

SOUTH HAMS EXECUTIVE



Minutes of a meeting of the **South Hams Executive** held on **Thursday, 7th July, 2022 at 10.00 am** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Pearce
Vice Chairman Cllr Bastone

Cllr Baldry
Cllr Holway

Cllr Hawkins
Cllr Hopwood

In attendance:

Councillors:

Cllr Abbott
Cllr Brazil
Cllr Pringle
Cllr Taylor

Cllr Birch
Cllr McKay
Cllr Reeve
Cllr Thomas

Officers:

Chief Executive
Director – Strategy & Governance
Director – Place & Enterprise
Section 151 Officer
Monitoring Officer
Democratic Services Manager
Head of Strategy & Projects
Head of Housing
Head of Assets
Senior Specialist – Place Making
Senior Specialist – Economic Development

11.

Minutes

E.11/22

The minutes of the Executive meeting held on 26 May 2022 were confirmed as a true and correct record.

12. **Declarations of Interest**

E.12/22

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

13. **Urgent Business**

E.13/22

The Leader informed the meeting that she had agreed for one item of urgent business to be raised at this meeting. The item was titled 'Freeport: Land Assembly at Langage' and was considered urgent in light of the associated time constraints.

In light of the item being considered to be exempt in accordance with paragraph 3 of Section 100(A)(4) of the Local Government Act 1972, it was the intention of the Leader to consider this matter at agenda item 14 (Minute E.24/21 below refers)

14. **Public Question Time**

E.14/22

The Leader informed that two public questions had been received in accordance with the Executive Procedure Rules.

The questions and responses were as follows:

Question 1 from Mr Keith Kiddell:

£8.0m (now £8.5m) was the estimated cost of the Regeneration in January 2020. Construction material prices have increased from that original estimate to April this year by 44% and will probably be up by over 50% by the build start in January 2023. How will this increase be funded?

In response, the Deputy Leader advised that, in recognition of the decision of the Development Management Committee at its meeting held yesterday (6 July 2022) to refuse the planning application, the Council was not now in a position to proceed with this project. In addition, the Deputy Leader was aware that Mr Kiddell had raised a number of other questions with both himself and the Head of Assets and he would ensure that responses were also provided to each of these outside of this meeting and he was also prepared to meet with Mr Kiddell to discuss further.

Question 2 from Cllr Hladkij (Ivybridge Town Council Mayor):

How is £9 million of borrowing at the taxpayer's risk for a discount supermarket with no wider public realm improvements justified? Especially when it puts at risk the Council's own leisure centre viability, other local businesses, loss of public parking, and no enhancement to the appearance of the river area.

In response, the Deputy Leader informed that the project was considered to be a regeneration project and not a public realm project albeit there were public realm benefits that were part of the planning application that had been refused at the Development Management Committee meeting held yesterday (6 June 2022). The project had been predicated on a business case that was positive and did not require any public subsidy.

15. **Executive Forward Plan**

E.15/22

Members were presented with the most recently published version of the Executive Forward Plan that set out items on the agenda for Executive meetings for the next four months and duly noted its contents.

16. **Annual Report of Achievements**

E.16/22

The Executive was presented with a report that set out the Council's draft Annual Report of Achievements for 2021/22.

In discussion, the lead officer was thanked for putting together such a reader friendly Annual Report and the following achievements were singled out:

- the successes of the Localities Service;
- the support provided to Fusion to ensure that the Leisure Centres were re-opened;
- the investment given to play parks; and
- the proactive spending of Section 106 Monies.

It was then:

RESOLVED

1. That the achievements of the Council during 2021/22 be noted;
2. That the Annual Report for 2021/22 (as set out at Appendix A of the presented agenda report) be agreed and published.

17. **Update on Progress - Tackling Rural Poverty Pilot**

E.17/22

The Leader reminded Members that this item had been deferred from the agenda.

