

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD IN
THE COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES ON THURSDAY 10
FEBRUARY 2022**

MEMBERS

* Cllr R J Foss – Chairman

* Cllr L Austen – Vice-Chairman

* Cllr V Abbott	* Cllr J McKay
* Cllr K J Baldry	* Cllr D M O'Callaghan
* Cllr H D Bastone	* Cllr G Pannell
* Cllr J P Birch	* Cllr J A Pearce
* Cllr J Brazil	∅ Cllr J T Pennington
* Cllr D Brown	* Cllr K Pringle
* Cllr M Chown	* Cllr H Reeve
* Cllr J D Hawkins	∅ Cllr J Rose
* Cllr J M Hodgson	* Cllr R Rowe
* Cllr T R Holway	* Cllr P C Smerdon
* Cllr N A Hopwood	* Cllr B Spencer
* Cllr S Jackson	* Cllr J Sweett
* Cllr L Jones	* Cllr B Taylor
* Cllr K Kemp	* Cllr D Thomas
∅ Cllr M Long	

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Chief Executive; Deputy Chief Executive; Monitoring Officer; Section 151 Officer; Deputy Section 151 Officer; Director of Place and Enterprise; Director of Strategy and Governance; and Democratic Services Manager

60/21 MINUTES

The minutes of the Council meeting held on 25 November 2021 were confirmed as a true and correct record.

61/21 DECLARATIONS OF INTEREST

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

Cllr G Pannell declared a non-registrable interest in agenda item 12(d): 'Notice of Motions' (Minute 69/21(d) below refers) by virtue of the proximity of his home to an existing Community Composting site and remained in the meeting during the debate and vote thereon.

BUSINESS BROUGHT FORWARD BY THE CHAIRMAN

The Chairman informed that he had exercised his discretion to permit two items to be brought forward to this meeting. These were:

1. The recommendation arising from the Audit Committee Meeting held on 9 December that related to the 'External Auditor Appointment' (Minute A.22/21 refers). This item was to be brought forward to this Meeting in light of the associated time constraints and would be considered at agenda item 9(h) (Minute 66/21(h) below refers); and
2. The two Notices of Motion that had been submitted by Cllrs Hodgson and Rose and had been omitted from the published agenda due to an administrative error. The Chairman confirmed that these Motions would be considered at agenda items 12(c) and (d) respectively (Minutes 69/21(c) and 69/21(d) below refer).

DRAFT 2022/23 REVENUE AND CAPITAL BUDGET PROPOSALS

The Council was presented with a report that outlined the recommendations of the Executive in respect of a series of draft revenue and capital budget proposals for 2022/23 to 2024/25 (Minute E.79/21 refers).

In their respective introductions, the Leader and Deputy Leader set out the final budget recommendations arising from the Executive meeting held on 27 January 2022. In so doing, particular reference was made to the proposals in relation to the 'Step On' Deposit Scheme and Community Composting Scheme initiatives.

During the ensuing debate, reference was made to:

- (a) the proposed levels of Unearmarked Reserves. A Member questioned the justification for the proposal to retain the minimum operating level of Unearmarked Reserves at £2 million. In reply, the Leader advised that this operating level had been proposed in line with the CIPFA (Chartered Institute of Public Finance and Accountancy) recommendations and was mindful of the significant uncertainties in relation to future local authority funding reforms;
- (b) Gypsy and Traveller sites. With regard to funding provision for potential Gypsy and Traveller sites, it was agreed that a Briefing Note would be provided to Members outside of this Council Meeting;
- (c) amendment number 1. In accordance with Budget and Policy Framework Procedure Rule 7(J), an amendment had been received by the Head of Paid Service at least four working days before this Council Meeting. The amendment had been received by Cllrs Birch and Brazil and read as follows:

'That Council resolves not to increase Council Tax for 2022/23 and will retain it at the level set for 2021/22. The proposed revenue loss of £200,000 be replaced by an allocation out of the New Homes Bonus (mentioned in part 4 of the agenda report recommendation).'

