

# SOUTH HAMS COUNCIL



## **Minutes** of a meeting of the **South Hams Council** held on **Thursday, 21st March, 2024 at 2.00 pm** at the **Council Chamber - Follaton House**

Present:           **Councillors:**

***Chairman*** Cllr Pannell  
***Vice Chairman*** Cllr Taylor

Cllr Abbott	Cllr Allen
Cllr Birch	Cllr Bonham
Cllr Brazil	Cllr Carson
Cllr Cooper	Cllr Dennis
Cllr Dewynter	Cllr Dommett
Cllr Edie	Cllr Hancock
Cllr Hawkins	Cllr Hodgson
Cllr Hopwood	Cllr Jackson
Cllr Lawford	Cllr Long
Cllr McKay	Cllr Nix
Cllr O'Callaghan	Cllr Oram
Cllr Penfold	Cllr Presswell
Cllr Rake	Cllr Steele
Cllr Thomas	Cllr Yardy

### **In attendance:**

Chief Executive  
Section 151 Officer  
Deputy Monitoring Officer  
Head of Democratic Services  
Assistant Director – Strategy  
Head of Finance  
Head of Environmental Health and Licensing  
Head of Revenues and Benefits  
Devon County Council Representative

54. **Minutes**

54/23

The minutes of the Council meeting held on 15 February 2024 were confirmed as a true and correct record.

55. **Declarations of Interest**

55/23

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and these were recorded as follows:

With regard to agenda item 7 (Proposed Devon & Torbay Combined Authority and Devolution Deal (Minute 57/23 below refers)), by virtue of being Members of Devon County Council, Cllrs J Brazil, D Thomas and J Hawkins, each declared a non-registerable interest in the item and as such took part in the debate but abstained from the vote thereon. Having sought the advice of the Deputy Monitoring Officer, Cllr J Hodgson advised that, whilst she was also a Member of Devon County Council, she was not minded to declare an interest in this agenda item and proceeded to take part in the debate and vote thereon;

Cllr D O'Callaghan also declared a personal interest in agenda item 7 (Proposed Devon & Torbay Combined Authority and Devolution Deal (Minute 57/23 below refers)), by virtue of being a member of the South Hams Society and remained in the meeting during the debate and vote thereon.

56. **Public Question Time**

56/23

It was noted that no public questions had been received in accordance with the Council Procedure Rules for consideration at this meeting.

57. **Proposed Devon & Torbay Combined Authority and Devolution Deal**

57/23

Members considered a report that set out details of the Devon Devolution Deal and the proposed formation of a Combined Authority by Devon County Council and Torbay Council and sought the Council's response to the associated consultation exercise.

During debate, particular reference was made to:

- (a) an alternative recommendation was **PROPOSED** and **SECONDED** that read as follows:

*"This Council raises the following concerns in respect of the proposed Devon and Torbay Devolution Deal and with it the additional tier of local government in Devon and Torbay, known as the Devon and Torbay Combined County Authority:*

1. *While we support the principle of devolution and welcome additional funding for this region, the proposal risks making local government more complex by adding a layer of bureaucracy;*
2. *While the additional £16 million of capital funding is a positive step, that it is only for two years means that it will not provide the long-term solutions that the region needs;*
3. *The fact that spending plans must be signed-off by central government disqualifies the plan from being true devolution of powers;*
4. *The proposed combined authority's remoteness and lack of democratic accountability, including the lack of voting rights for District Councils, further disqualifies it from being described as "devolution";*
5. *The Council welcomes the proposed devolution of the Adult Education Budget because local control is more likely to deliver for local need. We hope that local control of this budget will enable Devon's known problems in social mobility and productivity to be addressed;*
6. *The government's document entitled "Devon and Torbay Devolution Deal" indicates that this is the first step in the reorganisation of local government in Devon and Torbay. Whilst we would welcome the genuine devolution of more powers to Devon, we are concerned that the intention as stated threatens the existence of district councils, the loss of effective local governance and may establish rule by a body that is remote and out of touch;*
7. *The concerns set out in the Council's report dated 21 March 2024 in respect of economic development, housing, governance, voting rights, transport and community; and*
8. *The cost and additional layer of local government will in itself hamper any improvement in the local services it is intended to improve and may result in their decline.*

*The Council calls for the process to be postponed pending the outcome of the forthcoming General Election and 2025 County Council elections.*

*The above resolution be submitted as the Council's response in the consultation being undertaken.*

*If and when the devolution deal proceeds:*

*The council notes the fact that a portion of this money will be allocated for a Small Sites Green Investment programme. This council proposes that an element of the Small Sites Green Investment programme be allocated to support community-led housing developments to improve energy efficiency, reduce embedded carbon and improve biodiversity.”*

In support of this alternative recommendation, the proposer made reference to:

- his view that the proposals did not constitute true ‘Devolution’ and could instead be interpreted as a precursor to the abolition of true local democracy;
  - the lack of reference in the proposals to the financial positions of both Devon County and Torbay Councils;
  - his concerns relating to transparency and the loss of democracy; and
  - the financial implications arising from this additional level of bureaucracy no doubt falling on the Council Taxpayer;
- (b) Plymouth City Council (PCC). Given the close working relationship between PCC and the Council with regard to the Joint Local Plan, some Members emphasised the importance of a good working relationship being maintained with PCC;
- (c) the timing of these proposals. A Member cited the close proximity of the Parliamentary Elections and maintained the view that this proposal should be held in abeyance pending the outcome of these Elections;
- (d) voting rights. A number of Members echoed the disappointment expressed in the published agenda report in respect of Central Government having rejected the House of Lords amendment that would have permitted all district council partners to be constituent members of the Combined County Authority with full voting rights thereby reflecting their democratic mandate on behalf of Devon;
- (e) a suggested amendment was **PROPOSED** as follows:

*‘This Council calls for the process to be **abandoned and for no further public money to be wasted on a deal that is not Devolution, with the £16 million allocated to instead be dispersed to the various local authority departments that are already in place.**’*

Prior to inviting a seconder for the amendment, the Chairman invited the Deputy Monitoring Officer to comment. In so doing, the Officer cited Procedure Rule 15.6 (Amendments to Motions) and expressed the view that the suggested amendment would negate the motion. Having received this advice, the Chairman did not invite a seconder;

- (f) some potential benefits arising from the proposals. A Member felt that, whilst the tone of the debate had been rather negative, there were also

some potential benefits that would be generated from the proposals. For example, devolution of the Adult Education functions (and budget) should be welcomed.

It was then:

## **RESOLVED**

1. That the Council raises the following concerns in respect of the proposed Devon and Torbay Devolution Deal and with it the additional tier of local government in Devon and Torbay, known as the Devon and Torbay Combined County Authority:
  - a) that whilst the principle of devolution was supported and additional funding for this region welcomed the proposal risked making local government more complex by adding a layer of bureaucracy;
  - b) that whilst the additional £16 million of capital funding was a positive step, it was only for two years and would not provide the long-term solutions that the region needed;
  - c) that as spending plans must be signed-off by central government the plan was disqualified from being true devolution of powers;
  - d) that the proposed combined authority's remoteness and lack of democratic accountability, including the lack of voting rights for District Councils, further disqualified it from being described as "devolution";
  - e) that the Council welcomed the proposed devolution of the Adult Education Budget as local control was more likely to deliver for local need. Council hoped that local control of this budget would enable Devon's known problems in social mobility and productivity to be addressed;
  - f) that the government's document entitled "Devon and Torbay Devolution Deal" indicated that this was the first step in the reorganisation of local government in Devon and Torbay. Whilst Council would welcome the genuine devolution of more powers to Devon, it is concerned that the intention as stated threatened the existence of district councils, the loss of effective local governance and might establish rule by a body that was remote and out of touch;
  - g) that the Council raised concerns set out in the presented agenda report, in respect of economic development, housing, governance, voting rights, transport and community; and

- h) that the cost and additional layer of local government would in itself hamper any improvement in the local services it was intended to improve and might result in their decline.
- 2. That the Council called for the process to be postponed pending the outcome of the forthcoming General Election and 2025 County Council elections;
- 3. That the above resolution be submitted as the Council's response in the consultation being undertaken: and
- 4. That, if and when the devolution deal proceeds:

"The council notes the fact that a portion of this money will be allocated for a Small Sites Green Investment programme. This council proposes that an element of the Small Sites Green Investment programme be allocated to support community-led housing developments to improve energy efficiency, reduce embedded carbon and improve biodiversity."

58. **2024/25 Capital Strategy; 2024/25 Treasury Management Strategy; and 2024/25 Investment Strategy**

58/23

Consideration was given to a report recommending the approval of the proposed Capital Strategy, Investment Strategy and Treasury Management for 2024/25, together with their associated prudential indicators.

In the ensuing debate, the following points were raised:

- (a) The Chairman of the Audit & Governance Committee informed that the Committee had recommended approval of the three draft Strategies for 2024/25 at its meeting held earlier in the day;
- (b) The all Member Briefing that had been held on 18 March 2024 on these draft Strategies was particularly well received;
- (c) In reference to the declared Climate Change and Biodiversity Emergency, a Member stated that the Council must be mindful as to where its monies were being invested. The Member proceeded to emphasise that these investments must compliment (and not undermine) the Emergency. In reply, officers agreed to circulate advice to all Members that had been obtained from Link Services (the Council's Treasury Management advisors) with regard to fossil fuel investments.

