

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD IN
THE COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES ON THURSDAY 22
SEPTEMBER 2022**

MEMBERS

* Cllr L Austen – Chairman

* Cllr B Taylor – Vice-Chairman

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

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Senior Leadership Team; Monitoring Officer; Democratic Services Manager; Head of Waste and Environmental Services; and Strategic Planning Manager (Joint Local Plan)

32/22 MINUTES

The minutes of the Council meeting held on 14 July 2022 were confirmed as a true and correct record.

33/22 DECLARATIONS OF INTEREST

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

34/22 BUSINESS BROUGHT FORWARD BY THE CHAIRMAN

As this was the first meeting of the Council since Her Majesty Queen Elizabeth II and former Councillors Simon Wright and Christine Ramsay had sadly passed away, the Chairman asked those in attendance, as a mark of respect, to stand and observe a minute’s silence in their memory.

WASTE AND RECYCLING SERVICES UPDATE

The Council considered a report that provided an update on progress made following the decisions taken by the Council regarding the Waste and Recycling Service at its meeting held on 14 July (Minute 22/22 refers).

In addition, the recommendations from the Executive meeting held on 21 September 2022 (Minute E 33/22 refers) were also presented for consideration.

In discussion, the following points were raised:

- (a) In recognition of the environmental and sustainability benefits, there was disappointment expressed that, despite the Council allocating £200,000, there had yet to be any take up of any additional Community Composting Schemes across the District. However, it was noted that some Town and Parish Councils were already operating such schemes prior to the Council having been the grant funding available;
- (b) Some Members felt that the proposal to charge for the Garden Waste Collection Service would offer residents the choice on whether or not to engage with the service. In addition, the point was made that a service charge was necessary in order to make the Service financially viable moving forward;
- (c) When questioned, assurances were given that a detailed (and appropriately worded) letter would be sent from the Council to all of its residents concerning the new in-house Service. Furthermore, it was felt essential that frequent (and frank) communication was shared with residents during the operation of the Waste and Recycling Service as a whole;
- (d) Officers confirmed that provision for an Assisted Collections service would be retained as part of the newly introduced charged Garden Waste Collection service;
- (e) It was confirmed that the Council would do its utmost to empty all brown bins before the Garden Waste Collection service was terminated at the end of October 2022;
- (f) Some Members raised concerns over the potential increase in the use of bonfires and fly-tipping as a means of disposal of garden waste for those residents not willing to subscribe to the new service, further stating that the benefits of household and Community Composting initiatives should be reinforced by all Members and the Council;
- (g) Members received a further financial update from the Section 151 Officer providing clarity on the financial implications of returning the Waste and Recycling collection service in-house and how the chargeable Garden Waste Collection service would help to mitigate those additional costs.

It was then:

RESOLVED

1. That the non-statutory Garden Waste Collection Service be ended with effect from Monday, 31 October 2022 to ensure that there are sufficient resources and capacity to deliver the statutory waste and recycling collection services; and
2. That a chargeable, fortnightly Garden Waste collection service be introduced from early spring 2023 at a charge of £49 per bin per household subscription.

36/22

CLIMATE EMERGENCY PLANNING STATEMENT

Consideration was given to a report that sought approval of the Plymouth and South West Devon Climate Emergency Planning Statement.

In her introduction, the Leader advised that the date of the proposed implementation of the Statement had now been changed to 31 October 2022. This delay was due to the postponement of the associated Plymouth City Council meeting as a consequence of the death of HM Queen Elizabeth II.

In discussion, there was widespread enthusiasm and support for the Statement although it was highlighted that mention of some key elements, for example energy efficiency, were missing from the Glossary within the Statement.

It was then:

RESOLVED

That, subject to Plymouth City Council and West Devon Borough Council agreeing likewise:

1. the Plymouth and South West Devon Climate Emergency Planning Statement (as set out in Appendix 1 of the presented agenda report) be formally adopted as an interim policy statement, pending completion of the next review of the Plymouth and South West Devon Joint Local Plan; and
2. the Climate Emergency Compliance Forms (as set out in Appendix 2 of the presented agenda report) be approved for inclusion in the Local Validation Lists.

PLYMOUTH AND SOUTH DEVON FREEPORT- APPROVAL OF THE MAKING OF A COMPULSORY PURCHASE ORDER(S) FOR THE LANGAGE FREEPORT (THE "SCHEME")

The Council considered a report that sought approval for the making and publishing of a Compulsory Purchase Order (CPO) (including any required supplemental CPO) for the Langage Freeport (the 'Scheme') and subsequently to secure the confirmation and implementation of a CPO in relation to the CPO Land at Langage.

