

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on **Thursday, 11th February, 2021** at **2.00 pm Via Teams**

Present: **Councillors:**

Chairman Cllr Rowe
Vice Chairman Cllr Foss

Cllr Abbott	Cllr Austen
Cllr Baldry	Cllr Bastone
Cllr Birch	Cllr Brazil
Cllr Brown	Cllr Chown
Cllr Hawkins	Cllr Hodgson
Cllr Holway	Cllr Hopwood
Cllr Jackson	Cllr Kemp
Cllr Long	Cllr McKay
Cllr O'Callaghan	Cllr Pannell
Cllr Pearce	Cllr Pennington
Cllr Pringle	Cllr Reeve
Cllr Rose	Cllr Smerdon
Cllr Spencer	Cllr Taylor
Cllr Thomas	

In attendance:

Officers:
Chief Executive
Deputy Chief Executive
Director – Governance & Assurance
Section 151 Officer
Director – Place & Enterprise
Monitoring Officer
Deputy Section 151 Office
Head of Assets
Democratic Services Manager

35.

Minutes

35/20

The minutes of the meeting of the Council held on 17 December 2020 were approved as a true and correct record.

36. **Declarations of Interest**

36/20

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.

37. **Revenue Budget Proposals for 2021/22**

37/20

The Council considered a report that detailed the formal proposals of the Executive in order to achieve a balanced Revenue Budget for 2021/22.

In her introduction, the Leader of Council paid particular tribute to the work of the Section 151 Officer; the Deputy Section 151 Officer and the Finance Team in presenting a balanced set of Revenue Budget proposals for 2021/22. In addition, the Leader also drew the attention of Members to two minor errors in the published agenda papers whereby reference had incorrectly been made to '*public* sector housing' instead of '*private* sector housing'. Finally, the Leader also set out the significant future financial challenges that were being faced by the Council.

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

- (a) the proposed additional £200,000 funding for the Climate Change Action Plan. When questioned, the Leader advised that the recently established Community Board would be considering potential mechanisms for Bids to this fund to come forward. In response to a number of requests over the inability of Members to attend meetings of the Community Board, the Leader committed to following up this point outside of this Council meeting;
- (b) recommendation 6. Non-Executive Members thanked their Executive Member colleagues for taking into account the views arising from the Joint Budget Meeting of the Overview and Scrutiny Panel and Development Management Committee held on 14 January 2021 with regard to recommendation 6. By way of a further plea, Members also asked that monies be allocated towards funding the Recovery and Renewal Plan and Climate Change Action Plan sooner rather than later. In reply, the Leader assured Members that projects would be progressed in the upcoming months;
- (c) the business rates loophole for second homes. In acknowledging the repeated concerns raised, the Leader informed that lobbying to close the loophole was ongoing and she remained hopeful that this would be implemented as part of the Business Rates Reform during the Spring of 2021.

In line with statutory requirements, a recorded vote was then undertaken on the substantive motion. The voting on the motion was recorded as follows:

For the motion (26): Cllrs Abbott, Austen, Bastone, Birch, Brazil, Brown, Chown, Foss, Hawkins, Hodgson, Holway,

Hopwood, Jackson, Kemp, Long, O'Callaghan, Pannell, Pearce, Pennington, Pringle, Reeve, Rose, Rowe, Smerdon, Spencer and Taylor

Against the motion (0):

Abstentions (0):

Absent (4): Cllrs Baldry(*), McKay(*), Sweett and Thomas(*)

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

(NOTE (*): due to experiencing connection issues at the time of the recorded vote, Cllrs Baldry, McKay and Thomas were unable to take part in the vote. However, each Member had indicated their support for the recommendations during the debate.)

It was then:

RESOLVED

1. That Council Tax be increased by £5 (which equates to a Band D Council Tax of £175.42 for 2021/22, an increase of £5 per year or 10 pence per week. This is a 2.93% increase). This equates to a Council Tax Requirement of £6,718,291;
2. That the financial pressures set out in Appendix B of the presented agenda report (amounting to £696,761) be agreed;
3. That the net contributions to/(from) Earmarked Reserves of £414,600 (as outlined in Appendix D of the presented agenda report and including the proposed use of £746,000 of New Homes Bonus funding to fund the 2021/22 Revenue Budget) be agreed;
4. That the savings of £122,191 (as shown in Appendix A of the presented agenda report) be agreed;
5. That Partnership funding levels be agreed in accordance with Section 5 of the Executive report presented to its meeting held on 28 January 2021, including a £10,000 contribution to the CVS in 2021/22 and 2022/23;
6. That approval be given to the allocation of £500,000* for funding for the Recovery and Renewal Plan and a further £200,000* funding for the Climate Change Action Plan to be funded by:
 - a. Withdrawing the contribution to the Planning Earmarked Reserve in 2021-22 of £50,000;
 - b. Utilising £200,000 of New Homes Bonus funding from 2021-22 (instead of using £200,000 of New Homes Bonus funding for the 2021-22 Capital Programme); and

c. Utilising £450,000 of funding from the Business Rates Retention Earmarked Reserve;

