

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on **Thursday, 20th May, 2021** at **2.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Rowe
Vice Chairman Cllr Foss

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

In attendance:

Officers:
Chief Executive
Monitoring Officer
Democratic Services Manager

- 1. Welcome**
01/21
On behalf of the Council, the Chairman welcomed Cllr Louise Jones to her first Council Meeting following her recent election to serve on the Council.
- 2. Minute's Reflection**
02/21
As this was the first Full Council meeting since both the Duke of Edinburgh and Ms Tracy Winsler (who had worked for the Council from

1991 to 2015 and had led on the successful Transformation Programme) had sadly passed away, the Chairman asked those in attendance, as a mark of respect, to observe a minute's reflection in their memory.

3. **Declarations of Interest**

03//21

Cllr J Sweett declared a personal interest in agenda item 27(d): 'Reports of Bodies – Executive Meeting 22 April 2021' and specifically recommendation E.80/20(a): Urgent Business: (a) ARG Policy – Supporting Our Business Communities by virtue of being a local business owner. Cllr Sweett remained in the meeting and took part in the debate and vote thereon.

4. **Election of the Chairman of the Council**

04/21

RESOLVED

That Cllr R J Foss be elected Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2022.

Cllr Foss subsequently declared and signed his acceptance of office.

5. **Address by the New Chairman of Council**

05/21

In addressing the Council, Cllr Foss expressed his honour at being elected as Chairman of the Council and wished to thank his fellow Members for their vote of confidence.

During his address, Cllr Foss also made specific reference to:-

- his wish to pay particular tribute to the outstanding work undertaken by the outgoing Chairman (Cllr Rowe) in very difficult circumstances during the COVID-19 Pandemic;
- the honour being tinged with sadness following the recent passing of his wife. In stating that he would miss her invaluable help and advice during his year of office, Cllr Foss was adamant that she would have made a wonderful consort. Furthermore, since Mrs Foss had raised many tens of thousands of pounds for both Cancer Research and the Devon Air Ambulance, it was his intention for these to be his chosen charities. In light of the number of residents who had lost loved ones and had been severely restricted in being able to say goodbye to them, it was the wish of Cllr Foss to encourage officers and Town and Parish Councils to establish whether there were areas of land that could be used to plant a tree in their loved ones memory;
- the impact of the COVID-19 Pandemic. Cllr Foss highlighted the mark that had been left by the Pandemic and wished to pay tribute to officers and fellow Members for the monumental effort that had been made to ensure that the Council was able to maintain its day-to-day business. Whilst welcoming the ability to return to face-to-face public meetings, Cllr Foss also recognised that there would be

extensive homeworking for the foreseeable future and, since the start of the Pandemic, the Council had seen a decrease of 85% of commuting miles and 50% of business miles that had equated to a reduction of 280 tonnes equivalent of carbon. With regard to mitigating Climate Change, Cllr Foss recognised that the Council had set aside a considerable amount of money for this very important purpose;

- Finally, the Pandemic willing, it was the intention of Cllr Foss to upkeep a longstanding tradition by attempting to attend as many local town and parish council meetings as was practically possible.

6. **Vote of thanks to the Retiring Chairman**

06/21

RESOLVED

That the thanks of the Council be extended to Cllr Rowe for the manner in which she had performed her duties during her term of office as Chairman of the Council.

7. **Response by the Retiring Chairman;**

07/21

Cllr Rowe proceeded to address the Council and highlighted how enjoyable she had found her two year term of office. In so doing, she made particular reference to:-

- her gratitude for the support she had received from the wider membership during her two years of office. In particular, she wished to thank her husband and her Vice-Chairman (Cllr Foss) for their excellent support and she particularly hoped that Cllr Foss would have a memorable year in office;
- the role of Chairman being incredibly challenging during the Pandemic. In highlighting some of the challenges that had been faced, the Chairman also wished to record her specific thanks to the support that she had received from: the Chief Executive; the Democratic Services Team; the Section 151 Officer and her finance colleagues; and the Member IT Support Officer;
- the sad recent losses of Mrs Foss, Mrs Pennington and Cllr May. Cllr Rowe wished to recognise their losses and send her best regards to Cllrs Foss and Pennington and Mrs May; and
- her wish that Members and officers treat each other with respect and work towards making the South Hams a better place to both live and visit.