In the ensuing debate, the following points were raised:

- (a) Officers advised that the preferred outcome would be to reach a negotiated agreement on the sale of the land rather than to use the CPO process, which was largely a fall-back position. Direct negotiations or negotiations between the parties and a development partner wishing to deliver the site would continue. However, the project was time-bound and although all options were being explored and this would continue to be the case until the final moment, the CPO process was required to run in parallel in order to ensure the deadlines were met should the negotiations ultimately fail;
- (b) A Member queried how the land would be valued in the CPO process. In response, it was confirmed that the Council and the Landowner(s) would each be represented by a Chartered Surveyor and it would be through their negotiations that the value of the land would be determined. It was further stated that the valuation of the land would likely be higher if a negotiated agreement was reached before moving to the CPO process;
- (c) Questions of clarity were asked about the financial implications and how it was proposed that the borrowing would be funded. In response, it was confirmed that retained Business Rates would be used and that there was no requirement for the Council to pay directly to support the borrowing;
- (d) It was reiterated that, although part of the Dartmoor National Park appeared within the outer boundary of the Freeport, there would be no impact on the area, particularly in terms of Planning and Development;
- (e) Once developed, Members were informed that the site would produce Green Hydrogen which was an environmentally friendly solution for powering those larger vehicles not currently suitable to be Electric Vehicles due to restrictions on battery size. The direct linkages to the Council's Climate Change and Biodiversity Emergency were recognised and welcomed by Members;
- (f) In opposing the proposals, a Member cited his growing unease at the apparent shift in direction of travel by Central Government from Freeports to Investment Zones. Moreover, the Member did not support the extent of the delegated authority being proposed for a senior officer in the recommendations without the need for any consultation with elected Members.

It was then:

RESOLVED

- 1) That approval be given to the area to be the subject of a Compulsory Purchase Order ('CPO') or supplemental CPO as shown edged red on the plan at Appendix 1 ("the CPO Plan"), which identifies the outline area of the land and rights to be acquired for the Scheme ("the CPO Land") by voluntary acquisition or compulsory purchase;
- 2) That authority be granted to the making of CPO(s) by the Council under section 226(1)(a) of the Town and Country Planning Act 1990 in respect of all or part of the CPO Land;
- 3) That authority be granted to all necessary steps being taken to secure the making, confirmation and implementation of the CPO(s), including the publication and service of all notices, requisitions for information, statement of reasons and the preparation and presentation of the Council's case at any public inquiry required to secure confirmation of the CPO(s);
- 4) That the Council note, and give due regard in determining whether or not to authorise the making of the Orders, the public sector equality duty contained in section 149 of the Equality Act 2010 and the requirements of the Human Rights Act 1998, as detailed further in section 5 of the published agenda report;
- 5) That the Council give authority for agreements to be entered into with landowners to secure the withdrawal of objections to the CPO(s) and to authorise the Director of Place and Enterprise to take all necessary steps to acquire by agreement land and/ or rights over the CPO Land, subject to any consideration payable being within the Scheme budget as set out in section 8 of the published agenda report;
- 6) That authority be delegated to the Director of Place and Enterprise to make and submit the CPO(s) to the relevant Secretary of State for confirmation and to take all necessary steps to secure the making, confirmation and implementation of the CPO(s), including the preparation and presentation of the Council's case at any public inquiry;
- 7) That, subject to confirmation of the CPO(s), authority be delegated to the Director of Place and Enterprise to acquire all the land and rights over the CPO land, including service of a general vesting declaration, notice to treat or notice of entry, subject to any compensation to be paid being within the Scheme budget as set out in section 8 of the published agenda report;

- 8) That authority be delegated to the Director of Place and Enterprise to make any necessary amendments to the CPO(s);
- 9) That authority be delegated to the Director of Place and Enterprise to negotiate and settle all necessary compensation and professional fees (including interim payments) either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land or rights forming part of the CPO Land in accordance with the Land Compensation Act 1961, the Compulsory Purchase Act 1965 and the Land Compensation Act 1973 provisions in force at the relevant time and the body of case law relevant to the assessment of compensation, where any compensation to be paid is within the Scheme budget as set out in the published agenda report;
- 10) That the Council authorise the instruction of the Scheme Project Team's legal advisers, Burges Salmon LLP, to prepare and serve such documentation as may be required for the CPO(s);
- 11) That it be noted that the costs of the CPO process (not including land acquisition costs), which are not expected to exceed £350,000, will be funded through Freeport seed funding that was approved in the Full Business Case. The Council will cash flow the work until that funding is drawn down post designation. It is possible that the Council incurs some costs supporting this activity at risk, although this risk is assessed as being low; and
- 12) That the Council recognise the internal resource requirement that the Council officer team are providing to the Freeport project to ensure its success.

