

# SOUTH HAMS COUNCIL



## Minutes of a meeting of the **South Hams Council** held on **Thursday, 23rd September, 2021 at 2.00 pm** at the **Chamber - Kilworthy Park**

Present:           **Councillors:**

**Chairman** Cllr Foss  
**Vice Chairman** Cllr Austen

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

**In attendance:**

Officers:  
Chief Executive  
Monitoring Officer  
Director Governance & Assurance  
Head of Strategy & Projects  
Head of Waste & Environmental Services  
Democratic Services Manager

41.           **Minutes**  
41/21  
The minutes of the Council meeting held on 15 July 2021 were confirmed as a true and correct record.
42.           **Declarations of Interest**  
42/21  
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.

43. **Business Brought Forward by the Chairman**

43/21

Due to the nature of the agenda for this meeting, the Chairman advised that it was his intention to exercise his discretion to amend the order of the published agenda so that agenda item 10: 'Reports of Bodies' would be considered after agenda item 7: 'Question on Notice'.

Secondly, the Chairman confirmed that he would be enforcing Meeting Procedure Rules 8.3(b): '*A period of 45 minutes will be set aside at each meeting to debate 'Notices of Motion''* and 15.4(b): '*No speech may exceed three minutes without the consent of the Chairman of Council*'.

44. **'Better Lives For All' Plan**

44/21

Consideration was given to a report that summarised the responses to the public consultation exercise and recommended the subsequent adoption of the 'Better Lives for All' Strategy. In addition, the report also set out the resource requirements that were required to deliver the Plan that supported the Strategy.

During her introduction, the Leader made particular reference to:-

- her pride at the outcome of the draft Strategy;
- her thanks for the work of lead officers and Members to reach this point;
- the draft Strategy being ambitious but fully costed;
- the consultation response received from Devon County Council (DCC) informing that the draft Strategy was very closely aligned to the equivalent plan being developed by DCC. The Leader felt this to be very encouraging; and
- performance management being a key aspect of the draft Strategy.

In discussion, the following points were raised:-

- (a) Some Members highlighted the importance of the Council now beginning to deliver on the detail contained within the Strategy and thematic delivery plans;
- (b) A number of Member echoed the introductory comments of the Leader and put on record their thanks to both lead officers and lead Members for achieving both an excellent draft Strategy and underpinning thematic delivery plans. Furthermore, the design and layout were also commended;
- (c) As a word of caution, a Member was of the view that the documents were heavily focused on the towns within the district and there was a consequent need to add greater emphasis to the local villages of the South Hams. In response, the view was acknowledged and it was emphasised that, as a series of evolving documents, this would be addressed.

It was then:

**RESOLVED**

1. That the results of the consultation on the draft 'Better Lives for All' Strategy be noted;

2. That the 'Better Lives for All' Strategy and the thematic delivery plans be adopted;
3. That the allocation of existing funding (as set out in paragraph 7.2 of the published agenda report) be noted; and
4. That the additional £110,000 of cost pressures for 2022/23 and 2023/24 be approved.

45. **Public Question Time**

45/21

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

46. **Questions**

46/21

It was noted that no Questions on Notice had been received in accordance with Council Procedure Rule 8:

47. **Reports of Bodies**

47/21

**RESOLVED**

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

- (a) **Development Management Committee – 23 June 2021**
- (b) **Licensing Committee – 30 June 2021**
- (c) **Audit Committee – 1 July 2021**
- (d) **Overview & Scrutiny Committee – 1 July 2021**
- (e) **Overview & Scrutiny Committee – 22 July 2021**
- (f) **Development Management Committee – 28 July 2021**
- (g) **Audit Committee – 2 September 2021**
- (h) **Executive – 9 September 2021**
- (i) **Executive – 16 September 2021**

**E.37/21: Delivery of Electric Charging Points in Council Car Parks**

**RESOLVED**

1. That a Collaboration Agreement be entered into with the Devon and Torbay Residential Chargepoint Scheme for the installation of Electric Vehicle Charging Points;

2. That the potential site locations (as listed in paragraph 1.3 of the published agenda report) be approved for the installation of Electric Vehicle Charging Points; and
3. That a lease be entered into with the appointed supplier for a ten-year period.

