

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on **Thursday, 15th July, 2021 at 2.00 pm** at the **Council Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Foss
Vice Chairman Cllr Austen

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

In attendance:

Officers:
Chief Executive
Deputy Chief Executive
Monitoring Officer
Head of Strategy & Projects
Democratic Services Manager

32. **Minutes** 32/21

It was **PROPOSED** and **SECONDED** that the minutes of the Annual Council meeting held on 20 May 2021 and the Special Council meeting held on 17 June 2021 were both approved as a true and correct record.

In discussion, a Member felt that the Annual Council minutes should have made mention to the fact that he had proposed the following amendment (which had been duly

seconded) but, upon the advice of the Monitoring Officer, had been ruled to be out of order by the Chairman in accordance with Council Procedure Rule 12.6(a):

Reference Minute 28/21: *'Reports of Bodies: (d) Executive Meeting – 22 April 2021 Minute E.80/20: Urgent Business: (a) Additional Restrictions Grant (ARG) Policy – Supporting Our Business Communities:*

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 and that, of this £498,000, a sum of £100,000 be utilised for addressing the current waste collection crisis that prevails in the district.'

As a result, it was **PROPOSED** and **SECONDED** that approval of the Annual Council minutes be deferred until the next Council meeting to enable for this omission to be added. However, when put to the vote, this proposal was declared **LOST**.

It was then declared **CARRIED** that both sets of minutes be approved as a true and correct record.

At the Chairman's discretion, the lead Executive Member was invited to provide a brief update on the waste and recycling collection service being provided by FCC Environment following the Special Council meeting held on 17 June 2021. In so doing, the Member advised that there were some evident service improvements with regard to the number of missed collections which had led to a reduction in the number of resident complaints being received by the Council.

Whilst service performance was still not at a satisfactory level, the Member advised that discussions were also now taking place with FCC representatives with regard to improving other aspects of the service beyond simply waste and recycling collections (e.g. litter and dog bins and street sweeping) before the upcoming peak summer tourist season.

33. **Chairman's Announcements**

33/21

The Chairman invited the Leader to provide an update on the offer of the Council to set aside a maximum of £50,000 per town for the five main towns in the district (on a 50:50 match funding) for applications that contribute directly to the growth in the tourism or wider economy of the District (Minute 49/20 refers).

The Leader proceeded to inform that the deadline for applications from the Town Councils had now expired and three (Dartmouth, Kingsbridge and Totnes) had applied and had been largely successful with their respective submissions. Before inviting any questions from the wider membership, the Leader concluding by paying tribute to the three town councils who had applied and expressed her disappointment that neither Ivybridge nor Salcombe Town Councils had applied to the fund.

In the ensuing discussion, the following points were raised:-

- (a) Local Ward Members who represented the successful town councils wished to thank the Council for approving their respective bids;
- (b) When questioned, the Leader confirmed that no thoughts had yet been given with regard to plans for the unspent £100,000;

- (c) It was noted that one of the aspects of the Kingsbridge Town Council had not been totally compliant with the scheme and the local Ward Members were encouraged to discuss this further with officers outside of this Council meeting.

34. **Declarations of Interest**

34/21

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.

35. **Corporate Strategy Development**

35/21

Consideration was given to a report that set out the draft Corporate Strategy and timeline for the next steps, with a view to adoption of the final strategy in September 2021.

During her introduction, the Leader emphasised the importance of the Council adopting a fit for purpose Strategy and it was her wish, with immediate effect, for the Strategy to be branded as: 'Better Lives for All'.

In the ensuing discussion, reference was made to:

- (a) the Strategy being the culmination of a great deal of hard work from Members and officers. In paying tribute to the work that had been undertaken to date, Members also encouraged residents and local stakeholders to take part in the upcoming public consultation exercise;
- (b) the reader friendly content and design of the draft Strategy. A number of Members commended the quality of the document.

It was then:

RESOLVED

1. That officers commence a formal public consultation exercise on the draft strategy, in line with the adopted Community Consultation and Engagement Strategy; and
2. That the Chief Executive and the Director of Governance and Assurance be instructed to develop delivery plans for the Strategy, for consideration by the Executive alongside the final strategy at its meeting on 16 September 2021 before their onward consideration by Full Council on 23 September 2021.