The subsequent reduction in the Affordable Housing Earmarked Reserve be covered by a transfer of £200,000 out of the Business Rates Retention Earmarked Reserve.

The agenda report recommendations at parts 1 to 12 of the budget proposals be amended accordingly.

During his introduction, the proposer made particular reference to:

- the significant rising costs of living and any increase in Council Tax being unwelcome to South Hams residents; and
- residents having been badly served by the Council's Waste and Recycling Contractor. As a result, a Council Tax freeze would be a means for the Council to apologise for the poor service received by residents.

In debating the amendment, the following points were raised:

- (a) Whilst sympathising with the intent of the amendment, a number of Members highlighted the compounding implications to the Base Budget that would be brought about through freezing Council Tax that would hamper the Council's financial sustainability in future years;
- (b) In support of the amendment, some Members echoed the comments expressed by the proposer during his introduction;
- (c) Some Members made the point that the District Council precept only equated to 8% of the overall Council Tax bill. Therefore, in the event that all of the other precepting authorities increased their respective precepts, then residents would still see an increase in their annual Council Tax bill. Furthermore, the proposed District Council Tax increase would amount to an increase of less than 10 pence per week.

In line with statutory requirements, a recorded vote was then undertaken on the amendment. The voting on the amendment was recorded as follows:

For the motion (12): Cllrs Abbott, Baldry, Birch, Brazil, Hodgson, Jackson, Kemp, McKay, O'Callaghan, Pannell, Sweett and Thomas

Against the motion (16): Cllrs Austen, Bastone, Brown, Chown, Foss, Hawkins, Holway, Hopwood, Jones, Pearce, Pringle, Reeve, Rowe, Smerdon, Spencer and Taylor

Abstentions (0):

Absent (3): Cllrs Long, Pennington and Rose

and the vote on the amendment was therefore declared **LOST**;

- (d) Amendment number 2. In accordance with Budget and Policy Framework Procedure Rule 7(J), a second amendment had been received by the Head of Paid Service at least four working days before this Council Meeting. The amendment had been received by Cllrs McKay and Thomas and read as follows:

'This Council resolves that the sum of £22,500 be transferred from the Emergency Climate Change Projects reserve to fund a single payment of £22,500 to Sustainable South Hams in recognition of the essential work they have done and to secure their ability to continue to deliver a unique, unmatched and important service in the fight against Climate Change and Biodiversity loss and that the Executive recommendation therefore include the addition of the following:

xiii) That the sum of £22,500 be transferred from the Emergency Climate Change Projects Reserve to fund the payment of £22,500 to Sustainable South Hams.

In introducing his amendment, the proposer paid tribute to the excellent work that was being carried out by the Sustainable South Hams (SSH) organisation. In recognition of their excellent work (coupled with the declared Climate Change and Biodiversity Emergency), the amendment was seeking to provide a one-off sum of money to SSH to support them in their work.

During the ensuing discussion, the following points were raised:

- i. In terms of process, some Members felt it would be more appropriate for SSH to apply to the 'Climate Engagement Fund' (which was to be launched in the upcoming weeks). Furthermore, some Members also felt it to be unfortunate that this amendment had not been given the opportunity for detailed consideration at the joint informal Overview and Scrutiny and Development Management Committee as part of the budget consultation process;
- ii. A Member made reference to the Council's approach to partnership funding arrangements (citing Citizens Advice; the Council for Voluntary Services; and Community Safety Partnership as examples) and felt that the Council should be consistent in its approach and be given the opportunity to review a detailed business case. In reply, some Members countered by highlighting that SSH representatives were volunteers and it was therefore unfair to compare the organisation to the three partnership examples cited;
- iii. A number of Members echoed the introductory comments of the proposer and emphasised the excellent work that was being undertaken by SSH throughout the South Hams. In particular, SSH was seen to be providing a valuable conduit link between other Community Groups and town and parish councils.