#### **E.39/21: Medium Term Financial Strategy 2022/23 to 2024/25**

##### **RESOLVED**

That Council:

1. sets the strategic intention to raise Council Tax by the maximum allowed in any given year, without triggering a Council Tax Referendum, to endeavour to continue to deliver services. (NB. the actual Council Tax for any given year will be decided by the Council in the preceding February);
2. adopts the principle of using funding in the Business Rates Retention Reserve to smooth out the anticipated volatility in Business Rates income over the next three years (as set out in section 3.19 of the published agenda report). The volatility is due to the business rates baseline reset anticipated in 2023/24 (this will result in the Council having a negative Revenue Support Grant) and the predicted loss of Business Rates pooling gain at the same time. It is recommended that funding held in the Business Rates Retention Reserve is retained for the purpose of smoothing out the business rates volatility / negative revenue support grant and should not be used for unrelated purposes, other than commitments already made or as part of one-off funding for the Corporate Strategy, for at least the next three years;
3. continues to respond to Government consultations on Business Rates Reform;
4. continues to actively lobby and engage with the Government, Devon MPs, South West Councils and other sector bodies such as the District Councils' Network and the Rural Services Network, for a realistic business rates baseline to be set for the Council for 2023 onwards, when the business rates reset happens;
5. continues to lobby in support of the Government eliminating Negative Revenue Support Grant in 2022/23 (and thereafter) and continue to lobby for Rural Services Delivery Grant allocations which adequately reflect the cost of rural service provision; and
6. notes the forecast budget gap for 2022/23 of £79,587 (0.8% of the current Net Budget of £9.68 million) and the position for future years be noted.

#### **E.41/21: Capital Programme Monitoring**

##### **RESOLVED**

That the overspend of £31,816 on the Dartmouth Ferry Workshop be funded from the Capital Programme Contingency Reserve.

#### **E.42/21: Planning Improvement Plan**

##### **RESOLVED**

That the cost of temporary planning staffing resources of £171,900 (SHDC share of the cost), be funded from the additional planning income generated in 2021/22 (as set out in Section 2.4 of the published agenda report).

#### **E.43/21: Follaton House Accommodation Usage**

##### **RESOLVED**

That the cost of a new Audio Visual system (of an estimated £130,000) be funded from the New Burdens Revenue Funding received from the Government for the administration of the recent Business Grants (as set out in Section 4.3 of the published agenda report). In addition, the Council funds up to £30,000 for the cost of furniture from the Repairs and Maintenance Earmarked Reserve.

#### **E.44/21: Waste and Recycling Update**

The following recommendation from the Executive meeting was **PROPOSED** and **SECONDED**:

*“That the waste and recycling collection service provided still falls below the standard required to meet the expectations of local residents. Councillors were given assurance that the service would return to a ‘steady state’ by mid-July. In the Council’s view, this is not the case. We appreciate the efforts of officers and FCC to try and rectify the situation. However, if a solution cannot be found to deliver the ‘super recycling’ service as specified at the Full Council meeting on 6 December 2018 by the end of 2021 the Council will be forced to consider exercising any available contractual rights in order to ensure that, going forwards, arrangements are in place which are capable of delivering a waste and recycling collection service that is fit for the 21<sup>st</sup> Century.”*

In discussion, reference was made to:

- (a) the wording *‘the Council will be forced to consider..’* A Member highlighted that this wording implied that the Council was currently not considering exercising any of its available contractual rights which he felt to be unfortunate. In response, the Chief Executive reiterated that the Council was using every means possible that were at its disposal to improve service performance;
- (b) the work of Council officers and Members. A number of Members paid tribute to the work of Council officers and Members who were working tirelessly to support the work that FCC should be undertaking. When questioned, it was confirmed that officer time was being recorded and FCC would be invoiced for the officer time being spent supporting FCC;
- (c) community composting schemes. When questioned, the Chief Executive informed that a report was to be presented to the Executive meeting to be held

on 14 October that would include reference to community composting schemes. As a general point, the lead Executive Member encouraged residents to home compost as much as they possibly could;

- (d) attendance at the next Overview and Scrutiny Committee meeting. Some Members expressed their disappointment that it had been necessary to rearrange the next Committee meeting in light of the FCC representatives being unable to attend on the originally scheduled date. It was also confirmed that the meeting would be rearranged to be held in the next few weeks and, as soon as agreement for a revised date had been fixed, all Members would then be advised;
- (e) the co-mingled waste. A Member stated that a number of residents were expressing their doubts that 100% of co-mingled waste was being recycled. In response, officers confirmed that no waste ended up in landfill and it was the wish of the lead Executive Member for a Member site visit to be arranged to enable Members to view Chelson Meadow Recycling Centre at first hand;
- (f) an amendment to the motion was **PROPOSED** and **SECONDED** as follows:

*‘The waste and recycling collection service offered by the Council still falls well below the standards local residents expect or deserve. Councillors were given assurances that the service would return to a ‘steady state’ by mid July. In the Council’s view, this is not the case. We appreciate the efforts of officers and FCC to try and rectify the situation. However, if a solution cannot be found to deliver the ‘super recycling’ service as specified at the full council meeting on 6th December 2018 by the end of 2021, the council will exercise its contractual rights and look to bring the service back in house.*

*We would initiate a transition period, in discussion with FCC, for the benefit of both parties. We will also look to work in partnership with other authorities to deliver a waste and recycling service that is fit for the 21st century.’*

In bringing forward the amendment, the proposer felt that this provided the Council (and its residents) with a greater statement of intent.

In the ensuing debate, reference was made to:

- (a) the advice of the Monitoring Officer. Due to the nature of the advice to be given it was **PROPOSED** and **SECONDED** 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 as the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Schedule 12A to the Act is involved.’*

When put to the vote, the motion to exclude the public and press was declared **CARRIED**.

The meeting subsequently moved into exempt session at 3.05pm and, having made a statement to Members and responded to Member questions on this statement, it was then (at 3.25pm) **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED**:

*'That the public and press be re-admitted to the meeting.'*

- (b) the lack of HGV drivers was part of a national trend for which there were no quick and straightforward solutions;
- (c) the need to take heed of the advice provided by the Monitoring Officer;
- (d) the poor performance of FCC. Notwithstanding the advice that had been given to the meeting, some Members still highlighted examples of the ongoing poor performance from FCC and therefore reiterated their support for the amendment.

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

It was then:

**RESOLVED**

That the waste and recycling collection service provided still falls below the standard required to meet the expectations of local residents. Councillors were given assurance that the service would return to a 'steady state' by mid-July. In the Council's view, this is not the case. We appreciate the efforts of officers and FCC to try and rectify the situation. However, if a solution cannot be found to deliver the 'super recycling' service as specified at the Full Council meeting on 6 December 2018 by the end of 2021 the Council will be forced to consider exercising any available contractual rights in order to ensure that, going forwards, arrangements are in place which are capable of delivering a waste and recycling collection service that is fit for the 21<sup>st</sup> Century.

48.

**Notice of Motion**

48/21

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

**(a) By Cllrs Pearce and Bastone**

*"In response to the almost complete lack of any rented accommodation available for six months or longer that local people and those working in the area can access, and the excessive rise in house prices locally due to second home-owners and those moving in from other areas since the pandemic, which has made house prices completely inaccessible for the great majority of local people, South Hams District Council resolves to declare a Housing Crisis.*

*It is fortunate that we have a new Housing 5 year Housing Strategy and Housing Actions in Better Lives for All, but as an expansion of them South Hams District Council should:*

- 1 *Lobby government through our MPs and the LGA to allow council tax to be charged on plots with planning permission after a determined period, even if they haven't been built out, so that developers are encouraged to build out sites without delay.*

- 2 *Lobby government through our MPs and the LGA to review the regulation of holiday accommodation, to ensure all holiday accommodation is suitably regulated and made subject to local planning policies and taxes. We should also appeal for an extension to the 90-day short term let legislation to be extended outside London and lobby MHCLG for a separate planning class for short term lets and a proper licensing system to cater for them.*
- 3 *Institute an immediate thorough review by the council of all holiday lettings in the District, including, but not restricted to, whether they have planning permission, whether they are paying council tax or business rates, as appropriate, for the accommodation, whether they comply with safety regulations, and to ensure they are paying appropriately for waste disposal.*
- 4 *Ask the JLP Team to review the thresholds and percentages of affordable housing on sites, and whether it would be appropriate at the Plan Revision to increase these so that the percentage of First Homes imposed by the government becomes in addition to the present 30% affordable homes rather than part of it.*
- 5 *Promote regular Landlord Forums and run a further campaign to publicise the advantages to landlords of Seamoor Lettings.*
- 6 *Work closely with our main Registered Providers to ensure best occupancy of stock, so that where tenants are prepared to downsize, not only are they given a priority banding to be able to access a smaller property but support to help them move available.*
- 7 *Use some of the affordable housing reserve to increase payments made to anyone downsizing to help make moving more attractive and affordable.*
- 8 *Use any Section 106 affordable housing contributions as soon as possible to help fund developments anywhere in the District where the terms of the Section 106 Agreement permit this.*
- 9 *Campaign for changes to the Broad Market Area to better reflect the costs of rents in the South Hams.*
10. *Promote the development of an exemplar site of low carbon modular housing such as ZEDpods, to show that developments like this can be both stylish and great to live in. They can offer many advantages over traditional build and could help, amongst other things, to alleviate the shortage of one bedroomed accommodation in the District."*

