the Parish Council did not object to this application but wanted a condition for it not to become an Airbnb or holiday home. This is a fairly modest increase in size and suggest a condition that it cannot be sold separately or used as a holiday home.

During the debate, Members felt sympathetic towards the applicant in wanting to provide accommodation to help the next generation, however this application breached a number of policies and felt this application was in effect creating a second dwelling and therefore Members agreed with the Officer's recommendation to refuse.

Recommendation: Refusal

Committee decision: Refusal

DM.47/22 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

DM.48/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 9:30 am. Meeting concluded at 4:01 pm, with a break at 10.54 am and lunch at 1:49 pm. The meeting adjourned at 11.55 am)

Chairman

Voting Analysis for Planning Applications – DM Committee 14th December 2022

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
4774/21/FUL	Burgh Island Hotel", Burgh Island, Bigbury On Sea.		Cllrs Abbott, Brown, Foss, Hodgson, Long, Pannell, Pringle, Rowe, Smerdon, Taylor and Thomas (11)			Cllr Brazil (1)
1386/22/FUL	Dennings, Wallingford Road, Kingsbridge	Refusal	Cllrs Abbott, Brazil, Hodgson, Long, Pannell, Pringle, Taylor and Thomas (8)	Cllr Brown (1)	Cllrs Foss, Rowe and Smerdon (3)	
2327/22/OPA	"Distin's Boatyard", Old Mill Lane, Dartmouth	Approval	Cllrs Abbott, Brazil, Hodgson, Long, Pannell, Pringle, Rowe, Smerdon, Spencer and Taylor (10)	Cllrs Foss and Thomas (2)		
2509/22/HHO	Red Gables, Cliff Road, Wembury	Refusal	Cllrs Abbott, Brazil, Foss, Hodgson, Long, Pannell, Pringle, Rowe, Smerdon, Taylor and Thomas (11)	Cllr Brown (1)		

**MINUTES of the MEETING of the
OVERVIEW & SCRUTINY COMMITTEE,
Held in the Council Chamber, Follaton House, Totnes, on
THURSDAY, 12 January 2023**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr L Austen	*	Cllr R Rowe
*	Cllr J P Birch	*	Cllr P C Smerdon (Vice Chairman)
*	Cllr M Chown	*	Cllr B Spencer
∅	Cllr S Jackson	*	Cllr J Sweett
*	Cllr L Jones	*	Cllr D Thomas (Chairman)
*	Cllr J McKay	*	Cllr B Taylor
*	Cllr J Rose		

Other Members also in attendance either in person or via Teams:
Cllrs V Abbott; K Baldry; H Bastone; J Brazil; J Hawkins; T Holway; N Hopwood; K Pringle and J Pearce

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Director of Strategy & Governance; Democratic Services Manager; Assistant Director - Strategy & Organisational Development (via Teams); Head of Organisational Development (via Teams); Head of Housing (via Teams); Customer Service Improvement Manager (via Teams); Specialist - Climate Change Head of Environmental Health & Licensing (via Teams) Environmental Health Officer; South Devon & Dartmoor Community Safety Partnership Representative; Devon & Cornwall Police Representative

O&S.35/22 MINUTES

The minutes of the meeting of the Overview and Scrutiny Committee held on 3 November 2022 were confirmed as a correct record, subject to the following correction being made to Minute ref O&S.32/22 discussion point (c):

'In particular, it was agreed that the Information Board in the Car Park at Follaton House which provided the Council's recycling rates was accurate and should be removed in view of the information contained in the presented agenda report' should be amended to read:

*'In particular, it was agreed that the Information Board in the Car Park at Follaton House which provided the Council's recycling rates was **inaccurate** and should be removed in view of the information contained in the presented agenda report.'*

O&S.36/22 DECLARATIONS OF INTEREST

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.

O&S.37/22 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, the Chairman informed that no questions had been received for consideration.

O&S.38/22 SOUTH DEVON AND DARTMOOR COMMUNITY SAFETY PARTNERSHIP

The Committee was presented with a report that provided Members with the opportunity to scrutinise the work of the South Devon and Dartmoor Community Safety Partnership (CSP). During the presentation, attention was drawn to the introduction of new legislation, the 'Serious Violence Duty', which would result in more responsibilities for the Partnership, although it was confirmed that much preparation work had already been undertaken.

In summarising the focus of the Partnership's work over the previous twelve months, the following work was brought to Members' attention:

- Engagement with Secondary Schools regarding violence against women and girls and harmful sexual behaviour;
- Work to highlight Exploitation – preventing radicalisation, modern slavery, people trafficking and harmful drugs/County Lines;
- Work to highlight changing youth culture and young people's mental health, including the growing problem of vaping amongst young people;
- Work with Children's Care Homes within the District;
- Anti-Social Behaviour issues, particularly concerning increased instances of anti-social behaviour on Dartmoor;
- The Turning Corners Programme delivering Outreach work; and
- The expansion of the 'Let's Talk' Programme, running a number of very well supported and successful sessions for parents.

In discussion, the following points were raised:

(a) A number of Police specific issues were raised that included:

- the importance of police stations operating a front desk resource;
- the emphasis being placed by the recently appointed Chief Constable on neighbourhood policing being welcomed;
- concerns being expressed over the lack of frontline policing levels within the South Hams;
- the lack of police reports at town and parish council meetings being disappointing;
- the priority intention for Police Community Support Officers to be recruited in Dartmouth and Kingsbridge was welcomed;

- the ability for all Members (and local town and parish councillors) to attend the Councillor Advocate Scheme meetings. Despite attendance unfortunately being very low, those Members who attended made reference to how useful these meetings were and it was agreed that a reminder should be sent to all Members and Town and Parish Council Clerks about these meetings taking place.
- (b) It was acknowledged that the Council had certain statutory responsibilities in respect of both anti-social behaviour and the prevention of crime. As a result, Members were encouraged, for matters related to anti-social behaviour and crime prevention, to contact the Council in addition to the Police;
- (c) Having been made aware of the recently adopted Council Motion, Partnership representatives confirmed their support in the drive for vapes to be subjected to the same restrictions as cigarette products;
- (d) The representatives informed that the increased concerns relating to the internet usage of young people was recognised and, as a consequence, the 'Let's Talk' program was being adapted to include a session on this matter.

It was then:

RESOLVED

1. That, in addition to the points raised in the detailed minute above, the following issues have been identified by the Committee for onward consideration by the Partnership:
 - The increased realisation of all Members and the general public of the statutory role played by the Partnership and the role of Members in reporting instances of anti-social and crime prevention; and
 - The need to promote attendance of Members and Town and Parish Councillors at Councillor Advocate Scheme meetings; and
2. That the Committee formally thank the Partnership for its sterling work over the last 12 months.

O&S.39/22 BETTER LIVES FOR ALL – CLIMATE CHANGE THEMATIC UPDATE

The lead Executive Member for Climate Change and Biodiversity introduced the report and invited Members' questions on the contents of the Climate Change Thematic Update.