(* This funding is to be put into an Earmarked Reserve for the purpose stated).

7. That an amount of £380,789 (the fifth tranche of COVID funding, as set out in paragraphs 11.2 and 1.9 of the Executive report presented to the meeting held on 28 January 2021 meeting) be approved (to be transferred into a 'COVID Earmarked Reserve') to protect against future COVID losses in 2021/22;
8. That the Council should set its total net expenditure for 2021/22 as £9,676,767 (as outlined at Appendix B of the presented agenda report);
9. That the minimum level of the Unearmarked Revenue Reserve be maintained at £1.5 million; and
10. That the level of reserves as set out within the presented agenda report 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).

38. **Capital Budget Proposals for 2021/22**

38/20

Consideration was given to a report that set out the Capital Bids to the 2021/22 Capital Programme (totalling £2,380,000) and a suggested way that these Bids could be funded.

In line with statutory requirements, a recorded vote was undertaken on the substantive motion. The voting on the motion was recorded as follows:

For the motion (29): Cllrs Abbott, Austen, Baldry, Bastone, Birch, Brazil, Brown, Chown, Foss, Hawkins, Hodgson, Holway, Hopwood, Jackson, Kemp, Long, McKay, O'Callaghan, Pannell, Pearce, Pennington, Pringle, Reeve, Rose, Rowe, Smerdon, Spencer, Taylor and Thomas

Against the motion (0):

Abstentions (0):

Absent (1): Cllr Sweett

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

It was then:

RESOLVED

1. That the Capital Programme for 2021/22 (totalling £2,380,000 (as detailed at Appendix A of the presented agenda report)) be approved; and
2. That the financing of the 2021/22 Capital Programme of £2,380,000 be approved from the funding sources as set out in Section 4 of the presented agenda report.

39.

Business Grants Scheme

39/20

Members considered a report that provided an update on the Council's Business Grants Scheme and sought to support a series of recommendations in order to maximise the flow of grant money to businesses who were in need at this critical time.

In discussion, the following points were raised:-

- (a) A number of Members wished to put on record their thanks to those officers who had been responsible for processing Business Grants that had provided much needed financial support to local businesses in these difficult times;
- (b) An amendment to the motion was **PROPOSED** and **SECONDED** that read as follows:
 3. *To allocate a further £400,000 (£900,000 in total) under the Additional Restrictions Grant (ARG) scheme towards strategic economic recovery projects and priorities;*
 6. *That the proposed method, means and timing of the allocation and expenditure of the sum at Recommendation 3 be determined by the Executive at its next meeting following consultation with Members.*

During discussion on the amendment, the proposer advised that less than 10% of the monies contained within the ARG scheme had currently been paid out and it was therefore felt to be reasonable to allocate an additional £400,000 (from £500,000 to £900,000) towards strategic economic recovery projects and priorities. In contrast, other Members felt that the amendment was somewhat premature (the scheme was to run until March 2022) and many seasonal businesses had yet to make a claim in accordance with the scheme.

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

It was then:

RESOLVED

1. That the Local Restrictions Support Grant (LRSG) (Closed) Addendum and the Closed Business Lockdown Payment (CBLP) Scheme details (as set out in the presented agenda report) be noted;
2. That the changes made to the operation of the Additional Restrictions Grant (ARG) and LRSG (Open), in accordance with the Scheme of Delegation, be noted;
3. That a further £500,000 (20%) be allocated under the ARG Scheme towards strategic economic recovery projects and priorities;
4. That ARG funding not issued by 31 December 2021 (in the form of direct Business Grants) be retained in a Business Support Earmarked Reserve for sustained economic support activities;
5. That authority be delegated to the Director for Place and Enterprise, in consultation with the Leader of Council; lead Executive Member for Finance; and the Section 151 Officer to approve subsequent grant policies should the Council move back into local restrictions.