8. **Appointment of the Vice Chairman of the Council;**

08/21

RESOLVED

That Cllr L Austen be appointed Vice Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2022.

Cllr Austen subsequently declared and signed his acceptance of office.

9. **Minutes**

09/21

The minutes of the meeting of Council held on 25 March 2021 were confirmed as a correct record.

10. **Statement from the Leader**

10/21

The Leader provided her annual statement to the Council Meeting and made particular reference to:-

- her appreciation to the Deputy Chief Executive for the manner in which he had temporarily taken over the reins during 2020. In particular, she was truly grateful for the manner in which he had held the Council together during the onset of the Pandemic. Furthermore, the way that officers had knuckled down to work at home and continued to ensure a tremendous delivery of business as usual was also worthy of praise. For example, the allocation of over £71.7 million in grants to local businesses had been processed and paid to ensure that so many local businesses were able to survive the pandemic;
- the positive impact that the Chief Executive had already had since joining the Council in June 2020;
- the loss of Cllr David May. The Leader paid tribute to David, who had proven to be a valued, extremely competent and hardworking Member of the Executive. In stating how much she missed him, the Leader also highlighted his versatility, humour, generosity and kindness;
- her hope that the Team Devon concept would see all the local authorities in Devon, where possible, working closely together;
- her overriding objectives of Leader remained to:
 - o focus on the wellbeing and prosperity of local residents whilst welcoming visitors to the South Hams;
 - o conserve the natural and historic built environment, particularly the protected areas;
 - o progress and deliver on the adopted Climate Change and Biodiversity Strategy and Action Plan and fully co-operate with the Devon Climate Change Plans. In support of this objective, the Leader highlighted the monies that had already been committed to support the delivery of the Strategy and Action Plan; and
 - o roll out the adopted Joint Local Plan (JLP) in order to provide both housing and employment space and to look for solutions to the affordability problems for local residents in accessing housing in the South Hams. With regard to the JLP, the Council still had a secure five-year land supply; the Supplementary Planning Document had been adopted; five more Neighbourhood Plans were on the agenda for adoption at this Council meeting; and there was a Freeport in the District (shared with Plymouth);
- the imminent presentation of a revised draft Corporate Strategy for approval. Whilst the Council already had a tremendously broad basis for the Strategy (via the adopted Climate Change and Biodiversity Strategy and Action Plan; the Recovery Plan and Action

Plan; and the Housing Strategy and Action Plan), there was still a need to convert this basis into an outward facing public document for consultation; and

- her wish to congratulate Cllr Louise Jones on her recent election to serve on the Council. In addition, the Leader announced that Cllr Holway would be joining the Executive with immediate effect to lead on the Climate Change and Biodiversity portfolio area. Finally, there would be some slight adjustments to the portfolio areas in light of the expected demands arising from the (once adopted) Corporate Strategy.

11. **Representation on Political Groups**

11/21

The Chairman advised Members that a review of the representation of the political groups on the Council's Bodies had been carried out in consultation with the Leaders of the four Political Groups.

It was then:

RESOLVED

1. That it be noted that the Political Composition of the Council is as follows:-
 - A Conservative Group of 16 Members;
 - A Liberal Democrat Group of 10 Members;
 - An Independent Group of 3 Members; and
 - A Green Party Group of 2 Members.
2. That the overall political balance of Council Bodies, as reflected in the paper set out in the presented agenda papers, be approved.

12. **Appointment of Members to Bodies of the Council**

12/21

The Council subsequently received nominations from the Group Leaders and Independent Members for the membership of the Bodies of the Council.