In line with statutory requirements, a recorded vote was then undertaken on the amendment. The voting on the amendment was recorded as follows:

For the motion (12): Cllrs Abbott, Baldry, Birch, Brazil, Hodgson, Jackson, Kemp, McKay, O'Callaghan, Pannell, Sweett and Thomas

Against the motion (16): Cllrs Austen, Bastone, Brown, Chown, Foss, Hawkins, Holway, Hopwood, Jones, Pearce, Pringle, Reeve, Rowe, Smerdon, Spencer and Taylor

Abstentions (0):

Absent (3): Cllrs Long, Pennington and Rose

and the vote on the amendment was therefore declared **LOST**.

In line with statutory requirements, a recorded vote was then undertaken on the substantive motion. The voting on the motion was recorded as follows:

For the motion (16): Cllrs Austen, Bastone, Brown, Chown, Foss, Hawkins, Holway, Hopwood, Jones, Pearce, Pringle, Reeve, Rowe, Smerdon, Spencer and Taylor

Against the motion (12): Cllrs Abbott, Baldry, Birch, Brazil, Hodgson, Jackson, Kemp, McKay, O'Callaghan, Pannell, Sweett and Thomas

Abstentions (0):

Absent (3): Cllrs Long, Pennington and Rose

and the vote on the substantive motion was therefore declared **CARRIED**.

It was then:

RESOLVED

1. That Council Tax for 2022/23 be increased by £5 (Band D of £180.42 for 2022/23 – an increase equivalent to less than 10 pence per week or £5 per year – equating to a 2.85% increase). (NB. this equates to a Council Tax Requirement of £7,061,585);
2. That the financial pressures (as shown in Appendix A of the published agenda report and amounting to £1,044,600) be approved;
3. That the net contributions to/(from) Earmarked Reserves of £561,600 (as shown in Appendix D of the published agenda report, including the proposed use of £500,000 of New Homes Bonus funding to fund the 2022/23 Revenue Budget (as outlined in section 3.30 of the Executive report from the meeting dated 27 January 2022 (Minute E.79/21 refers)) and £100,000 from the Business Rates Retention Earmarked Reserve (as set out in section 3.21 of the Executive report from the meeting dates 27 January 2022 (Minute E.79/21 refers)) be approved;

4. That £407,557 of the New Homes Bonus Grant allocation for 2022/23 be allocated to an Affordable Housing Earmarked Reserve as a one-off contribution for 2022/23 (as set out in sections 3.30 to 3.31 of the Executive report from the meeting dated 27 January 2022 (Minute E.79/21 refers)) (NB. an amount of £60,000 from the £407,557 is to be allocated to the 'Step On' Deposit Scheme pilot);
5. That the savings of £404,000 (as set out in Appendix A of the published agenda report) be approved;
6. That it be noted that South Hams District Council will continue to be part of the Devon Business Rates Pool for 2022/23 following the announcement of the Local Government Finance Settlement for 2022/23;
7. That the Council should set its total net expenditure for 2022/23 at £10,464,367 (as set out in Appendix B of the published agenda report);
8. That the proposed Capital Programme Proposals for 2022/23 (amounting to £1,665,000) and the proposed financing of the Capital Programme (as set out in Appendix E of the published agenda report) be approved;
9. That Unearmarked Reserves should continue to have a minimum level of £1.5 million (as set out in the adopted Medium Term Financial Strategy in September 2021), but an operating level of a minimum of £2 million;
10. That the level of Reserves (as set out in the Executive report arising from the meeting held on 27 January 2022) and the assessment of their adequacy and the robustness of budget estimates be noted (NB. this is a requirement of Part 2 of the Local Government Act 2003);
11. That £280,000 be transferred from Unearmarked Reserves to a 'Financial Stability Earmarked Reserve' as part of the process of closing the 2021/22 Accounts, to be available for any future financial pressures from future local government funding reforms and any other budget pressures (the predicted year-end balance of Unearmarked Reserves at 31 March 2022 is £2.28 million) (as set out in Section 7.8 of the published agenda report arising from the Executive meeting held on 27 January 2022) (NB. this would leave an operating level of £2 million for Unearmarked Reserves);
and