In the ensuing debate, particular reference was made to:

- Action AM1.1 (Converting our Environmental Management Vehicles to Electric). It was noted that the Council had been unable to recruit to the short-term post related to fleet planning. However, an alternate resource was now in place and work on the fleet transition was therefore underway. Members acknowledged that there was a current national shortage of Electric Vehicles and an increase in unit costs which, in combination with ensuring the project was progressed with best value for money, could result in the transition of the fleet not being completed by 2024;
- Action AM1.3 (Explore Renewable Energy Opportunities Across the District). Officers advised that this action had not yet commenced as it would need to be undertaken in conjunction with partners, primarily the Devon Climate Emergency Group. As a result, it was suggested that the Plan be updated accordingly, highlighting that the Council would not be able to progress this action until the relevant partners were in a position to proceed;
- Action AM1.4 (Deliver Funding for Community Projects). Questions of clarity were raised on this action specifically regarding the budget position for funding Community Climate Change and Biodiversity Projects and the timeframe in which the funds were expected to be allocated. It was confirmed that, with tightening budgets and as the funds were limited, it was essential that the best and most suitable projects were funded and that any projects coming forward were carefully considered and that, despite the urgency of the Climate Change and Biodiversity Emergency, it was not prudent to fund projects without first undertaking appropriate research and/or feasibility studies. It was further confirmed that part of the remaining budget had already been earmarked for projects such as Fleet Transition or for further feasibility work on new or the next stage of ongoing projects. Nonetheless, some Members still remained concerned about the apparent lack of pace in spending the allocated funding.

In response to a question regarding funds available for Community Composting schemes, it was confirmed that the Waste team had now taken on responsibility for this initiative and, as a result, all enquiries and bids for financial support should be directed to the team;

- Action AM1.5 (Adopting an Electric Vehicle (EV) Strategy). In response to a local Ward Member question, it was confirmed that the identified car park in Totnes was the next one for which the installation of EV Charging Points would be completed;
- Action AM1.6 (A 10% increase in Biodiversity on Council land). In discussion, Members stated their support for the activity that had been undertaken to date on this Action.

It was then:

RESOLVED

That the progress in delivery of the Better Lives for All Climate Change thematic delivery plan be noted.

O&S.40/22 SIX-MONTH OPERATIONAL PERFORMANCE REVIEW

The lead Executive Member for Service Delivery provided the Committee with a report which gave a high-level overview of performance across the Council.

During the ensuing discussion, the following points were raised:-

- (a) There was Committee support expressed for the new format of the report, although it was recognised that further Key Performance Indicators were still to be added to the evolving template;
- (b) Disappointment was expressed that the figures contained within the report related to Quarter 2 (ending 30 September 2022) and not those for Quarter 3, which would have provided a more current review of the Council's performance.

In taking this point a step further, an additional Recommendation was **PROPOSED, SECONDED** and when put to the vote declared **CARRIED** that:

'the Calendar of Meetings for 2023/24 is drafted to ensure that the timing of Overview and Scrutiny Committee meetings is reflective of the Quarterly Performance Monitoring Cycle.'

- (c) It was noted that the number of Planning Enforcement Cases that were live at the end of the reporting Quarter had exceeded the prescribed target, but this had been due to increased demand and the formation of a new team, which was still being embedded at that time;
- (d) A Member sought information on the Council process for answering Freedom Of Information (FOI) requests and further requested information on the number of complaints received by the Information Commissioners Office (ICO) pertaining to FOI requests. The Member further requested that this information be added to the Performance Report template as a standing item. In reply, the lead Executive Member advised that she would arrange for the Monitoring Officer to supply information regarding the number and outcome of complaints received by the ICO outside of the meeting and that consideration would be given as to whether or not this information should form a substantive part of future Performance reports;
- (e) Some concerns were raised over the poor performance against the target for answering calls relating to Revenue and Benefit queries.

In reply, officers confirmed that measures were already being undertaken to improve performance and that members of the public had a range of ways to contact the team other than by telephone which might prove more effective for them;

- (f) There was a lengthy debate regarding the performance of the Council's Planning service and concern that the Performance Indicators did not reflect the actual position as certain information was not included in the dataset, including the size of caseload per Planning Officer and the impact this had had on the performance of the Service. There was acknowledgement that overall performance was improving but that there were still areas of concern.

It was then:

RESOLVED

1. That the new suite of Key Performance Indicators (KPIs), present performance and proposals for improvement where detailed, be noted,
2. That it be noted that the further KPIs, presently under development, would be provided at the next six-monthly update; and
3. That the Calendar of Meetings for 2023/24 be drafted to ensure that the timing of Overview & Scrutiny Committee meetings be reflective of the Quarterly Performance Monitoring Cycle

O&S.41/22 TASK AND FINISH GROUP UPDATES

(a) EV Strategy Task and Finish Group: Concluding Report

The Chairman of the Task and Finish Group introduced the report and thanked Members and Officers for their work in supporting the Review.

In discussion, a Member queried whether or not consideration had been given to the installation of charging points along the A38 corridor within the Council's boundaries. In reply, it was confirmed that, as the responsible authority, this would be a matter for Highways England.

It was then:

RECOMMENDED

That the Overview and Scrutiny Committee **RECOMMEND** the content of the draft EV Strategy (as set out at Appendix A of the published minutes) to the Executive and that officers be requested to undertake a public consultation exercise on the Strategy in line with the Council's Consultation and Engagement Strategy.

(b) Consultation & Engagement Strategy Task and Finish Group

The Chairman advised that there had been a misunderstanding concerning the Terms of Reference (ToRs) at the initial meeting of the Consultation & Engagement Strategy Task and Finish Group.

The Committee proceeded to express its agreement that the ToRs that were presented to the first Group meeting were reflective of the wishes of the Committee when approving the establishment of the Group at its previous meeting (Minute O&S.34/22(a) refers) and should therefore be used to underpin this Review.

O&S.42/22 ANNUAL WORK PROGRAMME 2022/23

A Member of the Committee requested that further to the item considered earlier in the agenda; the Six-Month Operational Performance Review (Minute O&S.40/22 above refers), a report on the Council's procedures for responding to FOI requests and information on any subsequent complaints to the ICO be brought to the Committee in the Spring.

In view of the proximity of this date to the District Elections taking place on 4 May 2023, it was agreed that this would be tabled as an item to be considered for scheduling on the Work Programme for the next Council term.

(Meeting started at 2.00 pm and concluded at 4.15 pm)

Chairman

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MINUTES of the **MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE**
held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES**, on **WEDNESDAY**,
18 January 2023

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil (for 6(a), (b), (c) only (Minute DM.52/22 refers)	*	Cllr K Pringle (for 6(a), (b), (c), (d), (e), (f) and (g) only (Minute DM.52/22 refers)
*	Cllr D Brown	*	Cllr H Reeve
*	Cllr R J Foss (Chairman)	*	Cllr R Rowe (Vice Chair)
*	Cllr J M Hodgson	*	Cllr B Taylor (for 6(a) only (Minute DM.52/22 refers)
∅	Cllr K Kemp - apologies		
*	Cllr G Pannell (for 6(a) (b), (c), (d), (e), (f) and (g) only (Minute DM.52/22 refers)		

Other Members also in attendance and participating:

Cllr J Pearce, Cllr H Bastone and Cllr K Baldry

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Senior Specialists, Specialists and Senior Case Manager – Development Management; Monitoring Officer (via MS Teams); IT Specialists; Highways, Devon County Council and Democratic Services Officer

DM.49/22 MINUTES

The minutes of the meeting of the Committee held on 14 December 2022 were confirmed as a correct record by the Committee.

DM.50/22 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr Hodgson declared a personal interest in application 6(e) (minutes DM.52/22 (e) below refer) as the applicant's partner is known to the Member.

Cllr Pannell declared a personal interest in application 6(h) (minutes DM.52/22 (h) below refer) as a founder of Iybridge Rugby Club. Cllr Pannell left the meeting for this application and took no part in the debate nor vote thereon.

Cllr Pringle declared a personal interest in application 6(h) (minutes DM.52/22 (h) below refer) as a voluntary director of Iybridge Rugby Club. Cllr Pringle left the

meeting for this application and took no part in the debate nor vote thereon.

