

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 15th February, 2022** at **4.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Mott
Vice Chairman Cllr Pearce

Cllr Bolton	Cllr Bridgewater
Cllr Cheadle	Cllr Crozier
Cllr Davies	Cllr Daniel
Cllr Edmonds	Cllr Ewings
Cllr Heyworth	Cllr Jory
Cllr Kemp	Cllr Kimber
Cllr Leech	Cllr Moody
Cllr Moyse	Cllr Renders
Cllr Ridgers	Cllr Samuel
Cllr Southcott	Cllr Spettigue
Cllr Vachon	Cllr Wood
Cllr Yelland	Cllr Blackman

In attendance:

Officers:
Senior Leadership Team
Monitoring Officer
Democratic Services Manager
Head of Housing
Deputy Section 151 Officer
Fusion Lifestyle Representative

52. **Apologies for Absence**
CM 52/21
Apologies for absence were received from Cllrs Ball, Coulson, Ratcliffe and Sellis.
53. **Confirmation of Minutes**
CM 53/21
It was moved by Cllr N Jory, seconded by Cllr R Cheadle and upon the motion being submitted to the Meeting was declared to be **CARRIED**

and **"RESOLVED** that the Council agree the Minutes of the 30 November 2021 meeting as a true record."

54. **Declarations of Interest**

CM 54/21

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

55. **To receive communications from the Mayor or person presiding**

CM 55/21

(a) Mayor's Engagements

The Mayor made specific reference to the following upcoming Engagements:

- A Pub Quiz that was to be held in Bridestowe on 9 March; and
- Her Civic Dinner that had been scheduled to be held on 18 March.

By way of a reminder, all Members were invited to both Events and were asked to confirm their attendance with the Mayor.

56. **To consider motions of which notice has been duly submitted by Members in accordance with Council Procedure Rule 15:**

CM.56/21

In the absence of Cllr B Ratcliffe, it was moved by Cllr N Jory and seconded by Cllr C Edmonds that:

"Background:

"House prices in our Borough are the least affordable in Devon, with the average house costing more than 12 times the average salary.

There is an almost complete absence of long term rented accommodation and an ever increasing pressure on housing stock that is available due to relocation trends from urban areas into more rural locations. West Devon Borough Council continues to deliver what is required through the Joint Local Plan, by exceeding its housing delivery targets, but this alone will not tackle the problem or deliver the types of houses local people need, where they need them at a price they can afford.

I bring before the Council a motion to elevate the Council's response to this crisis, to go further and do more: collectively, strategically and financially.

In proposing this motion, to declare a 'housing crisis' I am asking for the commitment of all members of this Council to step up to meet this challenge. This issue should be foremost in member's minds when

engaging with our communities, debating, challenging, setting strategy and exercising your democratic decision making powers.

Motion:

That West Devon Borough Council should recognise current difficulties in the housing market and the effect on the affordability of good quality housing within the Borough and:

- 1. Demonstrate our commitment to the wellbeing of homeless people in the Borough by providing quality temporary accommodation (such as is proposed at Springhill Tavistock) and reduce the need for less appropriate forms of temporary accommodation;*
- 2. Act where the Council has a land holding and take an interventionist approach to the housing market over the longer-term, where there is demonstrable housing need, leading to improved long term housing outcomes;*
- 3. Recognise the market failures locally around accommodation options for vulnerable people (exempt accommodation), work in close partnership with Devon County Council to provide alternatives – putting people before profit. At the same time lobby national government to make legislative changes to remove the incentives for unscrupulous providers and to protect the needs of this vulnerable group;*
- 4. Recognise the need for extra care accommodation in the Borough (such as proposed at Plymouth Rd) and ensure such schemes are supported to come forward;*
- 5. Actively contribute to 'Team Devon's' housing task force and housing commission to build the case for affordable housing as a key priority in any pan-Devon devolution ask;*
- 6. 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 DLUC for a separate planning class for short term lets and a proper licensing system to cater for them;*
- 7. As the Council moves towards a review of the JLP, aspire to the highest affordable housing threshold that is sustainable and underpin it in policy;*
- 8. Create a long term strategic partnership with a high quality Registered Provider to see the delivery of affordable-led housing at scale and over the long term in the Borough;*
- 9. Continue to work closely with our main Registered Providers to ensure best occupancy of stock, not just by providing financial incentives for downsizing, but, where a step into home ownership*

may be possible, supporting tenants to make that move through a deposit grant scheme;