12. That a one-off amount of £200,000 be transferred into a 'Community Composting Earmarked' Reserve in 2021/22 as part of the process of closing the 2021/22 Accounts. (NB. a scheme is to be set up with a one-off budget of £200,000 in 2022/23 for community composting, aligned to savings in the green waste element of the waste contract in 2021/22 (as set out in Section 3.40 of the Executive report arising from the meeting held on 27 January 2022).

64/21

COVID 19 ADDITIONAL RELIEF FUND (CARF) SCHEME

The Council considered a report that sought agreement to delegate the approval of a policy to administer the COVID 19 Additional Relief Fund (CARF) Scheme to the Council's Section 151 Officer, in consultation with the Rate Relief Panel.

It was then:

RESOLVED

That delegated authority be granted to the Section 151 Officer, in consultation with the Leader, Deputy Leader and the lead Executive Member for Communities (the three Members of the Council's Rate Relief Panel) to administer the COVID 19 Additional Relief Fund (CARF) Scheme.

65/21

DRAFT CALENDAR OF MEETINGS 2022/23

Consideration was given to a report that presented the draft Calendar of Meetings for 2022/23 for adoption.

In discussion, some specific amendments were suggested to the draft Calendar. As a way forward and, in recognition of the knock-on effect of making amendments, an amendment was **PROPOSED** and **SECONDED** that read as follows:

That the draft Calendar of Meetings for 2022/23 (as set out at Appendix A of the published agenda report) be approved, *subject to further changes being delegated to the Head of Paid Service, in consultation with the Leader and the Chairman of Council.*

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

It was then:

RESOLVED

That the draft Calendar of Meetings for 2022/23 (as set out at Appendix A of the published agenda report) be approved, subject to further changes being delegated to the Head of Paid Service, in consultation with the Leader and the Chairman of Council.

RESOLVED

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

(a) Development Management Committee – 10 November 2021

(b) Salcombe Harbour Board – 15 November 2021

(c) Executive – 2 December 2021

E.65/21: Month 7 Revenue Budget Monitoring 2021/22

RESOLVED

That up to £120,000 be applied from the Salary Savings Earmarked Reserve and £80,000 from the Sustainable Waste Management Earmarked Reserve in 2021/22 to support additional salary costs in 2020/21 (as set out in Section 3.3 of the published agenda report presented to the Executive Meeting).

E.67/21: Revenue and Capital Budget Proposals for 2022/23 to 2024/25

RESOLVED

That the Council continue to be part of the Devon Business Rates Pool for 2022/23, subject to there being no announcements within the Finance Settlement (expected to be announced in mid-December) which in the opinion of the Section 151 Officer (in consultation with the Leader of Council and the lead Executive Member for Finance) would change this recommendation.

E.68/21: Planning Improvement Plan – Phase 3 Case Management Resources and Enforcement

RESOLVED

That authority be delegated to the Head of Paid Service, in consultation with the lead Executive Member for the Built and the Natural Environment and the Director of Strategic Finance, to recruit additional staffing where there is a clear and demonstrable increase in planning applications and/or demand on the service, provided that the increase in staffing can be adequately covered by the additional income generated.

(d) Development Management Committee – 15 December 2021

(e) Development Management Committee – 19 January 2022

(f) Overview and Scrutiny Committee – 20 January 2022

(g) Executive – 27 January 2022

(h) Audit Committee – 9 December 2021

(Minute 62/21 above refers)

A.22/21: External Auditor Appointment

RESOLVED

That South Hams District Council opts into the national arrangement for the procurement and appointment of external auditors, through Public Sector Audit Appointments, by 11 March 2022.