36. **Council Constitution**

36/21

The Council considered a report that proposed changes to the content and format of the Council Constitution, so that it reflected proposals to improve the clarity, efficiency and accountability of decision-making and that ultimately would produce a more user-friendly document.

In discussion, reference was made to:

- (a) producing paper copies of the Constitution. Members discussed the merits of requesting that the Council produce (on request) paper copies of the Constitution and it became apparent that there was a difference in opinion. To resolve the conflicting views, the following motion was **PROPOSED** and **SECONDED**:

'That Members have the ability (upon request) to receive a paper copy of the Council Constitution.'

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

- (b) the 45 minute time limit to consider Motions on Notice. It was confirmed that the Chairman would have absolute discretion as to how this new Procedure Rule would be applied at Council meetings.

It was then:

RESOLVED

1. That, with immediate effect, a revised Constitution (that includes the updated text circulated to Members on 14 May 2021) be adopted that comprises an updated:
 - Chapter 1: introduction;
 - Chapter 2: Scheme of Delegation (Part 3 of the existing Constitution);
 - Chapter 3: Meeting Procedure Rules;
 - Chapter 4: Access to Information Procedure Rules (Part 4(a) of the existing Constitution);
 - Chapter 5: Other Procedure Rules (Parts 4(a), 4(c), 4(f), 4(g) and 4(i) of the existing Constitution);
 - Chapter 6: Codes and Protocols (Part 5 of the existing Constitution, with Councillors' Code of Conduct appended as Appendix C to the presented agenda report); and
 - Chapter 7: Councillors' Allowances Scheme (Part 6 of the existing Constitution);
2. That it be noted that further reports will be brought to Council as work progresses in reviewing and reformatting those elements comprising the existing Constitution; and
3. That the effectiveness of decision-making arrangements introduced by the reports to Council on 11 February 2021 and 25 March 2021 and set out in the Constitution be reviewed in twelve months' time.

37.

Proposed Modification to the Salcombe Neighbourhood Plan

37/21

Members considered a report that sought a response to the consultation carried out by Salcombe Town Council that proposed to modify Policy SALC H3 Principal Residence contained in the Salcombe Neighbourhood Plan.

The Leader introduced the report and proceeded to **PROPOSE** the following alternative recommendation:

'That the Salcombe Neighbourhood Plan Policy Salc H3 Principal Residence be modified to require a Section 106 Agreement.'

The proposal was subsequently **SECONDED** by her fellow local Ward Member and, in debate, reference was made to such a requirement being vitally important for areas like

Salcombe that possess very high proportions of second and holiday homes. To expand upon the point, Members felt that it would be important for local Ward Members to suggest that similar requirements be included within the developing Neighbourhood Plans of other areas in the South Hams.

It was then:

RESOLVED

That the Salcombe Neighbourhood Plan Policy Salc H3 Principal Residence be modified to require a Section 106 Agreement.

38.

Questions

38/21

It was noted that two Questions on Notice had been received in accordance with Council Procedure Rule 8:

a) From Cllr McKay to Cllr Pearce (Leader of Council)

"In considering the development in Dartmouth of 400+ houses, was account taken of the prospect for local employment for residents, and the likely need to commute from Dartmouth and the consequential impact on the local road network;

and was account taken of the inevitable traffic increase along routes like the A381 as a result of services to these homes (deliveries etc.);

and account taken of the inevitable development traffic;

and does the Council recognise and accept the impact of increased traffic on vulnerable communities, like Harbertonford and others communities, along the routes to these large development sites;

and is this is a matter deemed to be the sole responsibility of Devon Highways and if so why;

and how can the Council work with the local highways authority to ensure that the wider impacts of any developments are properly considered;

and what can be done by this Council in consultation with Devon Highways to remedy the situation that is now afflicting communities like Harbertonford and will get increasingly worse as these developments proceed?"

In response, Cllr Pearce advised that the impact of Development was considered through the Examination process and ultimately it came down to the professional opinion of Devon County Council Highways as to the accessibility of impact on both the site and the wider Highway network. Furthermore, Cllr Pearce replied that the impacts on villages on the 'A' road network of this site was negligible compared to the pre-existing volumes of traffic and especially when compared to the impact from tourism. In addition, the socio-economic impacts of not proactively allocating sites for new housing would be much more acute and long-lasting than the minimal impact of traffic movements generated by new residents.