DM.51/22 PUBLIC PARTICIPATION

The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.52/22 PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**6a) 1984/22/FUL Higher Coltscombe Farm, Slapton
Parish: Slapton**

Development: Siting of two shepherd's huts for holiday accommodation with car port / store / solar pv structure and landscaping (Resubmission of 4366/21/FUL)

This application was Chaired by Cllr Rowe (Vice-Chair).

Case Officer Update: The Case Officer provided an update on the public right of way as requested at the site visit. They identified the key issues as including:

- Tourist accommodation site in an unsuitable location (limited access to services and amenities, heavy reliance on private car);
- No evidence for specific local need for tourism accommodation and how this development specifically responds to farm diversification requirements;
- Would create a dispersed and detached tourism facility that does not respect the scenic quality, tranquillity, remoteness and pastoral rural qualities of the landscape character Type 5a of the area.

In response to questions raised, it was reported that it is unlikely that the development would be widely visible from the public footpath.

Speakers were: Objector – None, Supporter – Tom Sylger Jones, Parish Council – None, Ward Member - Cllr R Foss

In response to questions, the supporter reported:

- A vast majority of the land will be a wildflower meadow;
- The water will be drained through a pipe to a treatment facility and there was flexibility on the siting of the facility;
- A detailed landscape and ecological plan will be provided if application approved;
- Solar panels will largely meet the requirements with a diesel/gas generator as a backup.

The Ward Member said that the Officer has followed the policy, however this application not in AONB or Heritage Site. This site unsuitable for modern day farming and farming needs to diversify. This application is making best use of the land, not visible from the public footpath and inaccessible which makes this attractive to tourists. He concluded by saying that he fully supported this application.

During the debate Members made arguments that farmers now have to diversify and felt that this application supported tourism. In terms of sustainability this is off-grid, not imposing on the network with a low carbon impact. Concerns were raised on the generator, drainage and ecology plans. Members wanted to ensure the biodiversity net gain and potential to increase for maximum benefit. Some Members raised that there was a danger of going against policies on sustainability in the countryside and this could lead to an influx of similar applications.

The Head of Development supported the Officer recommendation to refuse on the basis that carbon emissions in rural areas were not reducing.

Recommendation: Refusal

Committee decision: Delegated to the Head of Development Management for approval subject to conditions being agreed in consultation with Cllrs Hodgson and Brazil to include the following:

- water supply and foul drainage;
- solar panels;
- landscape and ecology plans;
- operated by farm owners;
- removed if ceased to be used.

**6b) 3253/22/FUL "Court House", 40 Buckley Street, Salcombe
Town Council: Salcombe**

Development: Revised access to upper roof terrace & replacement kitchen roof (resubmission of 2380/21/FUL)

Case Officer Update: The Case Officer reported that the key issue concerned the reconfiguration of the access to the balcony and includes a privacy screen, as well as replacing the kitchen roof, metal railings and widening the doors to the main house and the impact on neighbouring properties. The Case Officer said that while Officers were mindful of the strength of feeling locally it was considered that the proposal would not significantly worsen existing levels of overlooking.

Members raised concerns over the dwelling being in a Conservation Area and changes were permitted to an historical building and whether Article 4 should be made in Salcombe.

Speakers were: Objector – David McCarthy, Supporter – Steve King, Parish Council - Cllr M Fice, Ward Members - Cllrs Pearce and Long

In response to questions from Members the Case Officer reported that there was no indication that the canopy would be removed.

The Ward Member said that they were happy for this application to be approved. They explained that:

- the windows can be changed under permitted development
- the terrace exists and some noise is to be expected when living in the centre of town
- the overlooking complies with SPD rules and
- noise can be dealt with by Environmental Health. These are minor changes and should not be refused.

The Ward Member added that they have to accept the existence of the current terrace and consider the points raised by the neighbours and Town Council. The impact on neighbours and privacy, within a Conservation Area, and regretted that bi-fold doors are permitted development. Overall they said that in their view the changes do impact negatively on the neighbourhood amenity.

During the debate Members felt that noise and disturbance was a consequence of living in an urban area and Salcombe gets incredibly busy and noisy in the summer. It was also felt that the changes to the property would not make much difference to the neighbourhood amenity. Members were pleased that the home would be used more by the family. One Member was concerned with the increased use of the terrace area and impact on the neighbours, with the bi-fold doors increasing indoor space to outside. There was still the opportunity to be used by holiday makers and impact on neighbours. Reiterated the importance of Article 4 to prevent detrimental impact in a conservation area.

Recommendation: Conditional Approval

Committee decision: Delegated to the Head of Development Management for approval subject to conditions and subject to receipt of plans that show the canopy area.

Conditions:

1. Time limit
2. Accord with plans
3. Privacy screens
4. Materials as per details
5. Adhere to ecological report

**6c) 2363/22/FUL "Sunnydale", Newton Road, Salcombe
Town Council: Salcombe**

Development: Demolition of existing dwelling & construction of new detached house with associated landscaping

Case Officer Update: The Case Officer reported that the key issue was

design.

In response to questions raised, it was reported that:

- Members were shown different images to show the comparison in size of existing and replacement dwelling;
- The current dwelling is of its time and of no particular architectural merit and there is sufficient separation between the application site and listed buildings for the proposal to be seen as a contemporary building;
- SHDC does not have a policy to test the percentage increase in glazing;
- 4 parking spaces with the end space slightly reduced in size. The parking arrangement similar to what was proposed previously and highways raised no objections.

Speakers were: Objector – Sarah Fairbairn, Supporter – Mark Evans, Parish Council – Cllr M Fice, Ward Councillors – Cllrs Pearce and Long.

In response to questions raised, the Case Officer agreed that a condition to include anti-glare on glazing can be included if Members minded to approve and if required.

The Ward Member raised the Town Council's concerns that this is contrary to the neighbourhood plan. The increase in size, concerns expressed by neighbours and Town Council on parking, materials used, whether adequate or good design and whether appropriate to have a redevelopment in that position. The Town Council raised concerns on the construction management plan if this was approved.

The Ward Member acknowledged that the Town Council have objected. This is a large plot and unfortunately the neighbourhood plan contains no restriction on volume and increase in floor space. The cowl design will reduce the glare from the windows and materials proposed will stand out less than the present is building. The roof will be of similar design to others in the area. Newton Road fairly busy and a Construction Management Plan must be in place if approved pre-commencement.

A discussion took place on the Construction Management Plan and whether it should include the size and number of lorries and operation period with a banksman to control the traffic on Newton Road.

During the debate, some Members felt that the site visit was informative and shared the concerns on this will be constructed, but this was not grounds to refuse. Concerns raised on the materials palette being used not being in keeping with the area and sheer volume of glass. Views will be affected along Newton Road and impact for the local people. The Town Council also highlighted this conflicted with the Neighbourhood Plan. This will not improve the area and so many things wrongs with this dwelling. Salcombe deserves better. Do not feel this is the appropriate design and would refuse because not in keeping with the area and increases the density with loss of local view. Other Members felt strongly that a clear view of the property from across the estuary was required for a proper panoramic view for visual aspect before making a

decision.

Recommendation: Conditional Approval

Committee decision: Deferred for a further site visit

**6d) 2260/22/HHO "Paradise Point", Ravensbury Drive, Warfleet,
Dartmouth
Town Council: Dartmouth**

Development: Householder application for construction of two storey garden building with no internal link between floors, ground floor for use as a garden and water equipment store with changing facilities including shower & WC and first floor for use as home office with WC (Resubmission of 3983/21/HHO)

The Head of Development Management was made aware that the Ward Councillor would like the committee to consider a site visit to aid in determining the application.