67/21 **PUBLIC QUESTION TIME**

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

68/21 **QUESTIONS ON NOTICE**

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

69/21 **MOTIONS ON NOTICE**

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

(a) By Cllrs Brown and Pearce

‘That the Council acknowledges the intention of Plymouth City Council to declare a National Marine Park in Plymouth Sound, which could impact areas within the authority of South Hams District Council. South Hams District Council welcomes the appointment of an Interim CEO for Plymouth Sound National Marine Park. This Council emphasises the importance of existing protected landscape designations within areas that could in future be located within the proposed National Marine Park, including the South Devon AONB, SSSIs and Heritage Coast. That the proposed National Marine Park should aim to complement and enhance the existing landscape designations.’

In his introduction, the proposer made particular reference to:

- the lack of prior consultation;

- the designation of a National Marine Park having to compliment the South Devon AONB; SSSIs and Heritage Coast; and
- the project being an exciting one and that he looked forward to seeing how it progressed.

In the ensuing debate, an amendment to the motion was **PROPOSED** and **SECONDED** that read as follows:

‘That the Director of Place and Enterprise writes to the Interim CEO for Plymouth Sound National Marine Park requesting a meeting with officers and ward Members impacted by the proposal, to ensure the declaration is fully consulted on.’

Members discussed the amendment and, in support, recognised the importance of Member involvement and engagement in the project.

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

It was then:

RESOLVED

That the Council acknowledges the intention of Plymouth City Council to declare a National Marine Park in Plymouth Sound, which could impact area within the authority of South Hams District Council.

South Hams District Council welcomes the appointment of an Interim CEO for Plymouth Sound National Marine Park.

This Council emphasises the importance of existing protected landscape designations within areas that could in future be located within the proposed National Marine Park, including the South Devon AONB, SSSIs and Heritage Coast.

That the Director of Place and Enterprise writes to the Interim CEO for Plymouth Sound National Marine Park requesting a meeting with officers and ward members impacted by the proposal, to ensure the declaration is fully consulted on.

That the proposed National Marine Park should aim to complement and enhance the existing landscape designations.

(b) By Cllrs Bastone and Hawkins

“South Devon NHS System

(Background: On 17th December Members were invited to a briefing by Chris Knights of the NHS Torbay and South Devon Foundation Trust on the Trust’s intention to build a digital infrastructure as part of the Building a Brighter Future programme. The slides to this presentation may be found in the attached appendix.

In summary, NHS Torbay and South Devon Foundation Trust have been allocated £3.7 billion government funding as part of the Government's New Hospital Programme. As part of the investment a single integrated electronic patient record will be developed. This will become the foundation of all the digital solutions across all services (adult social care, community services and hospital services). It will replace more than 20 core systems, which currently do not talk to or with one another. Implementing an EPR is a major undertaking but it is critical to enable the delivery of a fully integrated care across all services and will benefit patients and staff.

The attached slides present the need for change and the benefits to the patient that the new system will provide.

Community Wellbeing is a key theme in the Councils Corporate Strategy "Better Lives for All". Improving access to services is a key part of improving health and wellbeing in the District. This single integrated patient record should enable residents to receive a more joined up service between key services that support residents' health and wellbeing.

As part of the Business Case the NHS Torbay and South Devon Foundation Trust require the support of key stakeholders such as South Hams District Council. This motion of support is proposed to support the business case.)

We therefore propose the motion:

"For the benefit to health and wellbeing of our residents, South Hams District Council supports the intention of the Torbay and South Devon NHS Foundation Trust to develop an integrated electronic patient record and improve the customer experience across all adult social care, community services and hospital services."

In his introduction, the proposer advised that the proposals presented a real opportunity for the Trust to take advantage of both new technology and advancements in health and social care. In asking for our support, the Trust had advised that the Electronic Patient Record (EPR) would replace more than 20 core systems and significantly reduce bureaucracy.

