

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 19 DECEMBER 2019**

MEMBERS

* Cllr R Rowe – Chairman

* Cllr R J Foss – Vice-Chairman

| | |
|------------------------------|-------------------------|
| * Cllr V Abbott | * Cllr D W May |
| * Cllr L Austen | ∅ Cllr J McKay |
| * Cllr K J Baldry | ∅ Cllr D M O'Callaghan |
| * Cllr H D Bastone | ∅ Cllr G Pannell |
| * Cllr J P Birch | * Cllr J A Pearce |
| * Cllr J Brazil | * Cllr J T Pennington |
| * Cllr D Brown | * Cllr K Pringle |
| * Cllr M Chown | ∅ Cllr H Reeve |
| * Cllr J D Hawkins | * Cllr J Rose (pm only) |
| * Cllr J M Hodgson (pm only) | * Cllr P C Smerdon |
| * Cllr T R Holway | * Cllr B Spencer |
| * Cllr N A Hopwood | * Cllr J Sweett |
| * Cllr S Jackson | * Cllr B Taylor |
| * Cllr K Kemp | ∅ Cllr D Thomas |
| * Cllr M Long | |

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Deputy Chief Executive; Section 151 Officer; Director of Place and Enterprise; Director of Governance and Assurance; Monitoring Officer; and Senior Specialist – Democratic Services

49/19 MINUTES

The minutes of the meeting of Council held on 26 September 2019 and the two special meetings of Council held on 28 November 2019 were all confirmed as a correct record and signed by the Chairman.

50/19 URGENT BUSINESS

The Chairman informed that she had no items of urgent business for consideration at this meeting.

51/19 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.

52/19

CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that a list of her engagements that she had attended during the last quarter had been circulated to all Members outside of this meeting.

In particular, the Chairman made reference to her recent invitation to the Woolwell Community Christmas Lunch. In highlighting the thriving community in Woolwell, the Chairman advised that she had enjoyed this event greatly and she proceeded to thank the local Ward Member for the invitation.

53/19

UPDATED COMMERCIAL INVESTMENT STRATEGY, INVESTMENT STRATEGY AND CAPITAL STRATEGY

The Council considered a report that sought approval of a revised:

- Commercial Investment Strategy;
- Investment Strategy; and
- Capital Strategy.

The main purpose of the proposed revisions was to enable the Council the opportunity to invest (and to borrow to invest) in renewable energy.

During the ensuing discussion, the Leader of Council committed to providing a response outside of this meeting on:

- the electricity that was likely to be generated from the two solar farms that the Council was considering purchasing; and
- the recent meeting that had been held with the newly appointed Senior Management Team from Dartington Trust.

It was then:

RESOLVED

That approval be given to the Council's updated:

- Commercial Investment Strategy;
- Investment Strategy; and
- Capital Strategy.

54/19

COMMUNITY INFRASTRUCTURE LEVY

Members were presented with a report that set out the purpose, timetable and key issues with respect to the proposal to introduce the Community Infrastructure Levy (CIL) in the South Hams District and West Devon Borough in collaboration with Plymouth City Council.

In discussion, assurances were given that the consultation process would include developers and local town and parish councils. As part of the consultation with town and parish councils, the point was made that local Ward Members also had a key role to play in this part of the process.

It was then:

RESOLVED

1. That the consultation on the Community Infrastructure Levy (CIL), including the evidence base, be approved; and
2. That internal and external Workshops be convened to discuss the evidence base prior to consultation.

55/19

POLITICAL STRUCTURES AND GOVERNANCE REVIEW

A report was considered that presented the conclusions of the Political Structures Working Group on the following governance related matters:

- Webcasting of Council and Committee meetings;
- Use of Substitutes at Committee meetings;
- Committee Sizes and should all Members be allocated a seat on a Committee?;
- Joint Overview and Scrutiny Opportunities with West Devon Borough Council;
- Member Briefings over Skype;
- Meeting Start Times and Venues; and
- Review of Appointing 'Independent Persons' to serve on the Audit Committee.

In discussion, questions were raised over the proposal to enable for Substitute Members to serve on the Development Management Committee and Members expressed their support for the implementation of this trial.