- 10. Use any Section 106 affordable housing contributions as soon as possible to help fund developments anywhere in the Borough where the terms of the Section 106 Agreement permit this.*
- 11. As agreed at the last Hub Committee meeting, campaign for changes to the Broad Market Area to better reflect the costs of rents in West Devon;*
- 12. Actively seek opportunities to invest in Council owned social housing with high sustainability specification (including modular housing) to support those on low incomes who are unable to afford 'affordable' rented housing;*
- 13. Aligned with our Climate Change Emergency, continue to fund (and bid for further national funding) improvements to existing private sector houses within the Borough, recognising that housing is responsible for 40% of national CO2 emissions."*

In his introduction, the Leader emphasised the scale of the current housing issues in the Borough and felt that the Council must take every possible step to attempt to address the crisis. In so doing, it was recognised that every Member of Council had a role to play.

During the ensuing debate, the following points were raised: -

- (a) A proposal to defer the motion for consideration at the next Council meeting (to be held on 5 April 2022) was **PROPOSED** and **SECONDED**. In support of the proposal to defer, some Members made reference to the absence of the lead Hub Committee Member from this Council meeting and the wish for each aspect of such a detailed motion to be given in-depth consideration by the Homes Hub Advisory Group. In contrast, other Members emphasised the urgency of the situation and the need to make swift progress on declaring a housing crisis rather than creating any further unwarranted delays.

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

- (b) With the agreement of the meeting, the proposer and seconder accepted the following three amendments for inclusion within the substantive motion:
 1. Deletion of the following at point 4: *(such as proposed at Plymouth Rd)*;
 2. The following additional point 14:

"That this authority lobbies our MP's and Central Government to provide an incentive to landowners for the provision of land specifically for Local Needs Affordable Housing. Giving landowners a tax break when providing land for affordable

housing where there is an identified need, would, it is believed, help to release land at a reduced cost to support the small scale provision of affordable housing in our rural communities. As Members and Officers will be aware, the cost of land for housing is a significant deterrent to bringing forward low cost quality housing in most of the Borough area, without the provision of open market housing, which most communities do not want;"

3. The following additional point 15:

"That, having declared a Housing Crisis (and recognising the importance of making quick progress), the ideas set out in points 1 to 14 of the substantive motion be given further consideration at:

- 1. a meeting of the Homes Hub Advisory Group;*
- 2. an Informal Council session; and*
- 3. future meetings of the Hub Committee and Full Council to be supplemented by published agenda reports and an evolving draft Action Plan."*

When put to the vote, each of these three additions were declared **CARRIED**.

It was then **"RESOLVED** that West Devon Borough Council should recognise current difficulties in the housing market and the effect on the affordability of good quality housing within the Borough and:

1. Demonstrate our commitment to the wellbeing of homeless people in the Borough by providing quality temporary accommodation (such as is proposed at Springhill Tavistock) and reduce the need for less appropriate forms of temporary accommodation;
2. Act where the Council has a land holding and take an interventionist approach to the housing market over the longer-term, where there is demonstrable housing need, leading to improved long term housing outcomes;
3. Recognise the market failures locally around accommodation options for vulnerable people (exempt accommodation), work in close partnership with Devon County Council to provide alternatives –putting people before profit. At the same time lobby national government to make legislative changes to remove the incentives for unscrupulous providers and to protect the needs of this vulnerable group;
4. Recognise the need for extra care accommodation in the Borough and ensure such schemes are supported to come forward;
5. Actively contribute to 'Team Devon's' housing task force and housing commission to build the case for affordable housing as a key priority in any pan-Devon devolution ask;

