

South Hams Council



Title:	Agenda																												
Date:	Thursday, 6th December, 2018																												
Time:	10.00 am																												
Venue:	Council Chamber - Follaton House																												
Full Members:	<p style="text-align: center;">Chairman Cllr Holway Vice Chairman Cllr Rowe</p> <p><i>Members:</i></p> <table><tbody><tr><td>Cllr Baldry</td><td>Cllr Hitchins</td></tr><tr><td>Cllr Bastone</td><td>Cllr Hodgson</td></tr><tr><td>Cllr Birch</td><td>Cllr Hopwood</td></tr><tr><td>Cllr Blackler</td><td>Cllr May</td></tr><tr><td>Cllr Bramble</td><td>Cllr Pearce</td></tr><tr><td>Cllr Brazil</td><td>Cllr Pennington</td></tr><tr><td>Cllr Brown</td><td>Cllr Pringle</td></tr><tr><td>Cllr Cane</td><td>Cllr Saltern</td></tr><tr><td>Cllr Cuthbert</td><td>Cllr Smerdon</td></tr><tr><td>Cllr Foss</td><td>Cllr Steer</td></tr><tr><td>Cllr Gilbert</td><td>Cllr Tucker</td></tr><tr><td>Cllr Green</td><td>Cllr Vint</td></tr><tr><td>Cllr Hawkins</td><td>Cllr Wingate</td></tr><tr><td>Cllr Hicks</td><td>Cllr Wright</td></tr></tbody></table>	Cllr Baldry	Cllr Hitchins	Cllr Bastone	Cllr Hodgson	Cllr Birch	Cllr Hopwood	Cllr Blackler	Cllr May	Cllr Bramble	Cllr Pearce	Cllr Brazil	Cllr Pennington	Cllr Brown	Cllr Pringle	Cllr Cane	Cllr Saltern	Cllr Cuthbert	Cllr Smerdon	Cllr Foss	Cllr Steer	Cllr Gilbert	Cllr Tucker	Cllr Green	Cllr Vint	Cllr Hawkins	Cllr Wingate	Cllr Hicks	Cllr Wright
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																												
Committee administrator:	Member.Services@swdevon.gov.uk																												

- 1. Minutes** **1 - 18**
to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Council held on 27 September 2018;
- 2. Urgent Business**
the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');
- 3. Exempt Information**
to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;
- 4. Declarations of Interest**
Members are invited to declare any personal; or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 5. Chairman's Engagements**
- 6. Business Brought Forward by the Chairman**
to consider business (if any) brought forward by the Chairman;
- 7. Exclusion of Public and Press**
- to consider the following resolution to exclude the public and press:-

"That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act";
- 8. Frontline Services (Waste & Cleansing Procurement)** **19 - 66**
- 9. Re-admittance of Public and Press**
- 10. South West Mutual Bank Proposal** **67 - 160**

11. Heart of the South West Joint Committee Update **161 - 176**

12. Political Composition and Council Appointments **177 - 182**

13. Questions

to consider the following question received in accordance with Council Procedure Rule 8;

(a) From Cllr Brazil to Cllr Wright, Deputy Leader of Council

'How much has the Council spent on outside consultants since May 2015?'

(b) From Cllr Brazil to Cllr Wright, Deputy Leader of Council

'How much has the Council spent on outside legal advice since May 2015?'

(c) From Cllr Brazil to Cllr Wright, Deputy Leader of Council

'How much has the Council spent on outside architects or other planning professionals since May 2015?'

(d) From Cllr Brazil to Cllr Wright, Leader of Council

'How much has the Council spent on agency staff since May 2015?'

14. Notice of Motion

to consider the following motions received (if any) in accordance with Council Procedure Rule 10.1;

(a) By Cllrs Wright and Pearce

'This Authority urges the Government to consider the removal of 100% Business Rate Relief on the letting of self-catering holiday homes. The Government's present approach has a serious financial impact on local authorities with a high volume of Holiday Home Lettings. This Authority should continue lobbying to have the Relief removed.'

(b) By Cllrs Birch and Brazil

'This Council welcomes the consultation being undertaken by the Ministry of Housing, Communities and Local Government in respect of the review of tax rules for second-homes and resolves to respond by the closing date on 16 January 2019.

In making its response, the Council will include the following:

At a time when local authorities in Devon are struggling to maintain public services and balance their budgets, a vast sum of money is lost each year due to a tax loophole available to owners of second homes and/or holiday lets in the county.

If the owners of second homes declare that they make their property available for holiday accommodation for at least 140 days out of the year, they don't have to pay Council Tax and can be registered for Business Rates instead.

In the event of the rateable value on the property being less than £12,000, the owners are exempt from paying both Business Rates and Council Tax.

Records show that there are 1,358 business rated properties in the South Hams that fall into the category of holiday lets or second-homes. If the owners of each property paid their full share of Council Tax, a total of £2.47 million would flow into SHDC, Devon County Council and the Emergency Services, such as Fire and Police. SHDC's share of the total would be around £223,000.

In order to close this tax loophole and, in recognition of the local government services provided for the benefit of the occupants of holiday lets or second homes, this Council calls upon the government to introduce legislation requiring such properties to pay 100% Council Tax.'

(c) By Cllrs Green and Hodgson

'This Council:

- Welcomes the steps taken in Parliament to encourage more women and a greater diversity of people to become involved in politics;*
- Recognises the importance of Councillors on South Hams District Council coming from a wide diversity of backgrounds; and*
- Accepts that the present low level of the allowances made to Councillors could act as a barrier to some groups, of people deciding to stand for election.*

Therefore, from May 2019, the Basic Allowance given to Councillors will be set at £10,000 per year, rising annually by the Retail Price Index.

