

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on
Thursday, 14th December, 2023 at 2.00 pm at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Pannell
Vice Chairman Cllr Taylor

Cllr Allen	Cllr Birch
Cllr Bonham	Cllr Carson
Cllr Dennis	Cllr Dewynter
Cllr Dommett	Cllr Edie
Cllr Hancock	Cllr Hawkins
Cllr Hodgson	Cllr Hopwood
Cllr Jackson	Cllr Lawford
Cllr McKay	Cllr Munoz
Cllr Nix	Cllr O'Callaghan
Cllr Oram	Cllr Penfold
Cllr Presswell	Cllr Rake
Cllr Steele	Cllr Thomas
Cllr Yardy	

In attendance:

Officers:
Senior Leadership Team
Head of Democratic Services
Head of Economy & Place (via Teams)
Head of Maritime (via Teams)
Head of Revenues & Benefits (via Teams)
Monitoring Officer
Principal Climate Change Officer (via Teams)
Senior Economic Development Officer (via Teams)

34. **Moments's Reflection**

34/23

As this was the first Full Council meeting since both the ex-Council Leader, Mr Owen Masters and long-time Council Member, Mr Trevor Pennington, had sadly passed away, the Chairman paid tribute to the service both had given to the

Council and, as true public servants, asked those in attendance, as a mark of respect, to stand and observe a moment's reflection in their memory.

35. **Minutes**

35/23

The minutes of the Council meeting held on 28 September 2023 were confirmed as a true and correct record.

36. **Declarations of Interest**

36/23

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and these were recorded as follows:

With regard to agenda item 7 ('Plymouth And South Devon Freeport: Report Of Task & Finish Group' (Minute 38/23 below refers)), Cllr J Birch advised that, in his capacity as the Council's appointed representative on the Plymouth & South Devon Freeport Board, he had been granted a dispensation from the Monitoring Officer to be able to take part in the debate and vote on all matters related to the Freeport.

37. **Public Question Time**

37/23

It was noted that the following public questions had been received in accordance with the Council Procedure Rules, for consideration at this meeting:

a) **from Marie-Bernadette Checkley:**

(Background: I along with my neighbours objected to the planting of trees in front of our homes by SHDC. Our objections were overruled by officers who ignored the support given to us by local members.

Question: "Why is it that residents supported by local Members are overruled by officers?"

In the absence of Cllr Abbott, the Chairman of Council provided the following response:

"The Administration are committed to increasing biodiversity and tree coverage across our green spaces, as trees within an urban environment bring a wide variety of benefits and are largely welcomed by residents. As owners and managers of many mature trees, we recognise that careful consideration must be given to their placement and not to cause future conflict with neighbouring properties.

For that reason, following engagement with the local residents of Borough Park, we took the decision to reduce the number of trees we planted and changed the species type to a smaller one. In this way, a balance has been struck by enhancing the park for the whole community, whilst mitigating any potential impact of residents bordering the park."

b) from John Grocock

(Background: in his article about Housing (Totnes Times 21 September) Cllr Brazil bemoaned the fact that in the new town of Sherford there is 'not a solar panel in sight'. Furthermore, he was generally critical of houses being built which are not 'energy self-sufficient and zero carbon'.

The following week (Totnes Times 28 September) there was information about the Council's purchase of properties in Sherford and construction by them of houses at St Anns Chapel.)

Question: "Given Cllr Brazil's concerns, what measures have been taken to ensure that these houses are 'energy self-sufficient and zero carbon'?"

Response from Cllr O'Callaghan (lead Executive Member for Housing):

"The housing at Sherford is being built by private developers and received planning permission in 2013. This pre-dates our current standards, but does meet the government standards relevant at that time.

As a planning authority, we have subsequently declared a Climate Emergency and in response to this have adopted the Plymouth and South West Devon Climate Emergency Planning Statement in 2022. This sets out our expectations for all new development coming forward to ensure that it minimises carbon emissions and supports resilience to climate impacts by reducing embodied carbon, using low and zero carbon heating systems and use of low carbon materials.