During the ensuing debate, particular reference was made to:

- (a) the improvements that would be realised were recognised. In so doing, Members felt that the improvements were long overdue and the potential wellbeing implications to residents were noted;
- (b) previous IT systems within the NHS. As a word of caution, some Members highlighted the previous mistakes that had been incurred in relation to IT systems within the NHS and advised that they would reserve their judgement until they knew more information;

- (c) contrasts with the equivalent Governance Board for the Plymouth NHS area. Members asked that the Head of Paid Service ascertain as to why the Council did not appoint a representative to serve on the equivalent Governance Board for the Plymouth NHS area. In expanding upon the point, some Members felt that the Council placed too great an emphasis on the Torbay and South Devon Trust area in comparison to the Plymouth NHS area;
- (d) an amendment to the motion was **PROPOSED** and **SECONDED** that read as follows:

'subject to the Council receiving regular reports on the progress of this ambitious programme via invitations to future O+S Committee meetings.'

In support of the amendment, Members felt it to be important for the Overview and Scrutiny Committee to closely monitor how this project was progressing.

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

It was then:

RESOLVED

For the benefit to health and wellbeing of our residents, South Hams District Council supports the intention of the Torbay and South Devon NHS Foundation Trust to develop an integrated electronic patient record and improve the customer experience across all adult social care, community services and hospital services, subject to the Council receiving regular reports on the progress of this ambitious programme via invitations to future O+S Committee meetings.

(NOTE. in accordance with Meeting Procedure Rule 17.7 *'Right to Require Individual Vote to be Recorded'*, Cllrs K Baldry and D Thomas asked that their respective votes to abstain on this motion be formally recorded).

(c) By Cllrs Hodgson and Rose

(Minute 62/21 above refers)

"In preparation for the forthcoming review of the Joint Local Plan, this Council will invite Town and Parish Councils to propose potential hamlets and similar locations for new Conservation Area Assessments to ensure the future protection of some special heritage and historic locations in the district that are currently vulnerable to inappropriate new development."

In her introduction, the proposer emphasised the importance of the motion and urged the support of the wider membership.

In discussion, the following points were raised:

- (i) It was noted that an agreed action within the Council's adopted 'Better Lives for All' Corporate Strategy was to employ a new Heritage Officer. In terms of recruitment timescales, the post would be advertised in the upcoming weeks and it was hoped that the post would be filled soon. It was also confirmed that this postholder would present an opportunity to support local Community Groups and town and parish councils to meet the objectives of this motion;
- (ii) In reply to the Joint Local Plan review process being set out, some Members made the point that the motion was simply asking that town and parish councils be fully consulted and engaged as part of this forthcoming review.

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

(d) By Cllrs Hodgson and Rose

“In light of the current difficulties with the collection of green waste and the likelihood that this will remain a problem for some areas of the district, and in the spirit of COP 26 to reduce the carbon footprint of waste recycling, this Council will encourage and support community composting initiatives that are supported by parish councils in the South Hams.”

In her introduction, the proposer emphasised her hope that Community Composting initiatives could be progressed as soon as was practically possible.

In discussion, with the agreement of the meeting, the proposer and seconder of the motion accepted the following amendment (in red font) to their motion:

In light of the current difficulties with the collection of green waste and the likelihood that this *may* remain a problem for some areas of the district, and in the spirit of COP 26 to reduce the carbon footprint of waste recycling, this Council will encourage and support community composting initiatives that are supported by parish councils in the South Hams.

Moreover, some Members emphasised the importance that the Council preserved and supported the existing Community Composting sites that were in operation in the South Hams.

It was then:

RESOLVED

In light of the current difficulties with the collection of green waste and the likelihood that this may remain a problem for some areas of the district, and in the spirit of COP 26 to reduce the carbon footprint of waste recycling, this Council will encourage and support community composting initiatives that are supported by parish councils in the South Hams.

(Meeting commenced at 11.00 am and concluded at 3.25 pm)

Chairman