18. **Housing Crisis -Development and Enabling**

E.18/22

The Executive considered a report that informed of the delivery work undertaken in tackling the declared Housing Crisis. In particular, this report focused on:

- The historic housing delivery broken down to financial years from 2019;
- The projected delivery for 2022/23 and 2023/24;
- The feedback and customer access to the 'Enhanced Tenants Incentive Scheme';
- The response to the newly launched 'Step on Scheme';
- An update on the Disabled Adapted Panel;
- Financial contributions secured to enable affordable housing; and
- Focused individual property purchase.

In the ensuing debate, the following points were raised:

- (a) Members recognised the positive nature of the report and the progress that was being made and wished to put on record their thanks to the Housing Enabling Team;

- (b) The recent Executive Member visit to Sherford was felt to have been incredibly useful;
- (c) Whilst accepting that the definition of 'affordable housing' was derived from Central Government, it was felt that greater explanation of this point should be included in future Housing reports.

It was then:

RESOLVED

That the progress regarding Affordable Housing Delivery be noted.

19. **Levelling Up Fund Round 2 and UK Shared Prosperity Fund**

E.19/22

The Executive considered a report that set out an opportunity for the Council to submit Bids to the Central Government Levelling Up Fund (LUF) and the UK Shared Prosperity Fund.

In discussion, reference was made to:-

- (a) community renewable energy schemes. A Member hoped that there would be sufficient flexibility built in to the applications to be able to exploit the benefits of carbon reduction and lower cost energy for residents. Furthermore, the Member stated that Sustainable South Hams (SSH) had a number of specialist advisors in this area and, in response, the lead Member confirmed that he would follow-up this point outside of this meeting. As a general point, some Members commented that they were still not receiving invitations to SSH meetings and requested that SSH meeting organisers be advised accordingly;
- (b) an addition to the recommendation was **PROPOSED** and **SECONDED**. The addition sought (where appropriate) local Ward Members to also be consulted as part of the delegated authority granted to the Director – Place and Enterprise. When put to the vote, this addition was declared **CARRIED**.
- (c) the deadline of 6 July 2022. By way of an update to the published agenda report, officers informed that the deadline for submissions to the Levelling Up Fund Tranche 2 had been extended for a couple of weeks beyond the original deadline of 6 July 2022.

It was then:

RESOLVED

That authority be delegated to the Director – Place and Enterprise, in consultation with the Leader of the Council and (where appropriate) local Ward Members to:

1. Ratify the decision to submit an application to the Levelling Up Fund Tranche 2 for Capital Funding for the A38 Corridor: Lee Mill Interchange Scheme (as outlined in Sections 2.1 to 2.6 of the published agenda report and Appendix A) before the prescribed deadline; and
2. Submit the UK Shared Prosperity Fund Bid in accordance with Section 2.7 of the published agenda report and Appendix A before the deadline of 1 August 2022.

20. **Totnes Leisure Centre -Grant of Reversionary Lease**

E.20/22

Members considered a report that sought to recommend to Council to grant a reversionary lease to Tadpool from March 2029 to March 2043.

In discussion, the difficulties in reaching this point and the need to now make swift progress were recognised.

It was then:

RECOMMENDED

That the Council be **RECOMMENDED** to grant a reversionary lease to Tadpool for a period from March 2029 to March 2043.

21. **Quarter 1 Intergrated Performance Management Report**

E.21/22

The Executive was presented with a report that introduced the Quarter 1 Integrated Performance Management report for 2022/23.

In discussion, reference was made to:-

- (a) the 'on track' information. In future quarterly reports, the request was made for a greater number of projects to be included within the 'on track' information;
- (b) the general positivity of the performance report. Whilst there were a few projects that were defined as currently being 'off track', Members also highlighted that these were the exception and the vast majority were progressing well.

It was then:

RESOLVED

1. That the progress made in delivering the Better Lives for All thematic delivery plans be noted; and
2. That the Overview and Scrutiny Committee be asked to consider forming a Task and Finish Group to support Officers in the development of an Electric Vehicle Charging Strategy for the district, with the draft Strategy being considered by the Executive at its meeting in October 2022.