Our development in St Anns Chapel greatly exceeds current building regulations standards and are very thermally efficient. One key specification that the Council set for that development, specifically to address this issue, was a permeability standard of 3 m³/hr.m², despite current building regulations permitting more than twice that at 6m³/hr.m²'

c) from Richard Howell

(Background: I appreciate that the proposed Devolution Deal is not specifically on the Agenda but the recommendation that Members withdraw from the Heart of the South West Joint Committee in part as a consequence of the development of the Devon, Plymouth and Torbay devolution deal is, from which noticeably Plymouth have already chosen to withdraw.

According to Leader John Hart the County Council will approve the Devon Devolution Deal at its Cabinet in March and it will be ratified at a Full Council shortly afterward.)

Question: *Although there is to be a consultation neither the residents of the South Hams nor our elected representatives will be allowed to vote on whether we wish to have another layer of local government imposed upon us.*

Do Members consider this acceptable?

Response from Cllr Thomas, Deputy Leader of Council:

"The details of the Devon Devolution Deal have not yet been announced by Government and therefore the implications of any deal for the residents and businesses of the South Hams are, as yet, unknown. Once the details of the deal become clear, the Council will of course consider it in due course".

d) from Jim Funnell

Question: *"The Task & Finish report recommends a communication and engagement programme with local parish and South Hams region to inform public opinion. Will this engagement clearly identify the risks, delay and current projected net financial losses to the Freeport as highlighted in the report, as well as the benefits?"*

Response from Cllr Birch (lead Executive Member for Economic Development, Commercial Strategy and Governance):

"The answer is 'Yes'. The Council will be determining the means and/or methods by which the recommendations in the Task and Finish Group report can be implemented and complied with, this is, of course, subject to the Recommendations being carried when the item is considered later in this meeting".

38. Plymouth & South Devon Freeport: Report of Task and Finish Group

38/23

Council considered a report that set out the recommendations of the Plymouth and South Devon Freeport Task and Finish Group that had been established by the Audit and Governance Committee

During debate, the following points were raised:

(a) In reply to concerns raised over the ethical and governance practices of businesses to be located within the Freeport, the lead Executive Member

gave assurances that the three partner local authorities (Devon County Council, Plymouth City Council and South Hams District Council) had substantial control over the Freeport and the operations within it;

- (b) It was noted that a number of specific Member questions were addressed on the Freeport website: (<https://pasdfreeport.com/>) and interested Members were encouraged to use this resource as a source of information and to address some of their openness and transparency concerns;
- (c) With regard to some Members highlighting the apparent lack of consultation with the Dartmoor National Park Authority (DNPA), the lead Member committed to contacting representatives from the DNPA to discuss the Freeport project with them;
- (d) A number of Members echoed the comments of the lead Member in respect of wishing to record their thanks to the comprehensive review that had been undertaken by the Task and Finish Group. Members also commented that this review had proven to be an excellent example of utilising the skills and expertise of non-Executive Members to undertake a detailed piece of work;
- (e) Whilst several questions had expressed concerns at this meeting, some Members felt it to be important to highlight some of the benefits associated with the Freeport, with particular reference being made to the extensive economic and employment benefits;
- (f) Prior to moving the recommendation, the lead Executive Member informed of his intention to **PROPOSE** an alternative as follows:

*‘That Council be **RECOMMENDED** to support the 17 recommendations set out by the Task and Finish Group in section 2 of the published agenda report and be **RECOMMENDED** to accept each of these recommendations, subject to the following amendment to Group recommendation 2 as follows:*

- 2. *That the Council works to simplify the land acquisition plan and separates the two transactions. The purchase of Sherford can go ahead as approved by the Council **subject to a reference back to Council in the event of material changes to the current purchase arrangements.** The Langage purchase be put on hold and be subject to a later approval by the Council if and when necessary.*

This alternative wording was subsequently **SECONDED** and therefore became the substantive motion for debate.

- (g) An amendment was **PROPOSED** and **SECONDED** that read as follows:

‘That, in light of the very real concerns and potential financial risks for the Council being involved with the Plymouth & South Devon Freeport, SHDC will

seek to withdraw forthwith from the Plymouth & South Devon Freeport and reinvest this finance in addressing our Housing Crisis.'

At the invitation of the Chairman, the Council's Monitoring Officer was invited to address the meeting. In so doing, the Officer made reference to Meeting Procedure Rule 15.6 (Amendments to Motions) and ruled that this amendment breached this Rule by virtue of it negating the substantive motion.