It was then:

RESOLVED

That, for the 2021/22 Municipal Year, Members be appointed to the Bodies of the Council as set out in Appendix A to these minutes.

13. **Election of Chairman and Vice-Chairman of those Bodies of the Council**

13/21

The Council received nominations from its Group Leaders for the positions of Chairmen and Vice Chairmen of the Bodies of the Council.

It was then:

RESOLVED

That the Chairmen and Vice Chairmen of the Bodies of the Council for the 2021 / 2022 Municipal Year be as indicated below:-

Body	Chairman	Vice Chairman
Audit Committee	Cllr L Austen	Cllr B Spencer
Development Management Committee	Cllr J Brazil	Cllr R Foss
Licensing Committee	Cllr D Brown	Cllr R Rowe
Overview & Scrutiny Committee	Cllr J Birch	Cllr P Smerdon
Salcombe Harbour Board	Cllr J Brazil	Co-Opted Member

14. **Appointment of Salcombe Harbour Board Co-Opted Members**
14/21

The Council considered a report that sought to appoint two Co-Opted Members to serve on the Salcombe Harbour Board.

In discussion, the exceptional quality of the candidates that had applied was noted.

It was then:

RESOLVED

1. That, with immediate effect, Messrs Andrew Owens and Ian Shipperley be appointed to serve on the Salcombe Harbour Board as Co-Opted Members for the period to the date of the Annual Council meeting in May 2024; and
2. That the Council suspend its Procedure Rule that would otherwise require a recruitment process in 2022 to enable, with effect from the date of the Annual Council meeting in May 2022, Mr Paul Brown to be appointed to serve on the Salcombe Harbour Board as a Co-Opted Member for the period to the date of the Annual Council meeting in May 2025.

15. **Draft Calendar of Meetings for the 2021/22 Municipal Year**
15/21

Members were presented with a report that sought to approve the draft Calendar of Meetings for 2021/22.

During discussion, the following points were raised:-

- (a) Where possible, officers confirmed that steps were taken to avoid meeting clashes with Devon County Council;
- (b) In reply to a request, the Chief Executive was supportive of the proposal to revise the format of the drop-in sessions with Senior Leadership Team representatives to more structured Question and Answer Sessions.

It was then:

RESOLVED

That the draft Calendar of Meetings for 2021/22 (as set out at Appendix A of the presented agenda report) be approved.

16. **Formal Adoption of the Council Constitution**

16/21

Consideration was given to a report that sought to formally adopt the Council Constitution.

In introducing the report, there was an acknowledgement that there had been insufficient time for Members to fully consider the proposed revisions and it was therefore **PROPOSED** and **SECONDED** that: 'consideration of the Council Constitution be deferred to the Full Council meeting to be held on 15 July 2021'.

During the ensuing discussion, the importance of the Constitution was recognised and assurances were given that Member input on the proposed revisions would be welcomed before the 15 July 2021 Council meeting. A Member also wished to put on record his thanks to the Leader for supporting the deferral and felt that this represented a positive way forward.

It was then:

RESOLVED

That consideration of the Council Constitution be deferred to the Full Council meeting to be held on 15 July 2021.

17. **Appointment of Governance Boards / Panels**

17/21

Members proceeded to consider the appointment for the 2021/2022 Municipal Year of the:-

- (a) Council Tax Setting Panel;
- (b) Devon Building Control Partnership;
- (c) Discretionary (Major) Business Rate Relief Panel;
- (d) Joint SH/WD/Plymouth Joint Local Plan Partnership Board;

- (e) Rate Relief Panel;
- (f) Slapton Line Steering Group;
- (g) South Devon AONB Partnership Committee;
- (h) Tamar Valley AONB Partnership Committee; and
- (i) Waste Partnership Board.

In discussion and, where deemed appropriate, it was agreed that actions arising and/or minutes arising from meetings of these Boards and Panels should be made available to the wider membership.

