

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT KILWORTHY PARK, TAVISTOCK ON THURSDAY 25 NOVEMBER 2021**

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; Director of Place and Enterprise; Head of Environmental Health; and Democratic Services Manager

49/21 MINUTES

The minutes of the Council meeting held on 23 September 2021 were confirmed as a true and correct record.

50/21 DECLARATIONS OF INTEREST

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

For clarity, having sought the advice of the Monitoring Officer prior to the start of the discussion on the Motion on Notice that related to fossil fuels (Minute 59/21(b) below refers), Cllr N Hopwood did not declare an interest in this agenda item and remained in the meeting and took part in the debate and vote thereon.

CHAIRMAN'S ANNOUNCEMENTS**(a) Cllr Hopwood Apology to Council**

At the invitation of the Chairman, Cllr Hopwood proceeded to make the following statement:

'I would like to apologise to my fellow Members that I did not declare a financial interest at the start of the Special Executive Meeting on Thursday 11 November. I should have done so, and as soon as I was reminded of that by officers I left the room immediately and took no further part in the meeting.

After the meeting, I posted some things on social media I probably shouldn't have said about being backed into a corner by the opposition and forced to pay for the brown bin collection or to resign. This was not true. I recognise and fully accept the fault was mine and it was right that I paid for the work rather than the Council.

I do hope that this will draw a line under the issue and we can all get on with what is most important, which is working in the interests of our communities to ensure our residents get the waste and recycling service they deserve. I hope that as members all of us will work together in a constructive way to bring that about.'

At this point, the Chief Executive made a brief statement to the meeting as follows:

'I am aware of a variety of concerns raised by a number of councillors over the content of recent posts made by fellow councillors on social media.

I would like to ask members to think carefully about posting messages that are critical of other members and to please ensure that you do not bring the Council into disrepute.

The Monitoring Officer has issued further guidance which I hope all members will find helpful.

In addition, guidance has been issued by the Monitoring Officer on the declaration of interests at meetings.'

(b) Chairman's Events

The Chairman made reference to recent Events that he had attended and upcoming Invitations and made particular reference to:

- the Remembrance Service at Totnes Church; and
- the Passing Out Parade at the Royal Naval College, Dartmouth.

52/21

HEALTH AND SAFETY POLICY STATEMENT

Consideration was given to a report that sought Council agreement to adopt a revised Health and Safety Policy Statement.

In his introduction, the lead Executive Member wished to publicly thank both the National Health Service for its efforts during the ongoing COVID-19 Pandemic and Council officers and partner agencies for their commitment to supporting local community groups and the voluntary sector.

With regard to the draft policy, Members were informed that smoking and vaping were not permitted on any of the Council's premises.

It was then:

RESOLVED

That the revised Health and Safety Policy Statement (as set out at Appendix A of the presented agenda report) be agreed and signed by the Head of Paid Service and the Leader of the Council.

53/21

THREE-YEARLY REVIEW OF GAMBLING STATEMENT OF LICENSING PRINCIPLES

The Council considered a report that sought adoption (for the period from 31 January 2022 to 30 January 2025) of the draft Gambling Statement of Licensing Principles.

It was then:

RESOLVED

That the draft Statement of Principles (as set out at Appendix A of the presented agenda report) be adopted for the period from 31 January 2022 to 30 January 2025.

54/21

GARDEN WASTE

At the invitation of the Chairman, the Monitoring Officer provided a statement to the meeting that highlighted that:

- the reason for the Overview and Scrutiny Committee call-in of Executive Minute E.56/21 (Garden Waste Service) had been on the grounds that the decision was contrary to the principles of good decision-making. As a result, the focus of the call-in had been on the process followed to reach this decision as opposed to the actual decision itself;

- it was now the responsibility of the Council to consider the concerns of the Overview and Scrutiny Committee (Minute O&S.30/21 refers) and the subsequent response of the Executive to these concerns (Minute E.60/21 refers). In so doing, it was a matter for the Council to now decide whether or not it agreed with the five concerns that had been raised by the Overview and Scrutiny Committee.

Prior to his introduction, the Chairman of the Overview and Scrutiny Committee proceeded to **PROPOSE** that:

“The Council considers the concerns of the Overview and Scrutiny Committee as set out in Minute O&S.30/21 relating to the decision of the Executive to suspend the Garden Waste Service; and in light of those concerns, the Council objects to the Executive’s decision and refers the decision back to the Executive.”

This proposal was duly **SECONDED**.