Recommendation: Refusal

Committee decision: Deferred to allow Members to undertake a site visit to aid in the determination of the application.

**6e) 3563/22/VAR "Parklands", Bay View Estate, Stoke Fleming
Parish Council: Stoke Fleming**

Development: Application for variation of condition 1 (approved drawings) of planning consent 3542/16/VAR

Case Officer Update: The Case Officer reported that the key issues include whether the proposed amendments were considered to be significantly different from the approved scheme that they would render the development unacceptable. The Case Officer then took Members through the amendments and commented as follows:

- Re-arrangement of fenestration – no impact subject to conditions;
- Removal of chimney – no impact;
- Relocation of garage – no impact;
- Additional height – remains in keeping with street pattern, impact on neighbours not considered harmful.

Members questioned the how the height of the dwelling is measured and it was reported that measurements were taken from the plinth

Speakers were: Objector – Jill Wallis, Supporter – None, Parish Council – Cllr Struan Coupar, Ward Member – Cllr H Reeve.

The Ward Member said there was a long history to the site and had therefore asked to bring to committee. The small amendments different to what was approved in 2016. The dwelling is overwhelming and roof too high.

During the debate, Members felt strongly about the height of the roof and the imposing nature of the property on the neighbourhood. It was felt it unreasonable for applicant to go against what has been approved. Members said that the site visit was useful for the visual impact on neighbouring properties. Some Members raised that you do not have a right to a view but do have a right to amenity and light. The scale of the property there is a noticeable increase and concerned if refuse how this would stand at appeal.

Recommendation: Conditional Approval

Committee decision: Refused: The proposed amendment by virtue on the height of the dwelling would have harmful impact on the amenity DEV1 of the JLP and Neighbourhood Plan.

**6f) 2856/22/HHO “10 Fernbank Avenue”, Ivybridge
Town Council: Ivybridge**

Development: Householder application for proposed single storey front extension

Case Officer Update: The Case Officer reported that the key issues include:

- Scale: sizeable and prominent addition to the property which would dilute the simplicity of the front elevation and harm the symmetry of the row of terrace properties;
- Design: roof form would compromise a flat to hipped roof; not present amongst the other properties within the street;
- Neighbour Amenity: consideration of potential loss of light to number 8, however, not substantial reason for refusal.

Speakers were: None

During the debate Members felt that this extension will impact on the streetscape and extending the building at the front of the property should not be supported.

Recommendation: Refusal

Committee decision: Refusal for reasons as set out in the report.

**6g) 2556/22/HHO 18 New Park Road, Lee Mill Bridge
Parish Council: Sparkwell**

Development: Householder application for proposed rear garden store

Case Officer Update: The Case Officer reported that the key issues include:

- Parking: the proposal would occupy one parking place which can be offset by the creation of a new parking space to the front and conditioned as such. Objections in regards to blocking existing access to number 20 are not considered to be reasons for refusal;
- Design: the scale and design is considered appropriate and typical of this type of development;
- Neighbour Amenity: the shed would be visible over the neighbour's fence for a short section at the far end of the garden and the impact is considered acceptable;
- Drainage: SWW has confirmed discharge to a combined sewer (if required) would be acceptable.

Speakers were: Objector - None, Supporter – Daniel Langdon, Parish Council – Cllr Serpell Denman, Ward Member – Cllr K Baldry

The Ward Member thanked members for attending the site visit and asked the members refuse on drainage concerns. There are parking issues in New Park Road and cannot afford to lose more spaces.

During the debate, Members found the site visit useful to view the location of the shed and parking arrangements. Members felt that drainage issues were being addressed by SW Water.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions: Standard time limit
Adherence to plans
Surface water discharge to an existing sewer within the application site
Not to be implemented until parking space approved by 2555/22/HHO is provided
Removal of Class E PD rights

6h) 2084/22/OPA "Land at SX 648 561", Rutt Lane, Ivybridge Parish Council: Ivybridge

Development: Outline application (all matters reserved) for the provision of a Special School including new two storey teaching block with associated hard & soft landscaping

Case Officer Update: The Case Officer reported that the key issues include:

- The use proposed is an employment generating community facility and is not seen as a significant change from the currently approved land use from a planning viewpoint;
- Planning conditions can effectively mitigate any potential issues for those residents in closest proximity to the site at the reserved matter stage;

- The site is a sustainable location with a variety of transport options;
- There is already a cycle link between the site and the heart of Iybridge and further works already secured through existing s106 agreements for nearby developments in the other direction

Speakers were: Objector - None, Supporter – Neil Pateman, Parish Council – Cllr Sara Hladkij, Ward Member – Cllr Abbott

In response to questions, the Supporter reported it will cost £10 – 15 million to construct and development being delivered by the Department of Education;

The Ward Member reported that Iybridge Iybridge has developed over the last few decades, many houses built around the centre with no overarching plan, entrapped by the railway line and A38. The Government’s latest proposal, Active Travel England responsible for making walking and cycling a priority by 2023, if we do not build appropriately now will not reach this aim. The cycle routes are not complete in the area and DCC offered this scheme £20k towards transport improvements. By my calculation this figure should be in the region of £880k. I am asking for small improvements and ask for 4 conditions:

- DCC support Government and Active Travel England to provide suitable infrastructure at this point in build to ensure compliance by 2030;
- DCC and SH agree with the local travel support group PL21, a masterplan of all traffic free routes for the local area;
- DCC contribute providing suitable crossings to access to the school and on B213 into the new estate at Saxon Gate;
- DCC to provide £400k to support the improvement of routes for Active Travel.

The Highways Officer from DCC reported that the applicant requested a transport statement on traffic flow on previous approval on that site and there was not a requirement for a crossing. £20k for the crossing on the B road to best serve the residents and school and cycle link approved through Wain Home. It was felt that the crossing is in the right place this has been strategically thought out by the DCC.

During the debate, one Member raised that they were being asked to consider to grant outline consent for a specialist school guided by officers and this was perfectly reasonable and should be approved. Some Members felt that more crossings were required and whether the speed limit should be reduced to 20 mph.

The Ward Member asked the proposer to include the 4 conditions as outlined in his speech, this request was declined.

Recommendation: Conditional Approval

Committee decision: Conditional Approved

Conditions:

1. Reserved Matters time limit
2. Reserved Matters details to be submitted

3. Accord with plans
4. Pre commencement Construction Management
5. Road Surfacing
6. School Travel Plan
7. Waste Audit Statement
8. Designing out crime
9. Landscaping including along frontage
10. Tree retention
11. Detailed Drainage Strategy
12. Foul Drainage
13. Noise Mitigation
14. Ecology Survey recommendations
15. Biodiversity Net Gain
16. Carbon Reduction Measures
17. Local employment & skills
18. External Lighting
19. Archaeology
20. Contamination
21. Restrict external lighting

DM.53/22 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

DM.54/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 9:45 am. Meeting concluded at 4:39 pm, with a break at 11:09 am and 3:30 pm and lunch at 12.37 pm. Meeting adjourned at 12:17 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 18 January 2023