It was then:

RESOLVED

That the appointment of Governance Boards / Panels for the 2021/22 Municipal Year be approved, as set out in Appendix B to these minutes.

18. **Appointment of Representatives on Outside Bodies**

18/21

A report was considered that set out details of those Outside Bodies to which the Council appointed representatives and included a list of nominations for representation on these Outside Bodies.

Three nominations (Cllrs L Austen, J Brazil and L Jones) had been received for the two positions on the Joint Advisory Committee (JAC) on Housing for Local Needs in the Dartmoor National Park.

In line with the Council Constitution, it was necessary for these two vacancies to be filled by virtue of a ballot. Upon completion of the ballot, it was subsequently declared **CARRIED** that Cllrs L Austen and L Jones be appointed to serve on the Joint Advisory Committee (JAC) on Housing for Local Needs in the Dartmoor National Park.

During the debate on the report, an amendment to the recommendation was **PROPOSED** and **SECONDED** as follows:

‘That the Council:

1. welcome and accept the recommendations arising out of the Task and Finish Group report (as set out in Section 3 of the presented agenda report);
2. be represented on the list of Outside Bodies (as set out at Appendix C to these minutes) and that, for the purposes of Members’ Allowances, attendance at meetings of these Bodies be regarded as an ‘Approved Duty’;
3. approve the draft reporting feedback template (as set out at Appendix 2 of the presented agenda report) and, furthermore, require Members attending Outside Bodies to submit their reports within 28 days following the date of the meeting they attended; and
4. approve the draft Member Role Profile (as detailed at Appendix 3 of

the presented agenda report).’

In support of the amendment, some Members felt it important to recognise the success of the Task and Finish Group Review. In addition, these Members felt it reasonable to expect that reports should be submitted within 28 days of a meeting. In contrast, other Members felt that the original proposal was proportionate and they did not support any additional constraints being placed upon those representatives who were appointed to serve on Outside Bodies.

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

It was then:

RESOLVED

That, for the 2021/22 Municipal Year, the Council:

1. be represented on the list of Outside Bodies (as set out at Appendix C to these minutes) and that, for the purposes of Members’ Allowances, attendance at meetings of these Bodies be regarded as an ‘Approved Duty’;
2. approve the draft reporting feedback template (as set out at Appendix 2 of the presented agenda report); and
3. approve the draft Member Role Profile (as detailed at Appendix 3 of the presented agenda report).

19. **Urgent Business**

19/21

The Chairman advised that he had no items of urgent business to be raised at this meeting.

20. **Chairman's Announcements**

20/21

The Chairman advised that he did not have any further announcements to make at this time.

21. **Aveton Gifford Neighbourhood Plan**

21/21

Consideration was given to a report that sought approval of the making (adoption) of the Aveton Gifford Neighbourhood Plan.

It was then:

RESOLVED

That the Aveton Gifford Neighbourhood Development Plan be made (adopted).

22. **Kingston Neighbourhood Plan**

22/21

The Council considered a report that sought approval of the making (adoption) of the Kingston Neighbourhood Plan.

It was then:

RESOLVED

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

23. **Kingswear Neighbourhood Plan**

23/21

Members considered a report that sought approval of the making (adoption) of the Kingswear Neighbourhood Plan.

In discussion, a local Ward Member wished to put on record his thanks to the local Neighbourhood Planning Group for the tireless amount of work that they had put in to development the Plan.

It was then:

RESOLVED

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

24. **South Huish Neighbourhood Plan**

24/21

A report was considered that sought approval of the making (adoption) of the South Huish Neighbourhood Plan.

In discussion, both local Ward Members expressed their thanks to the representatives who had put so much effort into developing the Plan. In particular, the wider membership was advised that the parish included the village of Hope Cove, which currently possessed over 76% of second homes. The Members hoped that the adoption of the Plan would lead to increased provision of local affordable housing.

It was then:

RESOLVED

That the South Huish Neighbourhood Development Plan be made (adopted).