In her introduction, the proposer made particular reference to:

- the dire housing situation in the South Hams that had only been exacerbated during this summer period;
- the need to ensure a sustainable future for the South Hams. The Leader started that the sustainability of the South Hams was being jeopardised by local people being unable to afford to live in the district;
- the increased recognition amongst Housing Policy Officers that national Housing Policies were not working in areas such as the South Hams; and

- the motion containing a number of actions that complimented the 'Better Lives for All' Corporate Strategy that had just been adopted (Minute 44/21 above refers).

In the ensuing debate, reference was made to:

(a) an amendment to the motion was **PROPOSED** and **SECONDED** that read as follows:

*'11. To actively seek opportunities to invest in Council owned social housing with high sustainability specification to support those on a low income who are unable to afford 'affordable' rented housing.'*

In discussion, it was felt that this additional action should be supported and, when put to the vote, this amendment was declared **CARRIED**;

(b) a second amendment to the motion was **PROPOSED** and **SECONDED** that read as follows:

*'12. To lobby Government to allow local councils to be able to charge up to 200% Council Tax on second/holiday homes as they do in Wales.'*

In discussion, the ratio between average house prices and average wages was felt to be deeply concerning and were simply not understood by Central Government. As a result, a Member suggested formally inviting the newly appointed Secretary of State for Housing, Communities and Local Government to the South Hams for a visit to the South Hams to enable for a full appreciation of the housing crisis to be appreciated. Furthermore, the importance of local authorities being given the ability to make both landowners and developers build was recognised.

When put to the vote, the amendment was declared **CARRIED**.

It was then:

### **RESOLVED**

In response to the almost complete lack of any rented accommodation available for six months or longer that local people and those working in the area can access, and the excessive rise in house prices locally due to second home-owners and those moving in from other areas since the pandemic, which has made house prices completely inaccessible for the great majority of local people, South Hams District Council resolves to declare a Housing Crisis.

It is fortunate that we have a new Housing 5 year Housing Strategy and Housing Actions in Better Lives for All, but as an expansion of them South Hams District Council should:

- 1 Lobby government through our MPs and the LGA to allow council tax to be charged on plots with planning permission after a determined period, even if they haven't been built out, so that developers are encouraged to build out sites without delay;
- 2 Lobby government through our MPs and the LGA to review the regulation of holiday accommodation, to ensure all holiday accommodation is suitably

regulated and made subject to local planning policies and taxes. We should also appeal for an extension to the 90-day short term let legislation to be extended outside London and lobby MHCLG for a separate planning class for short term lets and a proper licensing system to cater for them;

- 3 Institute an immediate thorough review by the council of all holiday lettings in the District, including, but not restricted to, whether they have planning permission, whether they are paying council tax or business rates, as appropriate, for the accommodation, whether they comply with safety regulations, and to ensure they are paying appropriately for waste disposal;
- 4 Ask the JLP Team to review the thresholds and percentages of affordable housing on sites, and whether it would be appropriate at the Plan Revision to increase these so that the percentage of First Homes imposed by the government becomes in addition to the present 30% affordable homes rather than part of it;
- 5 Promote regular Landlord Forums and run a further campaign to publicise the advantages to landlords of Seamoor Lettings;
- 6 Work closely with our main Registered Providers to ensure best occupancy of stock, so that where tenants are prepared to downsize, not only are they given a priority banding to be able to access a smaller property but support to help them move available;
- 7 Use some of the affordable housing reserve to increase payments made to anyone downsizing to help make moving more attractive and affordable;
- 8 Use any Section 106 affordable housing contributions as soon as possible to help fund developments anywhere in the District where the terms of the Section 106 Agreement permit this;
- 9 Campaign for changes to the Broad Market Area to better reflect the costs of rents in the South Hams;
- 10 Promote the development of an exemplar site of low carbon modular housing such as ZEDpods, to show that developments like this can be both stylish and great to live in. They can offer many advantages over traditional build and could help, amongst other things, to alleviate the shortage of one bedroomed accommodation in the District;
- 11 Actively seek opportunities to invest in Council owned social housing with high sustainability specification, to support those on a low income who are unable to afford 'affordable' rental housing; and
- 12 Lobby Government to allow local councils to be able to charge up to 200% Council Tax on second / holiday homes as they do in Wales.