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
1984/22/FUL	Higher Coltscombe Farm, Slapton	Approved	Cllrs Abbott, Brazil, Brown, Hodgson, Pringle, Reeve and Rowe (7)	Cllrs Long and Pannell (2)	Cllr Foss (1)	Cllrs Kemp and Taylor (2)
3253/22/FUL	"Court House", 40 Buckley Street, Salcombe	Approved	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Reeve, Rowe and Taylor (8)	Cllrs Hodgson, Long and Pringle (3)		Cllr Kemp (1)
2363/22/FUL	"Sunnydale", Newton Road, Salcombe	Deferred	Cllrs Abbott, Brazil, Hodgson, Long, Pannell, Reeve and Taylor (7)	Cllrs Rowe and Brown (2)	Cllrs Foss and Pringle (2)	Cllr Kemp (1)
2276/22/HHO	"Paradise Point", Ravensbury Drive, Warfleet, Dartmouth	Deferred	Cllrs Abbott, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (10)			Cllrs Brazil and Kemp (2)
3563/22/VAR	"Parklands", Bay View Estate, Stoke Fleming	Refused	Cllrs Abbott, Brown, Hodgson, Long, Pringle, Reeve, Rowe and Taylor (8)		Cllrs Foss and Pannell (2)	Cllrs Brazil and Kemp (2)
2856/22/HHO	"10 Fernbank Avenue", Ivybridge	Refused	Cllrs Abbott, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (10)			Cllrs Brazil and Kemp (2)
2556/22/HHO	18 New Park Road, Lee Mill Bridge	Approved	Cllrs Abbott, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (10)			Cllrs Brazil and Kemp (2)
2084/22/OPA	"Land at SX 648 561", Rutt Lane, Ivybridge	Approved	Cllrs Abbott, Brown, Foss, Hodgson, Long, Reeve, Rowe and Taylor (8)			Cllrs Brazil, Kemp, Pannell and Pringle (4)

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**MINUTES of the MEETING of the
BUDGET ADVISORY COMMITTEE,
Held in the Council Chamber, Follaton House, Totnes, on
THURSDAY, 19 January 2023**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr V Abbott	*	Cllr D M O'Callaghan
*	Cllr L Austen	*	Cllr G Pannell
*	Cllr J Brazil	*	Cllr J T Pennington
*	Cllr J P Birch	∅	Cllr K Pringle
∅	Cllr D Brown	*	Cllr H Reeve
*	Cllr M Chown	∅	Cllr J Rose
*	Cllr R Foss	*	Cllr R Rowe
*	Cllr J M Hodgson	*	Cllr P C Smerdon (Vice Chairman)
∅	Cllr S Jackson	*	Cllr B Spencer
∅	Cllr L Jones	*	Cllr J Sweett
∅	Cllr K Kemp	*	Cllr B Taylor
*	Cllr M Long	*	Cllr D Thomas (Chairman)
*	Cllr J McKay		

Other Members also in attendance either in person or via Teams:
Cllrs K Baldry; H Bastone; T Holway; N Hopwood; J Pearce and K Pringle

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Senior Leadership Team; Head of Finance; Democratic Services Manager; and Assistant Director – Strategy & Organisational Development (via Teams)

BA.1/22 APPOINTMENT OF CHAIRMAN

RESOLVED

That Cllr D Thomas be appointed to the role of Committee Chairman for the duration of this meeting.

BA.2/22 URGENT BUSINESS

In accordance with urgent business, the Chairman exercised his discretion to invite nominations to serve as Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

That Cllr P Smerdon be appointed to the role of Committee Vice-Chairman for the duration of this meeting.

BA.3/22 DECLARATIONS OF INTEREST

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.

BA.4/22 DRAFT REVENUE AND CAPITAL BUDGET PROPOSALS FOR 2023/24

Members considered a report that asked for their views on the content of the draft Revenue and Capital Budget Proposals report for 2023-24.

The Section 151 Officer introduced the report and, on a section-by-section basis, invited questions from Committee Members with particular reference being made to:-

- (a) the budgetary impacts arising from the construction of new dwellings;
- (b) reductions in the predicted income from Business Rates. Whilst very much a prediction, the Section 151 Officer confirmed that the predicted figure of £102,319 had been calculated utilising the budgetary modelling tools that were available from Local Government Futures and Pixel Financial. The Committee noted that the new figures reflected announcements contained within the Local Government Finance Settlement which had been published on 19 December 2022 and the latest estimates from Central Government returns;
- (c) the financial differences between increasing Council Tax for 2023/24 by £5 (2.77%) and the maximum permissible of 2.99% under the Council Tax referendum limits for District Councils for 2023/24;
- (d) the number of properties affected by the closure of the business rates loophole from 1 April 2023. The Section 151 Officer informed Members that the Valuation Office had recently written to all properties advising of the requirements (e.g. that properties had to be available to let for a minimum of 140 days and actually let for a minimum of 70 days of the year). If business rated properties were unable to provide evidence of this, they would be re-classified by the Valuation Office as 'domestic properties' and would transfer out of the business rates listing and onto the Council Tax listing. It was hoped that the results of the Valuation Office exercise would be known before 1 April 2023;

- (e) the transitional costs of the waste service coming back in-house that had been funded from the transitional funding from the Business Rates Retention Reserve in 2022/23. Members were informed that the actual spend would be able to be reviewed as part of the Revenue Budget Monitoring Report that would be presented to the Executive meeting to be held on 2 March 2023;
- (f) the future of New Homes Bonus monies remaining uncertain;
- (g) the triennial pension revaluation position. The Committee asked that a Fund representative be invited to attend to conduct a presentation to the Audit and Governance Committee during the 2023/24 Municipal Year and for this to form part of the workplan for that Committee;
- (h) officers being content that the income generated from the Lower Ferry and car parking was based on projections which indicated that this was not a one-off occurrence;
- (i) a commitment given by officers to check the status of a Tennis Club bid outside of this meeting;
- (j) the budget gap for 2024/25 largely being as a result of no business rates pooling gain being modelled for 2024/25, as pooling arrangements for that year had not yet been announced or confirmed;
- (k) clarification that the outstanding monies in the Emergency Climate Change Projects Reserve would remain to be spent in the 2023/24 Financial Year following the results of the feasibility studies being carried out.

In the subsequent debate, the following points were raised:-

- (i) A Member expressed her long held belief that New Homes Bonus (NHB) monies should be used for the sole purpose of countering the Council's declared Housing Crisis. The Section 151 Officer explained the background of the NHB scheme and that this was core government funding, which was top sliced from Revenue Support Grant in 2011 and given back to Councils in the form of NHB funding. The Section 151 Officer also referred Members to the £408,000 of NHB funding that was put into an Affordable Housing Reserve in 2022/23 as well as the dedicated housing staffing resources that Members had approved as part of the budget setting process;
- (ii) The Section 151 Officer advised that she would be attaching the results of the 'CIPFA Financial Resilience Benchmarking Modelling information' to the Budget report when it is published for the Council meeting to be held on 16 February 2023, as per normal practice;

- (iii) Whilst Members had previously been asked to consult with their relevant lead Executive Member regarding any potential capital bids, it was also noted that the Capital Programme constantly evolved, with there always being the potential to add (and indeed remove) projects outside of the annual Budget Setting process. A local Ward Member also wished to put on record that, due to the time taken to advance the project, the monies that were currently set aside for the Totnes Market Square capital project (£200,000) was no longer a realistic figure. The Section 151 Officer also confirmed that work was currently being undertaken for engineering and architectural work and, at the point when the updated costs were known, a report would come back to Members for consideration of the costs and how these could be financed;
- (iv) Members recognised the challenges associated with potential wage increases which were outside the control and influence of the Council. In response to a question, the Chief Executive explained the work that was being carried out to overcome recruitment and retention challenges, focused in particular at senior, technical and professional grade and above as part of the Council's Pay and Reward Strategy;
- (v) A Member felt that the Council should be increasing Council Tax for 2023/24 by the maximum permissible of 2.99% and made a **PROPOSAL** to that effect. However, this proposal was not seconded and was therefore neither debated or voted upon;
- (vi) Having expressed some doubts over the success of the pay-to-use public conveniences initiative, the following additional recommendation was **PROPOSED** and **SECONDED** as follows:

'That the Council no longer imposes a charge to use Council owned public conveniences in the South Hams.'