It was then:

RESOLVED

1. That the Political Structures Working Group decisions on the Webcasting Project be noted;
2. That, initially for a trial period for the remainder of the 2019/20 Municipal Year, Group Leaders be given the ability to nominate Substitute Members (from the Overview and Scrutiny Panel membership only) to serve on the Development Management Committee;

3. That, in light of resolution 2 (above):
 - Cllrs Reeve, Smerdon and Spencer (Conservative Group);
 - Cllrs O'Callaghan and Thomas (Liberal Democrat Group); and
 - Cllrs Rose and Sweett (Green Party Group)be nominated as Substitute Members to serve on the Development Management Committee;
4. That the draft Substitutes Protocol (as attached at the revised Appendix A to the presented agenda report) be adopted;
5. That the status quo in respect of both Committee Sizes and the practice whereby all 31 Members must serve on one of either the: Development Management Committee; Executive; or Overview and Scrutiny Panel be retained;
6. That, where deemed appropriate by the relevant lead officer, Members be given the option of remotely attending Member Briefings over Skype;
7. That the status quo in respect of the start time of formal Member meetings and the venues that they are held in be retained; and
8. That, initially for a twelve month trial period, one 'fit for purpose' Independent Person (with full voting rights) be recruited to serve on the Council's Audit Committee.

56/19

DEMENTIA FRIENDLY COUNCIL

The Council considered a report that sought its approval to work towards becoming a Dementia Friendly Council.

In discussion, reference was made to:-

- (a) the views of a Member that the Council could improve its telephony system to support its residents who were suffering from Alzheimers. In reply, the lead Executive Member gave a commitment to look into the views that had been expressed;
- (b) the work of the 'Dementia Friendly Parishes Around the Yealm' Group. In paying tribute to the work of the Group, some Members felt that the Council should utilise the expertise contained within the Group.

It was then:

RESOLVED

That the authority work towards becoming a 'Dementia Friendly Council.

57/19

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.

Following an introduction from the lead Executive Member, it was then:

RESOLVED

That the revised Policy be adopted and signed by the Head of Paid Service and the Leader of the Council.

58/19

CALENDAR OF MEETINGS 2020/21

Members considered a report that presented the draft Calendar of Meetings for 2020/21.

In her introduction, the Leader advised that she intended to **PROPOSE** two amendments to the draft Calendar that were as follows:-

- inclusion of an additional Executive meeting on 3 December 2020; and
- the Council meeting that was scheduled to be held on 10 December 2020 being put back a week to 17 December 2020.

This proposal was then **SECONDED** and when put to the vote was declared **CARRIED**.

It was then:

RESOLVED

That the Calendar of Meetings 2020/21 (as outlined at Appendix A of the presented agenda report) be approved subject to:-

- An additional Executive meeting being added for 3 December 2020; and
- The Council meeting that was scheduled to be held on 10 December 2020 being put back a week to 17 December 2020.

59/19

HONORARY ALDERMEN – PRESENTATION TO MR JOHN TUCKER

The Chairman advised that, at a Special Council meeting on 28 November 2019, Members had approved a proposal to confer the title of Honorary Aldermen on Mr John Tucker (Minute 48/19 refers).

This decision had been made in recognition of Mr Tucker's 22 years' service as a Ward Member for West Dart. During these 22 years, Mr Tucker had also been the Deputy Leader of the Council for 8 years (between 1999 and 2007) and the Leader of the Council for 12 years (between 2007 and 2019).

Upon receiving a commemorative medal, Mr Tucker addressed the Council and proceeded to thank Members for conferring the Honorary Aldermen title upon him and paid tribute to the Members and officers that he had worked with between 1997 and 2019.

(At this point, the Chairman adjourned the meeting (at 11.55am) before it was then reconvened at 2.00pm).

60/19 **CLIMATE CHANGE UPDATE**

Members considered a report that outlined progress in developing the Climate Change and Biodiversity Action Plan and proposals for progressing its implementation along with proposed targets for reducing carbon emissions both organisationally and across the South Hams District.

In discussion, reference was made to:-

- (a) the amount of unscheduled work that had been undertaken by officers. Notwithstanding the amount of work, some Members also emphasised that, having declared a Climate Change and Biodiversity Emergency, it was now vitally important that the Council began to make real progress on the delivery of the Action Plan;
- (b) the Devonwide Citizens Assembly. Members paid tribute to the Citizens Assembly document that had been circulated and it was confirmed that:
 - it would be published on the Council website; and
 - the proposed Assembly would engage with the younger community.

It was then:

RESOLVED

1. That the draft Action Plan proposal (as at Appendix 1) subject to it being:
 - (a) amended to comply with parts 2 and 4 of the Climate Change resolution arising from the Special Council meeting held on 25 July 2019 (Minute 29/19(b) refers);
 - (b) forwarded to Town and Parish Councils for their comments and for such comments to be received by 31 March 2020;