In light of this ruling, the amendment was not debated;

- (h) Several Members expressed the view that, since the Freeport project would continue irrespective of the views of this District Council, then it was preferential to remain as a fully participating partner who was able to play an influencing and shaping role rather than being on the outside;
- (i) On balance, a number of Members concluded that, whilst there were significant risks associated with the Freeport initiative, these were outweighed by the extent of the economic benefits that were likely to be realised. Furthermore, the recommendations generated by the Task and Finish Group review were felt to mitigate, as far as was practically possible, the identified risks.

In accordance with Council Procedure Rules, a recorded vote was then called for and the voting was recorded as follows:

For the motion (20):- Cllrs Birch, Bonham, Carson, Dennis, Edie, Hancock, Hawkins, Hopwood, Lawford, McKay, Munoz, Nix, Oram, Pannell, Penfold, Rake, Steele, Taylor, Thomas and Yardy.

Against the motion (3):- Cllrs Allen, Dewynter and Hodgson.

Abstentions (4):- Cllrs Dommett, Jackson, O'Callaghan and Presswell.

Absent (4): Cllrs Abbott, Brazil, Cooper and Long.

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

It was then:

RESOLVED

That Council support each of the 17 recommendations set out by the Task and Finish Group in section 2 of the published agenda report and accept each of these recommendations, subject to incorporation of the following amendment to Group recommendation 2:

2. That the Council works to simplify the land acquisition plan and separates the two transactions. The purchase of Sherford can go ahead as approved by the Council subject to a reference back to Council in the event of material changes to the current purchase arrangements. The Langage purchase be put on hold and be subject to a later approval by the Council if and when necessary.

39. **Member Appointments**

39/23

Members considered a report that sought to provide additional resilience to a number of Council Committees by increasing the pool of Substitute Members able to serve thereon; The Committees were; the Audit & Governance; Development Management; Licensing; and Overview & Scrutiny Committees.

The report also requested consideration of a proposal for the Council to withdraw from the Heart of the South West (HotSW) Joint Committee and to support the dissolution of the Body.

Finally, the report advised Members that with effect from Wednesday, 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales had become 'National Landscapes' and in view of the fact that the Council made formal appointments at its Annual meeting each May to the 'South Devon AONB Partnership Committee' and the 'Tamar Valley AONB Partnership Committee', respectively, that these would now need to be re-titled accordingly.

In the ensuing debate, the following points were raised;

- (a) The need for regular ongoing Member Training on planning was recognised and it was confirmed that this subject matter would be a prominent part of the Council's Member Learning and Development Plan;
- (b) With regard to the challenges of being a Member of the Development Management Committee, it was hoped that these could be mitigated by the proposal to increase the pool of Committee substitutes and the medium term aspiration for the Committee to meet on a Thursday instead of a Wednesday;
- (c) To ensure that the disapplication of the political balance provisions was kept under review, an addition to part 1 of the recommendation was **PROPOSED** and **SECONDED** that 'this be reviewed again in three months' time'. When put to the vote, this addition was declared **CARRIED**.

It was then:

RESOLVED

1. That the political balance provisions set out in the Local Government and Housing Act 1989 be dis-applied and that Appendix E: 'Arrangements for the Appointment of Substitute and Co-Opted Persons to Committees, Panels and Boards' of the Council Constitution be amended accordingly and that this be reviewed again in three months' time;
2. That for the remainder of the 2023/24 Municipal Year, the Members set out in paragraph 2.2 of the published agenda report be appointed to the existing pool of Committee Substitutes;
3. That, with effect from 31 December 2023, the Council withdraw from the Heart of the South West (HotSW) Joint Committee and that the Committee be dissolved; and
4. That the re-titling of the 'South Devon AONB Partnership Committee' and the 'Tamar Valley AONB Partnership Committee' to the: 'South Devon National Landscapes Committee' and the 'Tamar Valley National Landscapes Committee' be noted.

40.

Reports of Bodies

40/23

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

- (a) **Development Management Committee - 13 September 2023**
- (b) **Salcombe Harbour Board - 18 September 2023**
- (c) **Audit & Governance Committee - 28 September 2023**
- (d) **Overview & Scrutiny Committee - 5 October 2023**
- (e) **Development Management Committee - 18 October 2023**
- (f) **Licensing Committee - 9 November 2023**

L.4/23: Hackney Carriage And Private Hire Policy – Proposal To Delay Implementation Of The Euro NCAP Safety Rating Standard

RESOLVED

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

- (g) **Salcombe Harbour Board - 13 November 2023**
- (h) **Development Management Committee - 15 November 2023**

(i) Executive - 30 November 2023

E.36/23: Plymouth And South Devon Freeport: Report Of Task & Finish Group

Members noted that this recommendation had already been considered at agenda item 7 (Minute 38/23 above refers).