In the debate on the amendment, some Members wished to make the point that some town and parish councils had taken on responsibility (and consequent financial burdens) for their local public conveniences and it was hoped that consideration could be given to offering these councils some financial support in the future. The Section 151 Officer confirmed that town and parish councils had already set their precepts for 2023/24 as these were due in by the end of January 2023;

When put to the vote, this additional recommendation was declared **CARRIED** and therefore formed part of the substantive motion;

- (vii) Given the pressures and work demands on the Council's tree officer, a further additional recommendation was **PROPOSED** and **SECONDED** as follows:

'That provision for an additional tree officer be added to the Council's staffing establishment.'

When put to the vote, this additional recommendation was also declared **CARRIED** and formed part of the substantive motion;

- (viii) With regard to the provision of gypsy and traveller sites, a Member felt that the Council had not received a formal update on the latest position for a period of time. As a result, the Member stated that it would be her intention to ask the Overview and Scrutiny Committee to add this matter to its work programme for consideration. The Section 151 Officer confirmed that a response to this question had been given by the Leader at the Council meeting held on 15 December 2022 and proceeded to repeat the response to this Committee meeting.

It was then:

RESOLVED

That the Executive be **RECOMMENDED to RECOMMEND** to Council:

1. i) That Council Tax be increased for 2023/24 by £5 (Band D of £185.42 for 2023/24 – an increase of less than 10 pence per week or £5 per year – equates to a 2.77% increase);
- ii) That the financial pressures shown in Appendix A of £4,107,700 be noted;
- iii) That the net contributions to/(from) Earmarked Reserves of £(412,000) as shown in Appendix D of the published agenda report, including the proposed use of £500,000 of New Homes Bonus funding to fund the 2023/24 Revenue Budget (as set out in section 3.23 of the published agenda report) and £400,000 from the Business Rates Retention Earmarked Reserve (as set out in section 3.17 of the published agenda report) be approved;
- iv) That the savings/additional income of £2,422,000 as shown in Appendix A of the presented agenda report be noted;
- v) That the recommendation of the Section 151 Officer to agree to take up the 'stepped pension contribution rates' being offered by the actuaries of the Devon Pension Fund, following the results of the Triennial Pension Revaluation (as set out in para 3.24 of the presented agenda report) be endorsed;
- vi) That the Capital Programme Proposals for 2023/24 of £2,035,000 and the proposed financing of the Capital Programme (as set out in Appendix E of the published agenda report) be approved;

- vii) That Unearmarked Reserves should continue to have a minimum level of £1.5million (as set in the Medium Term Financial Strategy in September 2022), but an operating level of a minimum of £2million;
 - viii) That the Council no longer imposes a charge to use Council owned public conveniences in the South Hams; and
 - ix) That provision for an additional tree officer be added to the Council's staffing establishment
2. That it be noted that, as part of the February 2023 Council report, a further formal Council resolution will be voted on by Members, regarding taking a formal resolution on charging second homeowners a 100% premium on council tax when the Levelling Up and Regeneration Bill becomes law.

(Meeting started at 2.00 pm and concluded at 4.45 pm)

Chairman

MINUTES OF A MEETING OF THE EXECUTIVE HELD IN THE COUNCIL CHAMBER ON THURSDAY 26 JANUARY 2023

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, Brazil, O'Callaghan, Reeve, Rowe, Spencer, Sweett and Taylor

Officers in attendance and participating:		
All items		Senior Leadership Team; Monitoring Officer; Democratic Services Manager; Deputy Section 151 Officer; Assistant Director – Planning; Head of Housing; Head of Revenues and Benefits; Assistant Director – Head of Strategy and Organisational Development; Head of Environmental Health & Licensing; Principal Environmental Health Officer; Head of Economy & Place; Neighbourhood Planning Specialist; Specialist – Climate Change

E.63/22 MINUTES

The minutes of the Executive meeting held on 1 December 2022 were confirmed as a true and correct record.

E.64/22 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.

Having sought the advice of the Monitoring Officer as to whether or not she should declare an interest in Item 11: 'Council Tax Reduction Scheme 2023/24 and Other Council Tax Discounts and Premiums' (Minute E.71/22 below refers) by virtue of being a property landlord, Cllr N Hopwood was informed that she did not need to make any such declaration.

E.65/22 PUBLIC QUESTION TIME

The Leader informed that no public questions had been received in accordance with the Executive Procedure Rules.

E.66/22 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.

In discussion, it was noted that the 'South Devon AONB Partnership – Draft Service Level Agreement' had been added to the Plan and would be considered at the meeting of the Executive taking place on 2 March 2023.

For clarity, Members were informed that, whilst the Plan had no items listed for the provisional meeting to be held on 13 April 2023, it was highly likely that this meeting would now be required.

E.67/22 MONTH 8 REVENUE BUDGET MONITORING 2022/2023

A report was considered that enabled Members to monitor income and expenditure variations against the approved budget for 2022/23 and that also provided a forecast for the year end position

In discussion, thanks were given to the Finance Team for their work on providing such accurate forecasting for the 2022/23 Financial Year.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2022/23 Financial Year and the overall projected deficit of £46,000 (0.4% of the total Budget £10.464 million) be noted.

E.68/22 CAPITAL PROGRAMME MONITORING 2022/23

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.

During discussion, Members highlighted the large balance of outstanding Section 106 monies and urged local Ward Members to work with their local communities and town and parish councils to identify (and bring forward) good quality projects that could benefit from this funding. In emphasising the importance of the monies being utilised, it was noted that, if no suitable projects were identified within the local town or parish to which they had been received, then the funds would be allocated to be spent elsewhere in the South Hams.

It was then:

RESOLVED

That the content of the Capital Programme Monitoring Report be noted.

E.69/22 **DRAFT REVENUE AND CAPITAL BUDGET PROPOSALS FOR 2023/24**

The Executive was presented with a report that outlined a series of draft revenue and capital budget proposals for 2023/24.

In discussion, the following points were raised:

- a) Members stated that they were aware of the current financial pressures that South Hams' residents were facing but due to the Governments' assumptions on core spending power (as described at paragraph 3.5 of the presented agenda report), then they considered there to be no alternative but to increase Council Tax for the forthcoming year;
- b) There was widespread support expressed for the Council's intention to impose a 100% Council Tax rate on second homes in the district;
- c) In response to a question, it was confirmed that, from an initial budget of £93,000, £21,000 of the Members' Climate Change Locality Fund remained unspent to date. It was further confirmed that any remaining balance would be rolled forward into the new Council term starting in May 2023;
- d) The Leader highlighted the two additional recommendations that had been generated by the Budget Advisory Committee at its meeting held on 19 January 2023 (Minute BA.4/22 refers) concerning the cessation of charging for the use of Council owned public conveniences and the addition of a further tree officer post to the Council's staffing complement.

Having reflected on these since that meeting, the Leader expressed her support for the recommendation relating to public conveniences and advised that, coincidentally, a recruitment process for the employment of a new Aboricultural Officer had commenced on the day of the Budget Advisory Committee. As a consequence, the Leader **PROPOSED** the following two additional recommendations:

That the Executive **RECOMMEND** to Council:

1. *That the Council no longer imposes a charge to use Council owned public conveniences in the South Hams; and*
2. *To note that the Council is currently advertising for a new Aboricultural Officer post and that all Members be sent a copy of the role profile.*

These were subsequently **SECONDED** and, when put to the vote, both were declared **CARRIED**.