- (c) published on the Council's Climate Change section of its website with a provision for comments from the public to be received by 31 March 2020;
 - (d) reviewed and amended following the end of the consultation period at points (b) and (c) above. (NB. such amendments to be considered by the Working Group by 30 April 2020, with an updated version of the Action Plan then being submitted to the Annual Council meeting on 21 May 2020 for approval);
 - (e) able to be monitored on an ongoing basis by Full Council at any time it considers it necessary and/or appropriate;
2. That the content of the Council's first Greenhouse Gas Inventory (as outlined at Section 5 of the presented agenda report) be noted;
 3. That the Council aim to reduce its organisational carbon emissions (Scope 1, 2 and 3 emissions) to net-zero by 2030;
 4. That the Council commit to working with partners through the Devon Climate Emergency Response Group to aim to reduce the District of South Hams' carbon emissions to net zero by 2050 at the latest;
 5. That the Council aim for a 10% Biodiversity Net Gain in the habitat value of its green and wooded public open space by 2025;
 6. That the Climate Change and Biodiversity Working Group be requested to develop a Framework for a Climate Change and Biodiversity Strategy to be brought back to Full Council for approval on 21 May 2020; and
 7. Request that an update on progress against the adopted aims be brought back to Council on an annual basis.

61/19

SUSTAINABLE PROCUREMENT POLICY AND PROCEDURE

The Council considered a report that recommended that the draft Sustainable Procurement Policy (SPP) be adopted with its effectiveness being evaluated in a further six months' time.

In discussion, the following points were raised:-

- (a) With regard to the draft SPP, some Members highlighted the lack of reference to carbon footprint considerations in the Environmental Sustainability element. As a consequence, Members asked that, during each Procurement process, consideration be given to the carbon footprint of an organisation and, if the information was known, scoring be weighted in favour of those with an identified low carbon footprint.

- (b) Whilst it was an aspirational aim at the present time, some Members also reiterated the importance and value of procuring, wherever possible, from local organisations.

It was then:

RESOLVED

1. That the Sustainable Procurement Policy and Procedure (as outlined at Appendix A of the presented agenda report) be approved;
2. That the six policies sitting under the 'Responsible Procurement Strategy' be replaced with the Sustainable Procurement Policy; and
3. That a review into the approved Sustainable Procurement Policy be undertaken in six months' time.

62/19

QUESTIONS

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

63/19

NOTICE OF MOTIONS

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

(a) By Cllrs Pearce and Hopwood

"We ask that the Council Payroll Department sets up and publicises a 'Give as You Earn' scheme, so that anyone on the payroll is able to establish regular giving to a charity or charities of their choice."

In her introduction, the proposer advised that, having sought advice from the Section 151 Officer, she had slightly altered her motion from that contained in the published agenda papers.

In support of her motion, the proposer advised that there were tax incentives from such a scheme that also enhanced a corporate sense of social responsibility.

In discussion, the following points were raised:-

- (i) The Council was informed that the scheme was applicable to all registered charities;
- (ii) Whilst wholeheartedly supporting the motion, a Member did wish to make the point that a number of Members already donated to a number of charities.

It was then:

RESOLVED

This Council asks that its Payroll Department set up and publicise a 'Give as You Earn' scheme, so that anyone on the payroll is able to establish regular giving to a charity or charities of their choice.

(b) By Cllrs Birch and Baldry

"That the Council, as from the start of the 2020/21 Financial Year, increase the Council Tax premium on properties that have been empty for over two years from 50% to 200% thus resulting in the Council Tax on such properties being 300%."

The proposer quoted Council Procedure Rule 12.7(a) 'Alteration of Motion' and **PROPOSED** the following revised motion to that contained within the published agenda papers:-

'Subject to a recommendation from the Executive to Council in February 2020 on timing and staggered increases, the Council, as from the start of the 2020/21 Financial Year, increases the Council Tax premium on properties that have been empty for over two years from its current level to the maximum amount allowed by Government regulations.'

Once **SECONDED**, the proposer made the following comments:

- 15 homes had been empty for over 5 years, with 4 being empty for over 10 years;
- Whilst the purpose of his motion was not financially driven, the proposer felt that approval would now be timely when considering that the Council was about to start drafting a new Housing Strategy; and
- His altered motion requested that the Executive take a detailed look at the mechanisms of the process.

During the subsequent debate, the following points were raised:

- (a) In preparing the report for the Executive, a request was made that reference be included to a recent publication entitled: 'Action on Empty Homes';
- (b) The motion was important in order to increase the housing stock in the South Hams;
- (c) A Member hoped that the Housing Strategy would include the provision for Compulsory Purchase Orders to be used for those homes that had been empty for a long period of time.

It was then:

RESOLVED

Subject to a recommendation from the Executive to Council in February 2020 on timing and staggered increases, the Council, as from the start of the 2020/21 Financial Year, increases the Council Tax premium on properties that have been empty for over two years from its current level to the maximum amount allowed by Government regulations.

(c) By Cllrs Hodgson and Rose

“That the policies and proposals of the Joint Local Plan must be reviewed as a matter of urgency as, in its present form, it conflicts with and is unable to deliver a sustainable future, in light of the recognition of the Climate and Biodiversity Emergency that South Hams District Council has declared.”