It was then:

**RESOLVED**

- 1. That the following strategies for 2024-25 be approved:

- i. the Capital Strategy (as attached at Appendix A of the published agenda report);
  - ii. the Treasury Management Strategy (as attached at Appendix B of the published agenda report); and
  - iii. the Investment Strategy (as attached at Appendix C of the published agenda report); and
2. That authority be delegated to the Section 151 Officer, in consultation with the Leader of the Council, to make any minor amendments to these Strategies, if required, throughout the 2024/25 Financial Year.

59. **Annual Review of Health and Safety Policy Statement**

59/23

The Council considered a report that sought approval to adopt an updated Health and Safety Policy Statement.

In discussion, the following points were raised:

- (a) It was noted that a Health and Safety related all Member training/briefing session would be convened in the upcoming months as part of the Council's Member Learning and Development Plan;
- (b) Officers committed to circulating a copy of the latest Council Organisational Structure Chart to all Members following this meeting;
- (c) Given the reference in the Policy Statement to Health and Safety compliance being reported to the Audit and Governance Committee, it was agreed that an update should be added to that Committee Workplan.

It was then:

**RESOLVED**

That the Health and Safety Policy Statement be adopted and signed by the Head of Paid Service and the Leader of the Council.

60. **Pay Policy Statement**

60/23

In line with the requirements of the Localism Act 2011, Members considered a report that proposed adoption of the Pay Policy Statement for 2023/24.

In discussion, Members expressed their support for the contents of the Statement and it was then:

**RESOLVED**

1. That the Pay Policy Statement for 2023/24, as set out at Appendix A of the presented agenda report, be adopted; and
2. That it be noted that pay differentials in 2023 remained broadly similar compared to the previous 12 months.

61. **Draft Calendar of Meetings 2024/25**

61/23

Consideration was given to a report that presented the draft Calendar of Meetings for 2024/25 for adoption.

During debate, the following points were made:

- (a) Members welcomed the intention set out in the draft Calendar to move meetings of the Development Management Committee from Wednesdays to Thursdays;
- (b) In citing the effectiveness of remote Committee meetings during the Covid Pandemic, some Members regretted the fact that the ability for Members to vote remotely had since been removed. Such was the extent of the disappointment, that these Members were lobbying Central Government in an attempt to see this ability restored;
- (c) With regard to the start time of formal Member meetings, some Members felt that this issue warranted further consideration for future years. As a result, these Members asked that the Overview and Scrutiny Committee be encouraged to appoint a Task and Finish Group to review formal meeting start times prior to the 2025/26 Calendar of Meetings being presented for approval.

It was then:

**RESOLVED**

That the draft Calendar of Meetings for 2024/25 (as set out at Appendix A of the presented agenda report) be approved

62. **Reports of Bodies**

62/23

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

**(a) Budget Advisory Committee - 11 January 2024**

**(b) Overview & Scrutiny Committee - 8 February 2024**

**(c) Development Management Committee - 14 February 2024**



**(d) Special Executive - 21 February 2024**

**(e) Council Tax Setting Committee - 22 February 2024**

**(f) Executive - 7 March 2024**

**(i) Minute E.76/23 Climate Change Update & Devon, Cornwall and the Isles Of Scilly Climate Adaptation Plan**

**RESOLVED**

That the Devon, Cornwall and the Isles of Scilly Climate Adaptation Plan (as set out at Appendix A of the presented agenda report to the Executive meeting) be endorsed.

**(ii) Minute E.79/23 Housing Benefit War Pensions Disregard Policy**

**RESOLVED**

That the Housing Benefit War Pensions Disregard Policy (as set out at Appendix A of the presented agenda report to the Executive Meeting) be adopted.

**(iii) Minute E.80/23 Month 10 Revenue Budget Monitoring Report 2023/24**

The view was expressed that the Council rarely sought to obtain costs as part of the planning appeal process and Members wished to encourage officers (where appropriate) to pursue this course of action.

It was then:

**RESOLVED**

That up to £170,000 of planning appeal costs be funded from the Business Rates Retention Earmarked Reserve (as detailed in paragraphs 3.5 to 3.7 of the presented agenda report to the Executive meeting).

**(iv) Minute E.88/23 Fusion Lifestyle - Leisure Contract Update**

It was noted that the Recommendations to Council contained therein were to be considered at Exempt Agenda Item 16 of this meeting (Minute 66/23 below refers).