6. 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 DLUC for a separate planning class for short term lets and a proper licensing system to cater for them;
7. As the Council moves towards a review of the JLP, aspire to the highest affordable housing threshold that is sustainable and underpin it in policy;
8. Create a long term strategic partnership with a high quality Registered Provider to see the delivery of affordable-led housing at scale and over the long term in the Borough;
9. Continue to work closely with our main Registered Providers to ensure best occupancy of stock, not just by providing financial incentives for downsizing, but, where a step into home ownership may be possible, supporting tenants to make that move through a deposit grant scheme;
10. Use any Section 106 affordable housing contributions as soon as possible to help fund developments anywhere in the Borough where the terms of the Section 106 Agreement permit this;
11. As agreed at the last Hub Committee meeting, campaign for changes to the Broad Market Area to better reflect the costs of rents in West Devon;
12. Actively seek opportunities to invest in Council owned social housing with high sustainability specification (including modular housing) to support those on low incomes who are unable to afford 'affordable' rented housing;
13. Aligned with our Climate Change Emergency, continue to fund (and bid for further national funding) improvements to existing private sector houses within the Borough, recognising that housing is responsible for 40% of national CO2 emissions;
14. That this authority lobbies our MP's and Central Government to provide an incentive to landowners for the provision of land specifically for Local Needs Affordable Housing. Giving landowners a tax break when providing land for affordable housing where there is an identified need, would, it is believed, help to release land at a reduced cost to support the small scale provision of affordable housing in our rural communities. As Members and Officers will be aware, the cost of land for housing is a significant deterrent to bringing forward low cost quality housing in most of the Borough area, without the provision of open market housing, which most communities do not want;

15. That, having declared a Housing Crisis (and recognising the importance of making quick progress), the ideas set out in points 1 to 14 of the substantive motion be given further consideration at:
 4. a meeting of the Homes Hub Advisory Group;
 5. an Informal Council session; and
 6. future meetings of the Hub Committee and Full Council to be supplemented by published agenda reports and an evolving draft Action Plan."

57. **To receive the Minutes of the following Committees, to note the delegated decisions and to consider the adoption of those recommendations which require approval:**

CM 57/21

a. Overview & Scrutiny Committee – 16 November 2021 and 18 January 2022

It was moved by Cllr M Ewings, seconded by Cllr J Spettigue and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 16 November 2021 meeting and the 18 January 2022 be received and noted, with the exception of Recommendations O&S 29 and O&S 38".

In respect of the recommendations:

O&S 29: Overview and Scrutiny Annual Report

It was moved by Cllr M Ewings, seconded by Cllr J Spettigue and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Overview and Scrutiny Annual Report for 2020/21 be adopted."

O&S 38: Third Sector Partners – Tamar Valley AONB

In discussion, some Members felt that the Council could not insist (through the use of the word *'must'*) that all future developments be landscaped with indigenous plants. As a consequence, it was felt that the word *'must'* should be replaced by the word *'should'*.

It was therefore moved by Cllr M Ewings, seconded by Cllr J Spettigue and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Council lobby and make representations calling for the ability for the Council to insist that, where practicable and appropriate, all future developments in West Devon should be landscaped with indigenous plants. West Devon has declared both a climate change and biodiversity emergency and such an ability would fit in with West Devon's ambition to increase safeguarding biodiversity."

b. Audit Committee – 7 December 2021

It was moved by Cllr M Davies, seconded by Cllr M Renders and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 7 December 2021

meeting be received and noted, with the exception of Recommendation AC 16.”

In respect of the Recommendation:

AC 16: External Auditor Appointment

It was moved by Cllr M Davies, seconded by Cllr M Renders and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Council opts into the national arrangement for the procurement and appointment of external auditors, through Public Sector Audit Appointments, by 11 March 2022.”

c. Hub Committee – 7 December 2021 and 1 February 2022

It was moved by Cllr N Jory, seconded by Cllr C Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 7 December 2021 meeting and 1 February 2022 meeting be received and noted, with the exception of Recommendations HC 49/21, HC 50/21, HC 52/21, HC 60/21, HC 63/21 and HC 66/21.”

In respect of the Recommendations:

HC 49/21: Planning Improvement Plan – Phase 3 Case Management Resources and Enforcement

It was moved by Cllr N Jory, seconded by Cllr C Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that authority be delegated to the Head of Paid Service, in consultation with the lead Hub Committee Member for ‘Adapting Our Built 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.”