It was then:

RESOLVED

1. That the Executive **RECOMMENDS** to Council:-
 - i) To increase Council Tax for 2023/24 by £5 (Band D of £185.42 for 2023/24 – an increase of less than 10 pence per week or £5 per year – equates to a 2.77% increase);
 - ii) The financial pressures shown in Appendix A of £4,107,700;
 - iii) The net contributions to/(from) Earmarked Reserves of £412,000) as shown in Appendix D of the presented report, including the proposed use of £500,000 of New Homes Bonus funding to fund the 2023/24 Revenue Budget as set out in 3.23 of the report and £400,000 from the Business Rates Retention Earmarked Reserve as set out in 3.17 of the report;
 - iv) The savings/additional income of £2,422,000 as shown in Appendix A; and
 - v) The recommendation of the s151 Officer to agree to take up the 'stepped pension contribution rates' being offered by the actuaries of the Devon Pension Fund, following the results of the Triennial Pension Revaluation (at paragraph 3.24 of the presented report).
 - vi) That the Council should set its total net expenditure for 2023/24 as shown in Appendix B of the presented report as £11,738,067.
 - vii) The proposed Capital Programme Proposals for 2023/24 of £2,035,000 and the proposed financing of the Capital Programme as set out in Appendix E of the presented report.
 - viii) That Unearmarked Reserves should continue to have a minimum level of £1.5million (as set in the Medium Term Financial Strategy in September 2022), but an operating level of a minimum of £2million.
 - ix) That the Council no longer imposes a charge to use Council owned public conveniences in the South Hams.
 - x) That the level of reserves as set out within this report and the assessment of their adequacy and the robustness of budget estimates are noted. This is a requirement of Part 2 of the Local Government Act 2003.

2. it be noted that a further formal Resolution would be considered at Full Council at its meeting on 16 February 2023, regarding charging second homeowners a 100% premium on council tax when the Levelling Up and Regeneration Bill was enacted.
3. To note that the Council is currently advertising for a new Aboricultural Officer post and that all Members be sent a copy of the role profile.

E.70/22 **WRITE OFF REPORT 2021/22**

A report was considered that informed Members of the proposal to write-off a series of debts with a value of more than 5,000 for the period from 1 October 2021 to 31 March 2022.

In the ensuing debate, the following points were raised:-

- a) A Member acknowledged the high collection rates and thanked local residents and businesses for continuing to pay their Council Tax during such difficult times;
- b) Given the ongoing Cost of Living Crisis, it was highlighted that there was an extensive range of help available from the Council for those residents who were facing severe difficulty in paying their Council Tax.

It was then:

RESOLVED

1. That it be noted that, in accordance with Financial Regulations, the write-off of individual South Hams District Council debts totalling £109,470.76 (as detailed in Tables 1 and 2 of the presented agenda report) has been authorised by the Section 151 Officer;
2. That the write-off of individual debts in excess of £5,000 totalling £132,033.97, (as detailed in Table 3 of the presented agenda report) be approved; and
3. That agreement, in principle, be granted to the establishment of a supplementary Write-Off Policy that is to be brought to the next Executive meeting (to be held on 2 March 2023) for approval.

E.71/22

COUNCIL TAX REDUCTION SCHEME 2023-24 AND OTHER COUNCIL TAX DISCOUNTS AND PREMIUMS

Members considered a report which provided a summary of the findings of the recent consultation on changes to the Local Council Tax Reduction Scheme and sought a decision on a Scheme for 2023/24.

The report also provided details of the Government's Council Tax Support Fund and the current Council Tax Discounts and any proposed changes resulting from the Levelling up and Regeneration legislation.

In the ensuing debate, the Leader advised that South Hams District Council had been the first Local Authority in Devon to operate its Council Tax Reduction Scheme in this way but that, due to its effectiveness, other Councils had now adopted the same model.

It was then:

RESOLVED

1. That the content of the report be noted; and

That Council be **RECOMMENDED**:

2. to approve a local Council Tax Reduction Scheme for 2023/24 as follows:
 - That makes no changes to Band 1 of the current banded scheme.
 - That uplifts Bands 2, 3 and 4 by 20% (above current inflation) and, as detailed in paragraph 3.15 of the published agenda report, to take into account the Cost of Living crisis.
 - That replaces the current range of earnings disregards with a single £25.00 disregard.
 - That makes changes to the Minimum Income Floor by adjusting the income calculation for self-employed claimants who receive carer's allowance, personal independence payments or disability living allowance.
3. to delegate authority to the Director of Strategic Finance, in consultation with the Lead Executive Member for Benefits and the Head of Revenues and Benefits to agree the uprating of working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions;
4. to instruct officers to take immediate steps to apply the £25 Council Tax Support Fund payment to eligible Council Taxpayers, which was announced by the Government on 19 December 2022, and bring forward proposals for a discretionary scheme in late spring 2023;

5. to adopt the Council Tax discounts as follows (and with effect from 1 April 2023):
- (a) The discount for unoccupied and substantially unfurnished properties is 100% for a maximum period of 1 month;
 - (b) The discount for unoccupied and substantially unfurnished properties for 1 month to 2 years is zero;
 - (c) The discount for properties which are vacant and require major repair work to render them habitable is 50% for maximum period of 12 months;
 - (d) The discount for unoccupied furnished properties (second homes) is zero;
 - (e) An empty homes premium of an additional 100% is levied on properties that have remained unoccupied and substantially unfurnished for at least two years, but less than five years;
 - (f) An empty homes premium of an additional 200% is levied on properties that have remained unoccupied and substantially unfurnished for at least five years, but less than ten years;
 - (g) An empty homes premium of an additional 300% is levied on properties that have remained unoccupied and substantially unfurnished for at least ten years; and
6. That, in principle, the following additional council tax premiums be applied from 1 April 2024, or earlier if allowed, subject to the required legislation being in place:
- 100% premium for properties which have been unoccupied and substantially unfurnished for a period of between 1 and 2 years; and
 - 100% premium for second homes.

E.72/22

HOUSING CRISIS - CHANGES TO FINANCIAL ASSISTANCE AND ENFORCEMENT POLICIES

The Executive was presented with a report which sought approval for the updating of two housing policies. The report also provided information on the Council's approach to dealing with mould and damp complaints from residents of rented properties.

In discussion, the following points were raised:

- a) A Member sought information on the scale of any problems experienced with regard to damp and mould within the South Hams housing stock. In response, officers advised that damp and mould was an issue in light of a combination of the structural, lifestyle and current cost of living challenges facing residents. However, officers confirmed that, whilst there were some problems, it was felt that the number of major issues was comparatively low and that, in all cases, early resolution of a problem was sought in order to prevent further escalation.
- b) Members were advised to encourage any residents that were struggling with needing adjustments to their property to contact the Council to seek help in accordance with the Better Care Fund Assistance Policy.

It was then:

RESOLVED

That Council be **RECOMMENDED:**

1. That the existing 2019-2022 Homes Assistance Policy be updated with the revised Better Care Fund Financial Assistance Policy 2022;
2. To approve and implement the electrical safety standards Civil (Financial) Penalty Policy and incorporate into the Council's Enforcement Policy, to allow officers to impose fines where necessary to landlords and improve Private Rented Properties;
3. To approve and implement the energy efficiency standards Civil (Financial) Penalty Policy, and incorporate into the Council's enforcement policy to allow officers to impose fines where necessary to landlords and improve Private Rented Properties.