During her introduction, the proposer stated that the Joint Local Plan (JLP) had been adopted prior to the Council declaring a Climate Change and Biodiversity Emergency and, such was the significance of this declaration, that it was now timely to review the JLP policies and proposals.

In discussion, the following points were raised:

- (i) Some Members stated their opposition to the motion for reasons that included:
 - The JLP already containing a strategy for managing growth over the plan period that was firmly rooted in the principles of sustainable development;
 - A decision to immediately review and update the JLP would effectively announce that the Strategy and Policies were out of date thereby resulting in the policies not having full weight and weakening the Plan;
 - The likelihood that any such extensive review would take a number of years; and
 - The Council not being able to invoke a review on its own and also requiring the approval of its partner authorities – West Devon Borough Council and Plymouth City Council;
- (ii) An addition to the motion was **PROPOSED** and **SECONDED** that read as follows:

‘That, pending the outcome of this review, a moratorium be declared on any large scale developments.’

A number of Members felt that the addition was unachievable and, as a consequence, the proposer and seconder proceeded to withdraw it;

- (iii) A Member felt strongly that legislation should be adopted to ensure that all new build development was carbon neutral.

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

(d) By Cllrs Hodgson and Sweett

'Prior to being signed as a legally binding contract between SHDC and/or DCC and other relevant parties regarding a planning decision, a draft copy of the Section 106 Agreement will be provided to the relevant local Ward Member(s) for three days to provide an opportunity for any questions or clarification.'

The proposer introduced her motion and cited a particular example that she felt justified why it should be approved at this meeting.

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

'Following a decision to grant planning permission that is subject to a Section 106 Agreement involving a Major planning application, the first and final drafts of the Section 106 Agreement will be provided to the local Ward Member(s) in which the development is situated so that they are aware of the proposed content.'

The proposer and seconder of the amendment advised that they had sought advice from the Deputy Monitoring Officer prior to this meeting and this amendment reflected that advice.

When put to the vote, this amendment was declared **CARRIED**;

- (b) It was noted that local Ward Members had a key role to play in the process and approval of this motion would reflect this importance.

It was then:

RESOLVED

Following a decision to grant planning permission that is subject to a Section 106 Agreement involving a Major planning application, the first and final drafts of the Section 106 Agreement will be provided to the local Ward Member(s) in which the development is situated so that they are aware of the proposed content.

RESOLVED

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

- | | | |
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| (a) | Audit Committee | 7 November 2019 |
| (b) | Overview and Scrutiny Panel | 21 November 2019 |

O&S.52/19: Guidance of Information Commissioner's Office Procedure**RESOLVED**

That the following procedure be adopted to inform Members and the public of decisions made by the Information Commissioner's Office (ICO) in relation to requests for information:

1. That the Council takes the necessary steps to publish on a quarterly basis details relating to the number of requests handled by the Council and the decisions taken in relation to those requests in accordance with the Section 45 Code of Practice;
2. That the Council reviews its Publication Scheme in the light of requests for information it receives annually;
3. Where the Council is advised by the ICO that a request has been referred to it, the Leader and relevant lead Executive Member be notified and, if the matter relates to a planning issue, the local Ward Members are also notified. For non-planning issues, the Deputy Monitoring Officer will determine on a case by case basis whether it could be disclosed to local Ward Members;
4. That all Members be notified with a copy of the Decision Notice when it is received, in addition to it being published on the Council website and the matter will be reported to the Overview and Scrutiny Panel;
5. That, when an ICO decision recommends that further action is taken by the Council, the Freedom of Information Officer will ensure that the relevant officer takes the action on behalf of the Council or seeks the agreement of the Monitoring Officer if they wish to challenge the Decision.

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| (c) | Executive | 19 December 2019 |
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E.59/19: Quarter 2 Revenue Budget Monitoring 2019/20

RESOLVED

That £40,000 be transferred from the Dartmouth Lower Ferry Earmarked Reserve in order to complete the work required to bring the existing fleet up to the required Maritime and Coastguard Agency (MCA) Standards.

E.60/19: Capital Programme Monitoring

RESOLVED

1. That £110,000 of the remaining Capital Programme Contingency Budget of £183,399 be approved for allocation to the Whitestrand, Salcombe Capital Project;
2. The Capital Budget of £140,000 (as set out in exempt Appendix B of the presented agenda report) be approved retrospectively, to be funded from the Dartmouth Ferry Reserve; and
3. That the Capital Budgets for developing Beach Huts in Salcombe and Beesands be withdrawn.

65/19

CHAIRMAN'S CONCLUDING REMARKS

In her concluding comments, the Chairman asked that the thanks and well wishes of the Council be passed on to the Democratic Services Specialist, who was about to embark on a twelve month secondment opportunity with the Local Government Association.

(Meeting commenced at 11.00 am and concluded at 3.35 pm)

Chairman