25. **Strete Neighbourhood Plan**

25/21

Members considered a report that sought to approve the making (adoption) of the Strete Neighbourhood Plan.

It was then:

RESOLVED

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

26. **Questions**

26/21

It was noted that no questions had been received in accordance with Council Procedure Rule 8.

27. **Notice of Motion**

27/21

It was noted that one motion had been received in accordance with Council Procedure Rule 10.1.

(a) By Cllrs Hodgson and Rose

"In line with our formal declaration of a climate and biodiversity emergency, and our commitment to actions to change behaviour to address the causes of this situation, and mitigate the impacts, this Council supports the Climate and Ecological Emergency Bill proposed by a coalition of scientists, academics and lawyers with the aim of bringing the UK's climate policy into one with evolving scientific evidence. Currently this also supported by 96 cross-party members of parliament. Nationally we need a strong legislative framework that embeds the Government's targets in law, enabling us as supportive players, to plan and develop our future trajectories, to fit in with those targets.

Council therefore resolves to:

- i. Support the Climate and Ecological Emergency Bill*
- ii. Inform the local media of this decision;*
- ii. Write to local MPs, asking them to support the Bill; and*
- iv. Write to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support (campaign@ceebill.uk)."*

In discussion, it became apparent that there was a difference in Member opinion regarding the current status of the Climate and Ecological Emergency Bill. As a result and, having received the necessary assurances from the Council's Monitoring Officer that this would not preclude the Motion from being submitted to the next meeting of Council, the proposer and seconder formally withdrew this Motion from consideration at this Council Meeting.

28. **Reports of Bodies**
28/21

RESOLVED

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

- (a) Salcombe Harbour Board 15 March 2021
- (b) Development Management Committee 31 March 2021
- (c) Audit Committee 8 April 2021
- (d) Executive 22 April 2021

E.80/20: Urgent Business:

(a) Additional Restrictions Grant (ARG) Policy – Supporting Our Business Communities

In discussion, a Member expressed his opposition to the proposed use of the Business Rates Retention Earmarked Reserve for this purpose and felt that the General Reserve should be used instead. Furthermore, the Member expressed his disappointment that a proposal from the Kingsbridge Chamber of Commerce to support their local business community had been refused by the Council.

It was then:

RESOLVED

That the use of up to £498,000 from the Business Rates Retention Earmarked Reserve be approved to fund any wider business support measures approved by the Council on 25 March 2021 that cannot be funded from the new ARG Allocation.

E.85/20: Electric Vehicle Charging and Renewable Energy Strategy

RESOLVED

- 2. That Capital Expenditure of up to £170,000 be approved from the Capital Programme Contingency Reserve (as set out in the Finance Section of the agenda report presented to the Executive meeting) as follows:
 - a. £80,000 for the upgrade of the network and rapid charger install at Totnes Depot; and

- b. £90,000 for the network upgrade and limited initial phase of additional rapid chargers at Follaton House, to facilitate the conversion of the light commercial vehicle fleet to Electric Vehicles; and
3. That a spend of up to £15,000 (funded from the Climate Change Earmarked Reserve) be approved to fund an externally commissioned report to investigate and scope opportunities primarily for Electric Vehicle Charging Points within the Council's property portfolio namely: car parks; depots; and offices. Additionally, to explore opportunities for solar and battery storage across the estate.

The Meeting concluded at 4.25 pm

Signed by:

Chairman

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Membership of Council Bodies 2021/22

Appendix A

A. Audit Committee

Cllr L Austen
Cllr J Brazil
Cllr J McKay
Cllr J T Pennington
Cllr R Rowe
Cllr B Spencer
Cllr B Taylor

B. Development Management Committee

Cllr V Abbott
Cllr J Brazil
Cllr D Brown
Cllr R J Foss
Cllr J M Hodgson
Cllr K Kemp
Cllr M Long
Cllr G Pannell
Cllr K Pringle
Cllr H Reeve
Cllr R Rowe
Cllr B Taylor