E.73/22

UK SHARED PROSPERITY FUND & RURAL ENGLAND PROSPERITY FUND

Members considered a report that sought approval of delivery of the package of support within the Council's UK Shared Prosperity Fund (UKSPF) investment plan.

In the ensuing debate, the following points were raised:

- a) With regard to recommendation 2, a Member expressed his concern regarding the proposal to suspend the Council's Contract Procedure Rules. In response, it was confirmed that this was felt to be necessary to allow the two projects to be completed on time. In addition, there was a very limited local market which would also render a Procurement exercise ineffective;
- b) At the invitation of Members, the lead officer provided further information about both the 'Agri-Alliance' and 'The Apricot Centre' concepts for which the procurement exemptions were being sought.
- c) A Member advised that the delayed announcement of the success of the Council's bid to the UK Shared Prosperity Fund had impacted upon the opportunity to spend the Year One funding;
- d) Members emphasised the importance of robust governance arrangements to underpin the themes. In accepting the point, officers detailed the proposed composition, remit and timing of the Steering Group and its meetings and confirmed that project partners, the lead Executive Member and Business and Community representatives would serve on the Project Steering Groups.

It was suggested that additional Member representatives should be added to the Project Steering Groups in recognition that there were often non-Executive Members who had a great deal of knowledge and expertise of the themes. Finally, the Executive welcomed the officer proposal whereby each Group apprised the Council of progress made on a quarterly basis;

- e) Confirmation was provided that, if the Council's bid proved to be successful, then the Rural England Prosperity Fund would commence in April 2023 and run for two years.

It was then:

RESOLVED

1. That the delivery of the package of support within the Council's UK Shared Prosperity Fund (UKSPF) investment plan, agreed with the Levelling-Up Department, be approved;
2. That to meet the timetable of the programme as set out by Department for Levelling Up, Housing and Communities, the requirements of the Council's Contract Procedure Rules to seek tenders, if they would otherwise be required, be waived and an exemption from the Rules be granted to enable a direct award of contracts to the businesses identified in Section 5 of the presented agenda report;

3. That approval be given to the Rural England Prosperity Fund proposal being submitted to Government, which, if successful, would begin delivery from April 2023.

E.74/22

BETTER LIVES FOR ALL - QUARTER 3 INTEGRATED PERFORMANCE MANAGEMENT REPORT

Members considered a report that set out the Integrated Performance Management report for the Quarter 3 period. The report also highlighted the strategic risk profile of the Council, performance against key indicators and an overview of the capital programme.

In debate, the following points were raised:

- a) In response to a question, it was confirmed that, though set by the existing Council, the new Council administration would take over responsibility for the year three Delivery Plans for the 'Better Lives For All' Strategy, so as to enable the next Council to then have time to develop its own four year Strategy;
- b) The lead Executive Member confirmed that the waste and recycling collection service was still performing well following the transition in-house and that a further review would take place in June 2023;
- d) A Member requested a progress update on the South Brent Rural Poverty Pilot. In response, it was stated that the Pilot would be included as part of the Communities Thematic Delivery Plan update that was scheduled to be considered at the next meeting of the Overview & Scrutiny Committee meeting (to be held on 16 March 2023), but that, if helpful, a Briefing Note outlining progress could be circulated to Members in advance of this date.

It was then:

RESOLVED

1. That the progress in delivery of the Better Lives for All thematic delivery plan and the overall strategic performance of the Council be noted; and
2. That work with lead officers be commenced to make minor amendments to the Year 3 Delivery Plans for consideration at the Executive meeting to be held on 2 March 2023.

E.75/22

MODBURY NEIGHBOURHOOD PLAN

Members were presented with a report that sought to approve the progression of the Modbury Neighbourhood Development Plan to the Referendum stage.

Members welcomed the detailed nature of the report and acknowledged that it could be used as a template for similar future reports.

It was then:

RESOLVED

1. That the Modbury Neighbourhood Plan, as modified to incorporate the modifications recommended by the examiner, be approved to proceed to referendum, using the designated plan area as the referendum area;
2. That the Modbury Neighbourhood Plan, referendum version (as shown at Appendix 1 of the presented agenda report) be noted;
3. That the examiner's report and recommendations (as shown at Appendix 2 of the presented agenda report) be noted;
4. That the District Council draft decision statement(as shown at Appendix 3 of the presented report) be noted;
5. That the summary of the examiner report with comments and recommendations from District Council Officers and Modbury Parish Council (as shown at Appendices 4 and 5 of the presented agenda report) be noted

E.76/22

REPORTS OF BODIES

(a) Salcombe Harbour Board: 14 November 2022

SH.25/22 'Governance Arrangements – Memorandum of Understanding with the Executive'

During debate the following points were raised:

- a) Having received assurances that, since Members would be undertaking official Council business in their Duty Holder role, then they would be covered by the Council's corporate insurance and liability policies, a Member asked for this confirmation to be formally recorded;
- b) Thanks were extended to the Salcombe Harbour Master and his team and also to the Salcombe Harbour Board for their hard work and dedication in making the Harbour such a success.

It was then:

RESOLVED

That the Leader of the Council be authorised to sign the Memorandum of Understanding with the Salcombe Harbour Board in relation to the exercise of the Executive's harbour functions and its role as duty holder for the purposes of the Port Marine Safety Code.

(b) Overview and Scrutiny Committee Meeting: 12 January 2023

O&S.41/22: 'Task and Finish Group Updates: EV Strategy Task and Finish Group: Concluding Report

In discussion; reference was made to:

- a) the proposal for the Strategy to only cover a two-year period. When questioned, officers advised that, due to the fast moving and evolving nature of the subject area, it was felt appropriate for the Strategy to be kept under regular review;
- b) the draft Strategy being welcomed as further evidence of the Council's commitment to its declared Climate Change and Biodiversity Emergency;
- c) the work of the Task and Finish Group. Thanks were extended to the Task and Finish Group and, in particular, Cllr Spencer as its Chairman for all their work in formulating a very good policy and demonstrating an exemplar way that a Task and Finish Group should undertake a review.

It was then:

RESOLVED

That the content of the draft EV Strategy (as set out at Appendix A to the presented report) be noted and that officers be requested to undertake a public consultation exercise on the Strategy in line with the Council's Consultation and Engagement Strategy.

(Meeting commenced at 10.00 am and concluded at 11.50 am)

Chairman

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.69/22, E.71/22 (Parts 2-6) & E.72/22 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 16 FEBRUARY 2023) WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 6 FEBRUARY 2023 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULES)

PUBLIC QUESTIONS AT COUNCIL MEETINGS

There is a period of 15 minutes at meetings of the Full Council (excluding the Annual Meeting) during which members of the public can ask questions about items on the agenda.

Any member of the public who wants to ask a question should ensure that the question:

- a) is no more than 50 words in length;
- b) is not be broken down into multiple parts;
- c) relates to an item included on the agenda; and
- d) is suitable to be considered. A question will not be suitable if, for example, it is derogatory to the Council or any third party; relates to a confidential matter; it is about a specific planning matter; or it is substantially the same as a question asked in the past six months.

Questions should be sent to Democratic Services (Democratic.Services@swdevon.gov.uk) by 1.00pm on the Monday before the meeting (the deadline will be brought forward by a working day if affected by a bank holiday). This will allow a detailed response to be given at the meeting. If advance notice of the question cannot be given the Chairman of the meeting has the discretion to allow questions on matters that are felt to be urgent;

For any further advice on questions to Full Council, or to request a copy of the full Public Questions Procedure Rules, please contact Democratic Services (Democratic.Services@swdevon.gov.uk)

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