(NOTE. that an alternative recommendation that I would also accept is for an additional allowance of up to £5,000 per year to be provided on top of the existing allowance (rising in line with the Retail Price Index) to Councillors who self-certify that their annual income including the allowance remains below £18,000 per year AND they have unencumbered assets of less than £100,000.'

(d) By Cllrs Green and Hodgson

'It has been recognised that at present SHDC Officers do not have the capacity to monitor the implementation of environmental mitigation measures that are specified as conditions in planning approvals. The requirement for mitigation measures being put in place is often fundamental to Councillors giving approval for developments and there is concern that, without a significant increase in monitoring, many mitigation measures will not be implemented. Therefore, the Council will recruit a full-time Officer to be responsible for checking on the implementation of environmental mitigation conditions specified in planning approvals and helping to enforce compliance.'

(e) By Cllrs Hodgson and Green

'This Council notes that:

- 1. Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO₂ levels are above 400 parts per million (ppm). This far exceeds the 350ppm deemed to be a safe level for humanity;*
- 2. In order to reduce the chance of runaway Global Warming and limit the effects of Climate Breakdown, it is imperative that we as a species reduce our CO₂eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to less than 2 tonnes as soon as possible';*
- 3. Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation,*

infrastructure, etc., to make low carbon living easier and the new norm;

4. *Carbon emissions result from both production and consumption;*
5. *South Hams District Council has already shown foresight and leadership when it comes to addressing the issue of climate change and has recognised this in its strategies, actions plans, public statements and advice to businesses, residents and parish councils;*
6. *Unfortunately, our current plans and actions are not enough. The world is on track to overshoot the Paris Agreement's 1.5 degrees Celsius limit before 2050;ⁱⁱ*
7. *The IPCC's Special Report on Global Warming of 1.5 degrees Celsius, published last month, describes the enormous harm that a 2 degrees Celsius rise is likely to cause compared to a 1.5 degrees Celsius, and told us that limiting Global Warming to 1.5 degrees Celsius may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities;ⁱⁱⁱ*
8. *Local Authorities around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.^{iv}*

This Council believes that:

1. *All governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown, and local governments that recognize this should not wait for their national governments to change their policies. It is important for the residents of Devon and the UK that counties commit to carbon neutrality as quickly as possible;*
2. *Local Authorities are uniquely placed to lead the world in reducing carbon emissions;^v*
3. *The consequences of global temperature rising above 1.5 degrees Celsius are so severe that preventing this from happening must be humanity's number one priority; and,*
4. *Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities (as well as improved well-being for people worldwide).*

This Council calls on the Leader to:

1. Declare a 'Climate Emergency';
2. Pledge to make the district of South Hams carbon neutral by 2030, taking into account both production and consumption emissions (scope 1,2,3);^{vi}
3. Call on Westminster to provide the powers and resources to make the 2030 target possible;
4. Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5 degrees Celsius;
5. Continue to work with partners across the county and region to deliver this new goal through all relevant strategies and plans;
6. Report to Full Council within six months with the actions the Council will take to address this emergency.

References:

Fossil CO₂ & GHG emissions of all world countries, 2017
<http://edgar.jrc.ec.europa.eu/overview.php?v=CO2andGHG1970-2016&dst=GHGpc>

² World Resources Institute: <https://www.wri.org/blog/2018/10/8-things-you-need-know-about-ipcc-15-c-report>

³ The Intergovernmental Panel on Climate Change (IPCC)'s Special Report on Global Warming of 1.5 degrees Celsius: <https://www.ipcc.ch/report/sr15/>

⁴ For example Bristol and Manchester City Councils:
<https://www.businessgreen.com/bg/news/3066475/bristol-and-manchester-unveil-fresh-plans-to-tackle-climate-emergency>
Also US cities, Berkley: <https://www.theclimatemobilization.org/blog/2018/4/25/hoboken-resolves-to-mobilize> And the C40 cities: <https://www.c40.org/other/deadline>

⁵ICLEI – Local Governments for Sustainability, provides many examples of good practice, models and toolkits for Climate Change Adaptation and Urban Resilience: <http://iclei-europe.org/topics/climate-change-adaptation-urban-resilience/>

⁶ Scope 1,2 and 3 of the Greenhouse Gas protocol explained:
<https://www.carbontrust.com/resources/faqs/services/scope-3-indirect-carbon-emissions>

(f) By Cllrs Green and Hodgson

'This Council will write to Sarah Wollaston MP and the Secretary of State for Work & Pensions requesting that the roll-out of Universal Credit is paused whilst amendments are made.

Without the needed vital changes, it is highly likely that

Universal Credit will have a significant detrimental impact on many residents & families in the South Hams, including those with severe disabilities.

The recent Secretary of State for Work & Pensions, Esther McVey, acknowledged that many people would be financially worse off as a result of their existing benefits being consolidated into one payment.'

15. Reports of Bodies

to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies

* Indicates minutes containing recommendations to Council

(a) Salcombe Harbour Board * - 17 September 2018	183 - 190
(b) Development Management Committee - 3 October 2018	191 - 196
(c) Overview & Scrutiny Panel - 4 October 2018	197 - 204
(d) Audit Committee - 11 October 2018	205 - 212
(e) Overview & Scrutiny Panel - 1 November 2018	213 - 222
(f) Development Management Committee * - 7 November 2018	223 - 238
(g) Licensing Committee * - 8 November 2018	239 - 242
(h) Executive * - 22 November 2018	243 - 256