C. Licensing Committee

Cllr D Brown
Cllr R J Foss
Cllr J M Hodgson
Cllr T R Holway
Cllr K Kemp
Cllr G Pannell
Cllr K Pringle
Cllr H Reeve
Cllr R Rowe
Cllr P C Smerdon
Cllr B Taylor
Cllr D Thomas

D. Overview and Scrutiny Panel

Cllr L Austen
Cllr J P Birch
Cllr M Chown
Cllr S Jackson
Cllr L Jones
Cllr J McKay
Cllr D M O'Callaghan
Cllr J T Pennington
Cllr J Rose
Cllr P C Smerdon
Cllr B Spencer
Cllr J Sweett
Cllr D Thomas

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Appointment of Governance Boards / Panels 2021/2022 Appendix B

- (a) **Council Tax Setting Panel**
Chairman of Council
Leader of Council
Deputy Leader of Council
Leader of the Opposition
- (b) **Devon Building Control Partnership**
Cllr H D Bastone
Cllr J P Birch
- (c) **Discretionary (Major) Business Rate Relief Decision Panel**
Leader of the Opposition Group
Lead Executive Member for Enterprise
Leader of Council
- Substitute Member:
Lead Executive Member for Communities
- (d) **Joint SH/WD/Plymouth Local Plan Partnership Board**
Cllr H D Bastone
Cllr J A Pearce
- (e) **Rate Relief Panel**
Leader of Council
Deputy Leader of Council
Lead Executive Member for Communities
- (f) **Slapton Line Steering Group**
Cllr H Bastone
Cllr R J Foss
- (g) **South Devon AONB Partnership Committee**
Cllr N A Hopwood
Cllr B Taylor
- (h) **Tamar Valley AONB Partnership Committee**
Cllr N A Hopwood
- (i) **Waste Partnership Board**
Cllr H D Bastone
Cllr N A Hopwood
Lead Executive Member for Environment

	ORGANISATION	Nominee(s)
1.	Dartmoor National Park Authority	Cllr P C Smerdon
2.	Devon Audit Partnership Committee	Chairman and Vice-Chairman of the Audit Committee
3.	Devon Authorities Strategic Waste Committee	lead Executive Member for Environment (Substitute: Cllr D Brown)
4.	Devon County Locality Committee	Leader and Deputy Leader of Council
5.	Devon County/South Hams Highways and Traffic Orders Committee	Cllrs H Reeve and P C Smerdon
6.	Devon Districts Forum	Leader of Council
7.	Governance Board (South Devon Healthcare NHS Foundation Trust)	Cllr R Rowe
8.	Greater Dartmoor Local Enterprise Action Fund	Cllr P C Smerdon
9.	Heart of the South West Devolution Joint Committee	Leader of the Council (Substitute: Deputy Leader of the Council)
10.	Hope Harbour Commissioners	Cllr M Long
11.	Joint Advisory Committee (JAC) on Housing for Local Needs in the Dartmoor National Park	Cllrs L Austen and L Jones
12.	Local Enterprise Partnership Joint Scrutiny Committee	Cllr B Spencer
13.	Local Government Association:- (i) District Council Network – Leader of Council (ii) General Assembly – Leader of Council (iii) South West Branch – Leader of Council (iv) Rural Commission – Leader of Council (v) LGA Committee, Panel, etc appointments (NB: These appointments are made via an Electoral College process through the LGA. Council has been given delegated authority to the Monitoring Officer, in consultation with the Leaders of the political groups, to agree any such appointments).	
14.	PATROL – Parking and Traffic Regulations Outside London	Cllr D Brown

15. Police & Crime Commissioners Scrutiny Panel Cllr N A Hopwood
16. South Devon Coastal Local Action Group Cllr B Taylor
17. South Devon and Dartmoor Community Safety Partnership Cllr T R Holway
18. South West Councils Leader and Deputy Leader of Council
19. SPARSE Rural and Rural Services Network Cllr H Reeve

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