In asking a supplementary question, Cllr McKay queried the evidence that supported the response and reiterated the additional traffic that was being incurred along the A381. In reply, Cllr Pearce recognised the impact on the A381 but also made the point that there was yet more significant development intended in that area.

b) From Cllr Hodgson to Cllr Baldry (lead Executive Member for Waste and Recycling Services)

“As we are all aware, the problems with the waste and recycling collection services continue to be affecting a number of South Hams residents. There are still many who are now experiencing what appear to them as random collections with a hit and miss effect where they still have one or two unemptied bins going back weeks. As requested previously, please can we have a “Report It” place on our website for these random misses, many of which do not comply with the 2 days overdue requirement?”

In reply, Cllr Baldry stated that, as he had advised earlier in this meeting (Minute 32/21 above refers), the performance of FCC was improving but still needed to improve further. All missed collections needed to be reported within the timescales advertised on the Council website. These reports went directly to FCC which ensured they could action the reported missed collection as agreed under the contract.

Cllr Baldry also advised that residents who were unable to report a missed collection online or who wished to advise us of a service failure outside of this time could do so by going online and submitting a form to ‘ask our waste team a question’. This process then enabled the team to investigate the report and ensure a resolution for the resident.

Finally, Cllr Baldry recognised Cllr Hodgson’s concerns and he had asked the team that this information was added to the page on the Council website where customers reported missed collections therefore making it clear that there was another option for residents for reporting a problem.

Cllr Hodgson thanked Cllr Baldry for his response and confirmed that she did not wish to ask a supplementary question.

39.

Notice of Motion

39/21

It was noted that three Motions on Notice had been received in accordance with Council Procedure Rule 10.1:

(a) By Cllrs Hodgson and Brazil

“Background:

On Monday 21 June 2021, Caroline Lucas MP presented and gave the CEE Bill its first reading in the House of Commons in this new 2021-22 parliamentary session. The CEE Bill is now back in the parliamentary system.

The objective of this Bill is to require the United Kingdom to achieve climate and nature targets; to give the Secretary of State a duty to implement a strategy to achieve those targets; to establish a Climate and Nature Assembly to advise the Secretary of State in creating that strategy; to give duties to the Committee on Climate Change and the Joint Nature Conservation Committee regarding the

strategy and targets; and for connected purposes. Bill read the First time; to be read a Second time on Friday 10 September, and to be printed (Bill 61).

The motion for SHDC therefore reads: “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 110 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 (CEE) Bill*
- ii. Inform the local media of this decision;*
- iii. 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).”*

The proposer introduced her motion and hoped that all Members would be able to support it.

In the ensuing debate, reference was made to:

- (a) the direct relevance of the Bill to the Council’s recently adopted Climate Change and Biodiversity Action Plan;
- (b) the Bill not yet being on the statute book. Nonetheless, a Member confirmed that she did support a number of the sentiments of the Bill and also recognised that Devon County Council had recently passed a similarly worded motion.

It was then:

RESOLVED

That Council:

1. supports the Climate and Ecological Emergency Bill;
2. informs the local media of this decision;
3. writes to local MPs, asking them to support the Bill; and
4. writes to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support (campaign@ceebill.uk).

(b) By Cllrs Hodgson and Brazil

“This Council recognises the urgent need to support, protect and enhance biodiversity and habitats. It therefore agrees to:

- *Consider ways that could be used through the planning system to ensure and check that wildlife and habitat mitigation measures agreed by planning condition are carried out and effective, and develop an appropriate policy,*

- *Work through the JLP Partnership to measure and monitor wildlife and biodiversity, at a range of key locations over the life of the plan,*
- *Develop a policy that would seek implementation of urgent remedial actions that may be advised by recognised experts regarding habitat degradation,*
- *Assess the cumulative impacts on wildlife and habitats as and when planning applications for major developments are proposed within 500m of wildlife corridors, known habitats of protected species, planning consultation zones, green field sites, together with the impact of other nearby residential or commercial development applications, sites or built up areas within 500 metres. This information to be part of the application papers prior to validation for the planning process.*
- *Strengthen and implement fully, habitats screening prior to validation of planning applications*
- *Ensure that any littering left through the SHDC waste collection services is cleaned up immediately, and thereby prevent this wildlife hazard.*
- *Consider options for ‘on the spot’ fines against developers who damage or harm significant wildlife habitats including Devon Banks, and mature native trees and other habitats known to be used by protected wildlife species.”*

In her introduction, the proposer highlighted that wildlife and ecology were often being mitigated against and the intention of the motion was to introduce some policy changes in order to support the Council’s biodiversity requirements.