**(b) By Cllrs Rose and Hodgson**

*"Tackling the Climate Emergency – Carbon Fee and Dividend*

*South Hams District Council has declared a Climate Emergency and is committed to becoming carbon neutral by 2030.*

*Council welcomes the work of SHDC officers to create and begin to implement our CC&B Action Plan, aligning with the DCC Carbon Plan; however, we recognise wider carbon neutrality and meaningful climate action will require bolder national policies.*

*Council notes:*

- *That stated current government policy is to reduce carbon emissions by 68% on 1990 levels by 2030;*
- *The deeply felt concerns of many SHDC residents who are aware that national and international expert advisory bodies report that progress to date is insufficient to meet the global challenge on climate change by 2030.*

*Council agrees:*

- *With the widely understood principle that polluters should pay for the damage they cause;*
- *That it would be unfair for residents of rural areas to be held accountable for pollution generated through lack of public transport available;*
- *On the importance of ensuring a solid social and political consensus to sustain the transition to a low carbon way of life;*

*And therefore, South Hams District Council resolves to:*

- *Support the principle of the Carbon Fee and Dividend system;*
- *Lobby HM Government to appraise the impacts of carbon pricing based on this approach and publish the results;*
- *Ask the Chief Executive to write to the Secretary of State for Business, Energy and Industrial Strategy to express their views.*

In his introduction, the proposer informed that, since the agenda had been published, he had been in contact with the Leader, and the following minor alterations were therefore proposed:

- *The deeply felt concerns of **many** SHDC residents who are aware that national and international expert advisory bodies report that progress to date is insufficient to meet the global challenge on climate change by 2030; and*
  - ***That it would be unfair for residents of rural areas to be held accountable for pollution generated through lack of public transport available;***

The proposer proceeded to advise the meeting that, under this arrangement, fuel levies would be paid back to residents at a flat rate. As a result, those wealthiest members of society who used fossil fuels the most ended up paying the most, whilst the less wealthy would actually receive back more than the amount they paid as a result of increased fuel prices.

During the ensuing debate, there was widespread support expressed for the motion.

It was then:

## **RESOLVED**

### **Tackling the Climate Emergency – Carbon Fee and Dividend**

South Hams District Council has declared a Climate Emergency and is committed to becoming carbon neutral by 2030.

Council welcomes the work of SHDC officers to create and begin to implement our CC&B Action Plan, aligning with the DCC Carbon Plan; however, we recognise wider carbon neutrality and meaningful climate action will require bolder national policies.

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Council agrees:

- With the widely understood principle that polluters should pay for the damage they cause;
- That it would be unfair for residents of rural areas to be held accountable for pollution generated through lack of public transport available;
- On the importance of ensuring a solid social and political consensus to sustain the transition to a low carbon way of life;

And therefore, South Hams District Council resolves to:

- Support the principle of the Carbon Fee and Dividend system;
- Lobby HM Government to appraise the impacts of carbon pricing based on this approach and publish the results;
- Ask the Chief Executive to write to the Secretary of State for Business, Energy and Industrial Strategy to express their views.

At this point and, in accordance with Meeting Procedure Rule 8.3(b), the Chairman advised that the 45-minute time limit for consideration of Notices of Motion had now expired and it was therefore his intention to formally close this Council Meeting. With regard to those Motions on Notice that were not considered, the Chairman informed of his intention for these to be rolled over for presentation to the next Full Council Meeting to be held on 25 November 2021.

The Meeting concluded at 5.20 pm

**Signed by:**

**Chairman**

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