40. **Review of Democratic Decision Making**

40/20

The Council considered a report that sought approval to:

- Bring forward changes to enhance and improve the democratic decision-making process, with the intention of the new arrangements coming into effect for the new Municipal Year (from May 2021); and
- Instruct officers to undertake further work with a view to bringing forward further recommendations.

The Leader introduced the report and advised that it was intended to develop proposals for an enhanced scheme (for both public and Member participation) that will also include provision for the opportunity for Members to give notice of Questions on Notice at Executive meetings. The Leader also stated that these proposals would form part of the report that would be presented to the next Council meeting to be held on 25 March 2021.

Having received these assurances, Cllrs Pannell and Abbott (in their capacity as proposer and seconder of a Motion on Notice that was to be considered later in the meeting (Minute 43/20(c) below refers)) advised of their wish to now formally withdraw their Motion.

In discussion, reference was made to:-

- (a) the Question and Answer session with representatives from the Senior Leadership Team. When questioned, officers confirmed that the Member Question and Answer drop-in sessions would be re-started;
- (b) widespread support being expressed for the proposals by a number of Members;
- (c) an addition to the report recommendation. The following addition was **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED**:-

'That the report to the next Council meeting also focuses on proposed revisions to the ability to publish the draft minutes of Full Council meetings within a week of the meeting being held.'

It was then:

RESOLVED

1. That the overarching aims and principles (as set out in Section 4 of the presented agenda report) be supported, with any consequential amendments then being made to the Council's Constitution;
2. That a further report be presented to the next Council meeting (to be held on 25 March 2021) that focuses on proposed revisions to:
 - a. the frequency and timing of meetings (Sections 4.8 – 4.11 of the presented agenda report refer);
 - b. the Public Participation Schemes at formal Member Meetings, including the introduction of a Scheme at Full Council meetings (Section 4.14 of the presented agenda report refers);
 - c. the role and purpose of Working Groups and Task and Finish Groups (Section 4.16 of the presented agenda report refers);
 - d. the ability to publish the draft minutes of Full Council meetings within a week of the meeting being held.
3. That officers be instructed to continue to consult with Members prior to the next Council meeting to be held on 25 March 2021; and
4. That officers be instructed to draft the Calendar of Meetings for 2021/22 with the provision for Overview and Scrutiny Panel meetings to take place two weeks after an Executive Meeting and the provision for six scheduled meetings of Council per Municipal Year.

41.

Ivybridge Regeneration Project - Update

41/20

Consideration was given to a report that made recommendations with respect to the Ivybridge Regeneration Project at Leonards Road, Ivybridge.

In discussion, the following points were raised:-

- (a) It was highlighted that the proposals had been supported by local residents and local stakeholders. In particular, the support of Ivybridge Town Council and the local Chamber of Commerce was noted;
- (b) An amendment to the recommendation was **PROPOSED** and **SECONDED** as follows:

'That the Council:

1. *Delay the so called Ivybridge Regeneration project through to planning, tender, construction and lease (subject but not limited to the regulatory statutory planning process and the total scheme cost being within the £9 million financial envelope);*
2. *Note the financial case as set out within this report and the borrowing of £9 million from the Public Works Loans Board (PWLB) to finance the regeneration project;*
3. *Ringfence £10 million for the regeneration of Ivybridge to be financed by the PWLB, subject to a Business Case being produced that demonstrates that the regeneration initiative can be self-financing; and*
4. *Invite Ivybridge Town Council and the Ivybridge community to come forward with their own plans and ideas for the regeneration. These could include purchasing or working in partnership with Glanville Mill. Forming a food co-operative selling local produce. Subsidising rents for local artisans, producers and entrepreneurs. And possibly even a budget supermarket.*

In support of the amendment, the following views were expressed:

- The current scheme was felt to be a missed opportunity and the construction of a supermarket was both unimaginative and did not constitute town centre regeneration or increase the public realm;
- If approved, the amendment would encourage both local produce and stimulate the local economy;
- Concerns were raised that the Council would be taking on the £9 million risk and this had not been highlighted in the recent public consultation exercise; and
- The comments in the published agenda report regarding the proposed Foodstore tenant using '*locally sourced produce*' were felt to be untrue.