38/22

SIX MONTH MEMBER MEETING ATTENDANCE RULE

The Council considered a report that sought approval for the waiver of the six-month attendance rule for a Member on grounds of ill health.

In discussion, Members were supportive of the proposed way forward.

It was then:

RESOLVED

1. That the six-month attendance rule provided for within Section 85(1) of the Local Government Act 1972 be waived for Councillor Kate Kemp due to ill health; and
2. That the permitted non-attendance time period for Councillor Kate Kemp be extended until the end of the Council term in May 2023

39/22

REPORTS OF BODIES

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

(a) Licensing Committee – 21 June 2022

(b) Audit & Governance Committee – 30 June 2022

(c) Development Management Committee – 6 July 2022

(d) Special Executive – 12 July 2022

It was noted that the Recommendations to Council contained therein had been previously considered at the meeting of Council held on 14 July 2022 (Minute 24/22 refers).

(e) Development Management Committee – 27 July 2022

40/22

PUBLIC QUESTIONS

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

41/22

QUESTIONS ON NOTICE

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

43/22

MOTIONS ON NOTICE

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

a. From Cllr Hopwood and Cllr Baldry

“This Council is concerned about the effect the cost of living is having on the residents of South Hams and notes that domestic electricity and gas prices are predicted to rise even further in October this year and although capped at £2,500 this is still beyond the affordability of many of our residents. Increased energy costs will impact prices of many other products and services. This Council notes that HM Government is expected to announce £150 billion package of intervention measures targeted to the most vulnerable households to alleviate the impact of energy prices. In addition, it continues to deliver the Levelling Up initiative to provide opportunities for all, both locally and nationally. Within South Hams, this Council continues to deliver key services through Better Lives for All to identify and target those most vulnerable and at risk.”

This Council resolves to:

- 1. Write to the Prime Minister to make sure she realises the serious impact the Cost of Living crisis is having on residents of not only the South Hams but the United Kingdom.*
- 2. Work closely with HM Government to deliver South Hams share of the £500m Household Support Fund on a timely basis.*
- 3. Continue to develop and support Better Lives for All to identify and help those most in need or at greatest risk of hardship to ensure they are fully aware of the help and assistance that is available and to ensure they receive that assistance.*

In discussion, Members highlighted that residents might not be aware of the support and assistance that was already available from the Council and from other sources and that the practical help the Council could provide on aspects such as insulating homes and offering wider energy efficiency advice should be advertised widely.

It was then:

RESOLVED

That the Council:

1. writes to the Prime Minister to make sure she realises the serious impact the Cost of Living crisis is having on residents of not only the South Hams but the United Kingdom;
2. works closely with HM Government to deliver South Hams share of the £500m Household Support Fund on a timely basis; and
3. continues to develop and support the 'Better Lives for All' strategy to identify and help those most in need or at greatest risk of hardship to ensure they were fully aware of the help and assistance that was available and to ensure they received that assistance.

b. From Cllr Brazil and Cllr Thomas

"The precarious financial position of Devon County Council means that Central Government may have to intervene. If this does occur, local government reorganisation in Devon is most likely to follow. Given this scenario, this Council looks to safeguard its assets for the benefit of our local communities."

In his introduction, the proposer outlined that the intention behind the Motion was to protect the Council's assets and to keep control over them at the most local level possible and that, with the possibility of local government reorganisation in the future, such action should be taken as soon as possible.

In discussion, particular reference was made to:

- (a) the budgetary pressures facing Devon County Council (DCC).
Some Members felt reassured that DCC would be able to resolve its budget gap. As a result, Members were of the view that the motion was somewhat pre-emptive, but that it should be re-considered in the event of local government reorganisation becoming a reality;
- (b) devolving assets. The point was made by some Members that, in some areas across the South Hams, assets had already been devolved to local town and parish councils.

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

(Meeting commenced at 2.00 pm and concluded at 5.00 pm)

Chairman