E.38/23 Draft Revenue and Capital Budget Proposals For 2024- 25

RESOLVED

3. That the one-off cost of £450,000 for the roll out of the Devon Aligned Service for kerbside waste collection on 20 November 2023, be funded from the Business Rates Retention Earmarked Reserve in 2023/24 (NB. further details are set out in sections 3.26 to 3.29 of the published Executive agenda report);
4. That an Advisory Committee comprising of all Non-Executive Members be set up to consider the 2024/25 Revenue and Capital Budget Proposals and make recommendations to the Executive on the Budget Proposals (NB. meeting date proposed of Thursday 11 January 2024 at 3.00pm); and
5. That South Hams District Council continue to be part of the Devon Business Rates Pool for 2024/25, 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), would change this recommendation.

E.39/23 Electric Vehicle (EV) Strategy Update

RESOLVED

That the South Hams District Council Electric Vehicle Strategy 2023-2025 (as set out at Appendix B of the published Executive agenda report), be adopted.

E.50/23 Reports of Other Bodies

(a) Salcombe Harbour Board Meeting – 18 September 2023

SH.10/23 2024/25 Budget

RESOLVED

1. That the proposed 2024/25 Budget (as set out within the agenda report presented to the Salcombe Harbour Board meeting) be approved, with it being noted that the detailed means of closing the Budget deficit (identified as being £77,000) will be considered by the Board at its next meeting (to be held on 13 November 2023); and
2. That £150,000 be transferred from the Harbour's General (Revenue Account) Reserve to the Renewals Reserve as part of closing the 2023/24 Accounts, with this funding being earmarked to support the cost of replacing the moorings barge.

(b) Salcombe Harbour Board Meeting – 13 November 2023

SH.22/23 Fees and Charges 2024/25

RESOLVED

That the proposed fees and charges (as set out at Appendix 1 of the agenda report presented to the Salcombe Harbour Board meeting) be approved for implementation from 1 April 2024, in order to meet the 2024/25 Budget gap of £77,000.

41. Questions on Notice from Members

41/23

It was noted that no Questions on Notice had been received in accordance with Council Procedure Rules.

42. Motions on Notice from Members

42/23

It was noted that one Motion on Notice had been received in accordance with Council Procedure Rules as follows:

(a) From Cllrs Yardy and Birch

'In a move to address the dentistry crisis it is resolved that the Council encourages the Devon Health and Wellbeing Board to work with local dental practitioners and patients to investigate the setting up of a pilot scheme to provide accessible no-frills dental care for all age groups, with the aim of encouraging the relevant NHS services to introduce the scheme across South Hams.'

During debate, the following points were raised:

- (a) In expressing their wholehearted support for the motion, a number of Members stated that NHS dental care provision in the South Hams was now at crisis point;
- (b) All Members were urged to demonstrate community leadership and investigate all possible solutions within their local wards in an attempt to resolve this crisis;
- (c) To recognise that local MPs also had a key role to play, an addition (as set out below) to the motion was **PROPOSED** and **SECONDED** and, when put to the vote, was declared **CARRIED**:

'In a move to address the dentistry crisis it is resolved that the Council encourages the Devon Health and Wellbeing Board and our local MPs (Anthony Mangnall and Sir Gary Streeter) to work with local dental practitioners and patients to investigate the setting up of a pilot scheme to provide accessible no-frills dental care for all age groups, with the aim of encouraging the relevant NHS services to introduce the scheme across South Hams.'

It was then:

RESOLVED

In a move to address the dentistry crisis it is resolved that the Council encourages the Devon Health and Wellbeing Board and our local MPs (Anthony Mangnall and Sir Gary Streeter) to work with local dental practitioners and patients to investigate the setting up of a pilot scheme to provide accessible no-frills dental care for all age groups, with the aim of encouraging the relevant NHS services to introduce the scheme across South Hams.

The Meeting concluded at 4.00 pm

Signed by:

Chairman