**(g) Special Executive - 13 March 2024**

63. **Questions**

63/23

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

*(Note: At this point (3.25 pm), the meeting was adjourned for a period of 15 minutes).*

64. **Notice of Motion**

64/23

It was noted that one Motion on Notice had been received in accordance with Council Procedure Rules, as follows:

a) From Cllrs McKay and O'Callaghan

*"The Hunting Act 2004 made chasing wild animals with dogs illegal apart from the particular exempt forms of hunting detailed in the Act.*

*As well as the Hunting Act 2004 there is also the Animal Welfare Act 2006 which embodies the so-called Five Freedoms of animal welfare which state that every animal deserves the right to humane treatment. The Five Freedoms are recognised across the globe and include a right to the freedom from "fear or distress".*

*The sentience of animals has been the subject of much research and it has long been recognised that all animals are capable of a range of emotions. The Animal Welfare (Sentience) Act 2022 defines sentience in law.*

*It cannot therefore be conceived that any blood sport is acceptable, and it is important that the culture and tradition that surrounds and supports this barbaric activity is discouraged.*

*It is often argued that blood sports are part of the management of the countryside. That is rarely the reality, but where such management is required it needs to be carried out by trained specialists who have proper regard to an animal's welfare and rights under the legislation.*

*This Council therefore resolves that notwithstanding the moral arguments about blood sport, having regard to the animal welfare and public nuisance considerations, it is for the benefit or improvement of the Council's area that the Council:*

- 1. does not support the killing of animals for sport or leisure in any circumstances.*
- 2. does not facilitate or promote the killing of animals for sport or leisure by allowing its land to be used for such sports or used by organisations supporting such sports;*

3. *requires written permission to be sought for the use and management of any animal traps on its land and reserves the right to refuse permission where the Council considers they could cause unnecessary and avoidable suffering.*
4. *encourages other Local Authorities owning land in the Council's area, including Devon County Council, to adopt a similar resolution."*

In introducing his motion, Cllr McKay **PROPOSED** an alternative form of wording that read as follows:

*That, notwithstanding the moral arguments about blood sport, having regard to the animal welfare and public nuisance considerations, it is for the benefit or improvement of the Council's area that the Council:*

1. *does not support the killing of or cruelty to animals for sport or leisure in any circumstances.*
2. ***will** not facilitate or promote the killing of animals for sport or leisure by allowing its land to be used for such sports or **associated activities**;*
3. *requires written permission to be sought for the use and management of any animal traps on its land and reserves the right to refuse permission where the Council considers they could cause unnecessary and avoidable cruelty or suffering.*
4. *encourages other Local Authorities owning land in the Council's area, including Devon County Council, to adopt a similar resolution.*
5. ***that the Overview and Scrutiny Committee consider setting up a Task and Finish Group to develop a protocol/policy to underpin parts 1 to 4 of the Motion.***

In the ensuing discussion, reference was made to:

- (a) A number of Members expressed their support for the tone of the motion and felt that it outlined a statement of intent for the Council;
- (b) Members welcomed the revisions to part 2 of the motion in relation to deletion of the following wording: 'or used by organisations supporting such sports';
- (c) In the event of the motion being approved, it was recognised that there would be more detailed work to be undertaken and it was hoped that the Overview and Scrutiny Committee would support the wish to set up a Task and Finish Group to develop a protocol/policy. Members also felt

that the Terms of Reference that would underpin such a Task and Finish Group Review would require careful drafting.

It was then:

**RESOLVED**

That, notwithstanding the moral arguments about blood sport, having regard to the animal welfare and public nuisance considerations, it is for the benefit or improvement of the Council's area that the Council:

1. does not support the killing of or cruelty to animals for sport or leisure in any circumstances.
2. will not facilitate or promote the killing of animals for sport or leisure by allowing its land to be used for such sports or associated activities;
3. requires written permission to be sought for the use and management of any animal traps on its land and reserves the right to refuse permission where the Council considers they could cause unnecessary and avoidable cruelty or suffering.
4. encourages other Local Authorities owning land in the Council's area, including Devon County Council, to adopt a similar resolution.
5. that the Overview and Scrutiny Committee consider setting up a Task and Finish Group to develop a protocol/policy to underpin parts 1 to 4 of the Motion.

65. **Exclusion of Public and Press**

65/23

**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.

66. **Fusion Lifestyle - Leisure Contract Update**

66/23

Members considered an exempt report seeking approval for a variation to the Council's existing contract with Fusion Leisure.

There being no debate, it was then

**RESOLVED**

1. That the contract variation and changes to the payments profile for the five years 2023-24 to 2027-28, as set out in Section 4 of the presented agenda report, be approved; and
2. That it be noted that authority has been delegated to the Director of Place and Enterprise, in consultation with the Lead Executive Member for Community Services and the Section 151 Officer to finalise the terms of the profit share agreement for the five years from 2023-24 to 2027-28.

67.

**Chairman's Concluding Comments**

67/23

As this was anticipated to be the last meeting of Full Council for the 2023/24 Municipal Year, the Chairman thanked Members and Officers for their support during his year in office.

The Meeting concluded at 4.35 pm

**Signed by:**

**Chairman**

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