HC 50/21: Month 7 Revenue Budget Monitoring 2021/2022

It was moved by Cllr N Jory, seconded by Cllr C Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Council apply up to £80,000 from the Salary Savings Earmarked Reserve in 2021/22 to support additional salary costs in 2021/22 (as set out in section 3.3 of the agenda report presented to the Hub Committee Meeting).”

HC 52/21: Revenue and Capital Budget Proposals for 2022/23 to 2024/25

It was moved by Cllr N Jory, seconded by Cllr C Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that 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 the Council and the Hub Committee Member for Finance), would change this recommendation.”

HC 60/21: Revenue and Capital Budget Proposals for 2022/23

It was noted that Recommendation HC 60/21 was to be considered as a standalone agenda item later in the Meeting (Minute CM 58/21 below refers).

HC 63/21: Fusion Lifestyle – Leisure Contract Support Update

It was noted that Recommendation HC 63/21 was to be considered as a standalone agenda item later in the Meeting (Minute CM 59/21 below refers).

HC 66/21: Local Government Act 1972 Section 109 – Kelly Parish Meeting

It was moved by Cllr N Jory, seconded by Cllr C Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Head of Legal Services and Monitoring Officer be given Delegated Authority to make an order under section 109 of the Local Government Act 1972 granting Kelly Parish Meeting, the power to consent under section 61F of the Town and Country Planning Act 1990 to the whole of its parish being included in the Milton Abbot, Chillaton and Kelly Neighbourhood Plan.”

d. Development Management & Licensing Committee – 14 December 2022

It was moved by Cllr J Yelland, seconded by Cllr T Pearce and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 14 December 2022 be received and noted.

58. **Draft Revenue and Capital Budget Proposals 2022/23 to 2024/25**

CM 58/21

Consideration was given to a report that presented the Hub Committee draft recommendations on the Revenue and Capital Budget for 2022-23

In the ensuing debate, reference was made to :-

- (a) the proposal to increase Council Tax. In light of the significant rising costs of living that were being faced by residents, some Members stated that they could not vote in favour of any proposal to increase Council Tax. Whilst sympathetic to this viewpoint, other 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) the proportion of total Council Tax that was actually the Borough Council precept (11% of the overall bill). In echoing the comments made by the Hub Committee, a Member felt that, as the collecting authority, there were a number of public misconceptions over the Borough Council precept. As a result, it was felt that there was a need for the Communications Team to produce and publish messaging at the time of annual billing in an attempt to counter these misconceptions.

At the conclusion of the debate and, in accordance with statutory legislation, the Mayor then called for a recorded vote on the recommendation. The vote was subsequently recorded as follows: -

For the motion (22): Cllrs Blackman, Bolton, Bridgewater, Cheadle, Crozier, Davies, Edmonds, Ewings, Heyworth, Jory, Kemp, Kimber, Leech, Mott, Moyse, Pearce, Ridgers, Samuel, Southcott, Spettigue, Vachon and Yelland

Against the motion (4): Cllrs Daniel, Moody, Renders and Wood

Abstentions (0):

Absent (4): Cllr Ball, Coulson, Ratcliffe and Sellis

and the vote on the recommendation was therefore declared **CARRIED** and it was therefore "**RESOLVED** that the Council:

1. set an increase in Council Tax for 2022/23 of £5 (Band D of £246.63 for 2022/23 – an increase of less than 10 pence per week or £5 per year – equates to a 2.07% increase). (This equates to a Council Tax Requirement of £5,102,220);
2. approve the financial pressures (as shown in Appendix A of the published agenda report) that amount to £689,000;
3. approve the net contributions to Earmarked Reserves of £209,350 (as shown in Appendix A of the published agenda report), including the proposed use of £75,000 from the Business Rates Retention Earmarked Reserve as set out in section 3.21 of the published agenda report;
4. approve the proposed transfer of £162,850 into a Financial Stability Earmarked Reserve in 2022/23, to be available for any future financial pressures from future local government funding reforms and any other budget pressures;
5. approve the proposed use of £150,000 of New Homes Bonus funding to fund the 2022/23 Revenue Base Budget as set out in section 3.30 of the published agenda report;