In contrast, other Members were of the view that:

- It had been proven that such schemes did result in an increased footfall in town centres;
- Any further project delays would be to the detriment of Ivybridge;
- The project had been fully costed;
- The amendment was inconsistent with the results of the recent public consultation exercise; and
- Receipt of such a last minute amendment was not helpful

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

It was then:

RESOLVED

1. That approval be given to the Ivybridge Regeneration project through to planning, tender, construction and lease (subject, but not limited to, the regulatory statutory planning process and the total scheme cost being within the £9 million financial envelope);
2. That the financial case (as set out within the presented agenda report) and the borrowing of £9 million from the Public Works Loan Board (PWLB) to finance the regeneration project be approved;
3. That the spend of up to £450,000 be approved and funded from the Business Rates Retention Earmarked Reserve, recognising these will be abortive costs if the project does not proceed at any given stage pre-construction;
4. That the Procurement Strategy and any associated contract awards be approved;
5. That the variation of parking tariffs be approved in principle, subject to final tariff design by the Head of Assets, in consultation with the lead Executive Member for Enterprise and the Leader of Council; and
6. That authority be delegated to the Head of Assets, in consultation with the Director of Place and Enterprise and Monitoring Officer, to enter the Agreement for Lease (and the subsequent lease of 25 years + 15 years) with the proposed Foodstore tenant.

42.

Questions

42/20

It was noted that one question had been received in accordance with Council Procedure Rule 8:

(a) Question from Cllr Abbott to Cllr Birch (Chairman of the Overview & Scrutiny Panel)

'Will the Chair of the Overview and Scrutiny Panel be prepared to request the Panel to scrutinise the means of reporting back to Council and to evaluate the benefit to the Council of it being represented on the Outside Bodies?'

In thanking Cllr Abbott for his question, Cllr Birch stated that, at the next meeting of the O&S Panel to be held on 25 February 2021, he would seek to obtain the Panel's agreement to set up a Task and Finish Group to examine the matters raised in the question. In doing so, it would be required to report back with any recommendations to the meeting of the Panel on 1 April 2021. Furthermore, Cllr Birch informed that it would be his intention to propose that membership of the Task and Finish Group would extend beyond the Panel's membership.

43.

Notice of Motion

43/20

It was noted that four motions had been received in accordance with Council Procedure Rule 10:

(a) By Cllrs Bastone and Holway

1. *'This Council supports the adoption of the Healthy Homes principles and notes:*

- *The powerful evidence which demonstrates the link between people's homes and their health, wellbeing and life chances;*
- *That the COVID-19 emergency has reinforced the need for healthy environments which provide space for recreation, children's play and walkable streets.*
- *That well-designed homes that meet all our citizens' needs over their lifetimes can radically reduce costs to NHS and social care budgets.*
- *That people have a basic right to live in environments free from unacceptable pollution.*
- *That homes must be affordable to heat and built to as near zero carbon standards as possible.*
- *That current government policy to deregulate planning is creating thousands of substandard homes through conversion of existing buildings into homes through permitted development.*
- *That this council is determined to create the highest quality places for residents which will be a fitting legacy for future generations.*

2. *This Council agrees (or to the extent that the below concern Executive functions, recommends to the Executive) to:*

- *Adopt the Healthy Homes Principle so that:*
 - *all new homes must be safe in relation to the risk of fire;*
 - *all new homes must have, as a minimum, the liveable space required to meet the needs of people over their whole*

- lifetimes, including adequate internal and external storage space;*
- all main living areas and bedrooms of a new dwelling must have access to natural light;*
- all new homes and their surroundings must be designed to be inclusive, accessible, and adaptable to suit the needs of all;*
- all new homes should be built within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space;*
- all new homes must secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008;*
- all new homes must demonstrate how they will be resilient to a changing climate over their full lifetime;*
- all new homes must be built to design out crime and be secure;*
- all new homes must be free from unacceptable and intrusive noise and light pollution;*
- all new homes must not contribute to unsafe or illegal levels of indoor or ambient air pollution and must be built to minimise, and where possible eliminate, the harmful impacts of air pollution on human health and the environment, and;*
- all new homes must be designed to provide year-round thermal comfort for inhabitants;*
- Review all policies, processes and procedures to ensure that new homes meet the requirements of the principles. Draw up a list of appropriate suggested changes to any JLP policies in time for when work begins on the JLP first revision, detailing how South Hams, with partner LPAs, envisages delivering on the requirements of these principles;*
- Review the corporate plan to ensure the healthy homes principles are a priority;*
- Make the principles an integral part of activity throughout the council, including all decision making on housing and planning in so far as policy will permit; and*
- Investigate ways to ensure that future local plans ensure that all new development is in line with the Healthy Homes Principles at the earliest possible date.*

3. This Council calls on the Government to:

- Return full powers of conversion of buildings to residential use to local Planning Authorities requiring full planning applications to be submitted; and*
- Support the Healthy Homes Bill being promoted by Baron Nigel Crisp.'*

In discussion, the importance of this motion was recognised and the proposer and seconder were thanked for bringing it forward.