During the ensuing debate, some Members were of the view that the motion was too wide ranging and, whilst the sentiments were admirable, there were aspects that caused concerns such as:

- there being no current provision to impose ‘on the spot’ fines;
- the significant resource implications on the Council’s already stretched planning service;
- the inability of the Council to demand that littering was ‘cleared up immediately’; and
- the relationship between habitat screening and the planning validation process.

In light of these concerns, the Members encouraged the proposer and seconder to withdraw the motion from consideration at this meeting and revisit the wording prior to re-presenting it to the next Council meeting to be held on 23 September 2021. The proposer and seconder considered the request but stated that the wording represented a statement of intent and they did not wish to see any dilution of the wording of their motion. As a consequence, the Members were not willing to withdraw it from consideration at this meeting.

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

c) By Cllrs Hodgson and Brazil

“In light of the changes to planning and the Government’s new proposals regarding changes to protected areas across England, South Hams District Council will consider the options of proposing an extension of the South Hams Area of Outstanding Natural Beauty (AONB), to possibly include more of the river catchment areas and consult with key stakeholders accordingly.”

In her introduction, the proposer made reference to recent correspondence that had been received from the South Devon AONB Manager and she was already aware that Dartington and Staverton Parish Councils would welcome an extension of the AONB.

During discussion, reference was made to:-

- this being the first opportunity since AONB's were formed for any changes to be proposed;
- a wish for Burgh Island to be included within the South Devon AONB;
- any proposals to increase the size of an AONB were far from straightforward.

It was then:

RESOLVED

In light of the changes to planning and the Government's new proposals regarding changes to protected areas across England, South Hams District Council will consider the options of proposing an extension of the South Hams Area of Outstanding Natural Beauty (AONB), to possibly include more of the river catchment areas and consult with key stakeholders accordingly.

40. Reports of Bodies - to receive and as many be necessary approve the minutes and recommendations of the under-mentioned Bodies

40/21

RESOLVED

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

- (a) Overview & Scrutiny Committee – 1 April 2021**
- (b) Development Management Committee – 28 April 2021**
- (c) Development Management Committee – 26 May 2021**

CLlr Smerdon asked that, at the time that the Committee minutes were approved as a 'true and correct record', the list of attendees be amended to include him and not CLlr Pringle.

- (d) Executive – 27 May 2021**
- (e) Executive – 3 June 2021**
- (f) Overview & Scrutiny Committee – 10 June 2021**
- (g) Salcombe Harbour Board – 28 June 2021**
- (h) Executive – 8 July 2021**

E.24/21: Public Space Protection Order – Alcohol

In discussion, reference was made to:

- officers intending to meet with Police representatives in an attempt to understand their rationale behind their recommendations;
- the accuracy of the site maps. With regard to the accuracy of the site maps, the lead Member confirmed that he would convene a meeting with lead officers and local Ward Members to discuss the specific points that had been raised outside of this meeting. Whilst acknowledging that they would not change the Order, it was agreed that any updated site maps would also be circulated to local Ward Members.

It was then:

RESOLVED

1. That Council agree (subject to each of the maps being reviewed) the:
 - (a) Dartmouth Alcohol Public Space Protection Order 2021 (as set out in Appendix A of the presented agenda report);
 - (b) Ivybridge Alcohol Public Space Protection Order 2021 (as set out in Appendix B of the presented agenda report);
 - (c) Kingsbridge Alcohol Public Space Protection Order 2021 (as set out in Appendix C of the presented agenda report);
 - (d) Salcombe Alcohol Public Space Protection Order 2021 (as set out in Appendix E of the presented agenda report); and
 - (e) Totnes Alcohol Public Space Protection Order 2021 (as set out in Appendix G of the presented agenda report);
2. That a further review be requested into whether or not an Alcohol Public Space Protection Order 2021 should be invoked in the following areas:
 - Modbury;
 - South Brent; and
 - Woolwell.

The Meeting concluded at 3.50 pm

Signed by:

Chairman