6. approve the proposed transfer of £172,084 of the New Homes Bonus grant allocation for 2022/23 to an Affordable Housing Earmarked Reserve as a one-of contribution for 2022/23 (as set out in sections 3.30 to 3.31 of the published agenda report);
7. approve the savings of £221,000 as shown in Appendix A of the published agenda report;
8. note the Total Net Expenditure of the Council for 2022/23 is £7,769,695 (as shown in Appendix B of the published agenda report);
9. approve the Capital Programme Proposals for 2022/23 of £835,000 and the proposed financing of the Capital Programme as set out in Appendix D of the published agenda report);
10. note that Unearmarked Reserves should continue to have a minimum level of £900,000 (as set in the Medium Term Financial Strategy in September 2021), but an operating level of a minimum of £1.25million;
11. note the level of reserves as set out within the presented agenda report and the assessment of their adequacy and the robustness of budget estimates. (NB. This is a requirement of Part 2 of the Local Government Act 2003); and
12. note that the Borough Council will continue to be part of the Business Rates Pool for 2022/23 (as per Section 3.23 of the published agenda report)."

59.

Fusion Lifestyle -Leisure Contract Support Update

CM 59/21

Consideration was given to a report that provided an update on current performance levels; the recovery and business impact within the Leisure Contract; and proposed contract variations so as to mitigate those impacts.

At the discretion of the Chairman, the Fusion representative was invited to address the meeting. In so doing, the representative emphasised the challenges that had been faced by the leisure industry since the start of the COVID-19 Pandemic. Whilst participation and income figures remained below 2019 figures, the representative was pleased to inform that the early signs for 2022 were promising and there appeared to be greater consumer confidence in the leisure market. In reply to a specific question, the representative stated that the recovery at Parklands had been comparatively slower than at Meadowlands Leisure Centre largely as a consequence of the greater educational focus at Parklands.

It was then proposed by Cllr T Leech, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the performance of the Fusion contract to date, wider market trends and the financial information on Fusion's performance in 2021 (as first reported at its 2 November 2021 meeting) be noted;
2. the contract variation and changes to the management fee profile (as set out in Appendix A (Table 1) of the published agenda report) be approved; and
3. the funding of the £58,639 shortfall in income of the management fee in 2021-22 from the COVID Losses Earmarked Reserve in 2021-22 be approved."

60. **COVID 19 Additional Relief Fund (CARF) Scheme**

CM 60/21

A report was considered that sought to delegate approval of the COVID 19 Additional Relief Fund (CARF) to the Section 151 Officer, in consultation with the Leader of the Council; the Mayor; the Chairman of the Overview and Scrutiny Committee and the lead Hub Committee Member for Economy.

It was then proposed by Cllr N Jory, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that authority be delegated for the approval of a scheme to administer the COVID 19 Additional Relief Fund (CARF) to the Section 151 Officer, in consultation with the Leader of the Council, the Mayor, the Chairman of the Overview and Scrutiny Committee and the Lead Hub Committee Member for Economy (the four Members of the Council's Discretionary Business Rates and Rate Relief Panel)."

61. **Draft Calendar of Meetings 2022/23**

CM 61/21

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

It was proposed by Cllr N Jory, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the draft Calendar of Meetings for 2022/23 (as set out at Appendix A of the presented agenda report) be approved."

62. **Member Appointments - and waiver of Six-Month Councillor Attendance Rule**

CM 62/21

The Council considered a report that recommended some revisions to the list of Outside Bodies for the remainder of the 2021/22 Municipal Year and asked that Members note the six-month attendance rule.

It was proposed by Cllr N Jory, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. Cllr P Crozier be appointed to be the Council's representative to serve on the Tamar Valley AONB Partnership Committee for the remainder of the 2021/22 Municipal Year;
2. Cllr P Vachon be appointed to be the Council's representative to serve on the Tavistock College Endowment Fund Trustees for the remainder of the 2021/22 Municipal Year; and
3. the requirement, in accordance within Section 85(1) of the Local Government Act 1972, for Members of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, in order to avoid being disqualified as a Councillor, be noted."

The Meeting concluded at 5.40 pm

Signed by:

Chairman