It was then:

RESOLVED

1. This Council supports the adoption of the Healthy Homes principles and notes:
 - The powerful evidence which demonstrates the link between people's homes and their health, wellbeing and life chances;
 - That the COVID-19 emergency has reinforced the need for healthy environments which provide space for recreation, children's play and walkable streets.
 - That well-designed homes that meet all our citizens' needs over their lifetimes can radically reduce costs to NHS and social care budgets.
 - That people have a basic right to live in environments free from unacceptable pollution.
 - That homes must be affordable to heat and built to as near zero carbon standards as possible.
 - That current government policy to deregulate planning is creating thousands of substandard homes through conversion of existing buildings into homes through permitted development.
 - That this council is determined to create the highest quality places for residents which will be a fitting legacy for future generations.

2. This Council agrees (or to the extent that the below concern Executive functions, recommends to the Executive) to:
 - Adopt the Healthy Homes Principle so that:
 - all new homes must be safe in relation to the risk of fire;
 - all new homes must have, as a minimum, the liveable space required to meet the needs of people over their whole lifetimes, including adequate internal and external storage space;
 - all main living areas and bedrooms of a new dwelling must have access to natural light;
 - all new homes and their surroundings must be designed to be inclusive, accessible, and adaptable to suit the needs of all;
 - all new homes should be built within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space;
 - all new homes must secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008;
 - all new homes must demonstrate how they will be resilient to a changing climate over their full lifetime;
 - all new homes must be built to design out crime and be secure;
 - all new homes must be free from unacceptable and intrusive noise and light pollution;
 - all new homes must not contribute to unsafe or illegal levels of indoor or ambient air pollution and must be built to minimise,

- and where possible eliminate, the harmful impacts of air pollution on human health and the environment, and;
- all new homes must be designed to provide year-round thermal comfort for inhabitants;
 - Review all policies, processes and procedures to ensure that new homes meet the requirements of the principles. Draw up a list of appropriate suggested changes to any JLP policies in time for when work begins on the JLP first revision, detailing how South Hams, with partner LPAs, envisages delivering on the requirements of these principles;
 - Review the corporate plan to ensure the healthy homes principles are a priority;
 - Make the principles an integral part of activity throughout the council, including all decision making on housing and planning in so far as policy will permit; and
 - Investigate ways to ensure that future local plans ensure that all new development is in line with the Healthy Homes Principles at the earliest possible date.

3. This Council calls on the Government to:

- Return full powers of conversion of buildings to residential use to local Planning Authorities requiring full planning applications to be submitted; and
- Support the Healthy Homes Bill being promoted by Baron Nigel Crisp.

(c) By Cllrs Pannell and Abbott

'Recognising the duty placed on Members of the Council "to represent their communities and bring their views into the Council's decision making process", "act as an advocate for constituents" and "to contribute to the good governance of the area" (Articles of the Constitution 2.3 Roles and functions of all Councillors) Council resolves to amend, with immediate effect, the Council Constitution to give Members more opportunity to ask questions, thus:

1. **ORDINARY MEETINGS:**

In addition to the annual meeting, delete three and insert five ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. (Part 4: Rules of Procedure: Council Procedure Rules).

2. **MEETINGS OF THE EXECUTIVE**

2.3.2 Members of the public may speak only to ask questions at the start of the meeting in accordance with Article 3 of the Council's Constitution and the guidance currently in place. Add "and Members of the Council may ask questions at the start of the meeting"; and

1.4 What business? At each meeting of the Executive, the following business will be conducted: i) consideration of the minutes of the last meeting; ii) declarations of interest, if any; iii) public questions; insert iv) Members' questions, v) the Executive Forward Plan etc."

As stated earlier in the meeting (Minute 40/20 above refers), it was noted that this Motion on Notice had been withdrawn by its proposer and seconder.

44. **Closure Motion**

44/20

In accordance with Council Procedure Rule 12.11(a)(iv), it was **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED** that:

'The meeting be now adjourned with the remainder of the Business on the published agenda being deferred to the next Council meeting (to be held on 25 March 2021) for consideration.'

The Meeting concluded at 6.00 pm

Signed by:

Chairman