22.

Ivybridge Regeneration Project - Update

E.22/22

Consideration was given to a report that presented an update on the Ivybridge Regeneration Project following the meeting of the Development Management Committee held on 6 July 2022.

By way of an update, the Deputy Leader reminded those in attendance that planning permission had been refused by the Development Management Committee.

In view of this decision, the lead Member felt that it would be helpful to set out the project costs and proceeded to inform that:

- the Council report on 11 February 2021 had set out that the pre-construction costs could be up to £450,000. These were costs associated with: detailed design; the tender and planning process; and associated legal work on the agreement for the lease;
- in 2021/22, the Council spent £285,441 on the project and there had been further expenditure to date in 2022/23 of £83,484. As a result, there had been expenditure of £368,925 paid to date. Therefore, of the £450,000 referred to in the Council decision on 11 February 2021, the Council had currently spent £368,925 to date;
- there were also preliminary costs. As set out in reports to the Executive in June 2020 and September 2020, the preliminary costs totalled £115,000 and were for: planning; ecology; lease documents; and treasury management advice. As a consequence, the total expenditure incurred since 2019 amounted to £483,925 (£368,925 plus £115,000).

Following his update, the lead Member **PROPOSED** that:

1. the Ivybridge Regeneration Project be now terminated; and
2. it be noted that £483,925 has been invested into this Project.

(This was subsequently **SECONDED**).

In discussion, the following points were raised:-

- (a) Notwithstanding the decision of the Development Management Committee, a Member advised that:
 - there were a number of (non-vocal) residents who had been supportive of the proposals;
 - the adopted Ivybridge Neighbourhood Plan was consistent in its reference to the need for town centre development and the wish for an 'anchor' business/store;
 - it was disappointing that the Town Council had changed its mind mid-consultation and no longer supported the contents of its Neighbourhood Plan;
 - the Council had spent £483,925 of public money on the basis of the initial feedback of 67% of local residents supporting the project and this being the only suitable site that complied with the Neighbourhood Plan.

- (b) In calling for a lessons learned exercise to be undertaken by either the Overview and Scrutiny or Audit Committee, other Members felt that:
- as the project had evolved, it clearly became apparent that it did not suit the needs of Ivybridge, with their view being that the town was able to regenerate itself;
 - the planning application had been sub-standard in their view, with a number of issues (including biodiversity and visual impact) having never been adequately addressed. As a result, the Members commended the Development Management Committee for unanimously voting to refuse the application and wished to highlight that no criticism should be made of the Planning Case Officer;
 - the press release issued from the Council on 6 July 2022 did not set the right tone and required further clarification; and
 - the approach to Consultation that had been adopted for this project did not fit with the conclusions reached by the Task and Finish Group review into Consultation and Engagement.

It was then:

RESOLVED

1. That the Ivybridge Regeneration Project be now terminated; and
2. That it be noted that £483,925 has been invested into this Project.

23. **Exclusion of Public and Press**
E.23/22

It was then:

RESOLVED

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 item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

24. **Urgent Business - Freeport: Land Assembly at Langage**
E.24/22

As highlighted earlier in the meeting (Minute E.13/22 above refers), consideration was given to an exempt report that sought to approve the principle of the use of a Compulsory Purchase Order.

Following a brief debate, it was then:

RECOMMENDED

1. That Council be **RECOMMENDED** to approve the principle of the use of a Compulsory Purchase Order process in accordance with the details set out within the published exempt agenda report; and
2. That it be noted that the Director of Place and Enterprise will be urgently commissioning specialist technical legal and other specialist advice to progress this matter, and that further resolutions will be sought from the Council as and when required.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.20/22 AND E.24/22 (PART 2) (WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 14 JULY 2022) WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 18 JULY 2022 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

The Meeting concluded at 11.20 am

Signed by:

Chairman