During his introduction, the proposer made particular reference to:

- the call-in never being intended as a criticism of either the lead Member or the Executive; and
- the lack of reference in the report that was presented to the Executive to the anticipated cost savings and the provisions of the contract with FCC.

During the ensuing discussion, the following points were raised:

- (a) The Monitoring Officer reiterated that the Special Executive meeting that had been arranged to consider the call-in on 11 November 2021 had been convened in accordance with the Access to Information Procedure Rules;
- (b) The lead Executive Member did acknowledge the Overview and Scrutiny Committee concerns in relation to the anticipated cost savings being omitted from the originally published Executive report;
- (c) A Member expressed her belief that the Council needed to offer hope to its residents by encouraging alternative initiatives in relation to garden waste such as community composting schemes;
- (d) The actual benefits of referring the matter back to the Executive were questioned by a number of Members;

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

Upon the declaration of the result of the vote, the Leader of Council informed the meeting that, given the nature of the debate, it was her intention to ask for an urgent item to be presented to the next Executive meeting to be held on 2 December 2021. This urgent item would present a recommendation to establish a cross party Waste Working Group that would hold its first meeting before the end of December 2021. At the invitation of the Chairman, the Leader of the Liberal Democrat Group confirmed his indicative support for this proposal.

ST ANNS CHAPEL HOUSING PROJECT

Consideration was given to a report that provided Members with an update and made recommendations with regard to the St Anns Chapel Community Housing Project.

In discussion, the following points were raised:-

- (a) The close linkages between the project and the Council's recently declared Housing Crisis were recognised;
- (b) The energy efficiency proposals associated with the project were felt to be commendable;
- (c) With regard to some specific questions and concerns relating to the contractual arrangements, it was agreed that these would be discussed with a Member outside of this Council meeting;
- (d) The local Ward Member expressed his support for the project and emphasised the identified local housing need and the suitability and sustainability of the proposed site;
- (e) As a general point, a Member highlighted the need, as part of the Housing Crisis, for a localised definition of the term 'affordable housing' to be established.

It was then:

RESOLVED

1. That approval be given to the construction of the project to deliver 8 Affordable Homes, 3 Open Market Units and 2 serviced plots at St Anns Chapel Affordable Housing Scheme ("the Project");
2. That the total project cost of £4.2 million be funded as follows:
 - a. Long-term funding of up to £2.2 million from a combination of internal and external borrowing (from the Public Works Loan Board);
 - b. Funding of up to £250,000 from the Affordable Housing Earmarked Reserve (in addition to the £100,000 approved previously);
 - c. £1.4 million from the disposal of the 3 Open Market Units;
 - d. A Homes England grant of not less than £110,000; and
 - e. £162,000 from Section 106 contributions (as previously approved);

3. That approval be given to the short-term borrowing costs of approximately £3.6 million over a two-year period (before the three Open Market Units are disposed of for £1.4 million);
4. That authority be delegated to the Section 151 Officer (in accordance with normal treasury management activities) for the borrowing strategy (for both the internal and external borrowing);
5. That authority be delegated to the Head of Assets to dispose of the 2 Serviced Plots as consideration for the land purchase and the 3 Open Market Units;
6. That authority be delegated to the Head of Assets to make an application to Homes England for grant funding of at least £110,000 to support the delivery of the Project;
7. That authority be delegated to the Head of Assets, in consultation with the Head of Housing, to increase the number of Affordable Rental Units up to 8 within the proposed Affordable Housing Scheme;
8. That authority be delegated to the Head of Assets to make the contract awards necessary for the delivery of the Project; and
9. That it be noted that, upon completion of the affordable homes, it is intended to transfer them on long-leases to the Community Benefit Society being formed by the Council, subject to the Director of Place and Enterprise, in consultation with the Section 151 Officer, undertaking due diligence to identify the associated legal, financial and accounting implications of doing so.

56/21

REPORTS OF BODIES

RESOLVED

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

(a) Development Management Committee – 8 September 2021

DM.22/21: Planning Applications

(a) 2560/21/FUL “Former Brutus Centre”, Fore Street, Totnes, TQ9 5RW

A Member questioned the accuracy of the minute in respect of application number 2560/21/FUL ('Former Brutus Centre' Totnes) and specifically the affordable housing contribution quoted and it was agreed that officers would review these prior to the next Development Management Committee meeting.

(b) Salcombe Harbour Board – 20 September 2021

SH.16/21: 2022/23 Budget and Fees & Charges

RESOLVED

That, with effect from 1 April 2022:

1. the proposed 2022/23 Budget (as set out within the presented agenda report to the Board meeting) be approved; and
2. the proposed 2022/23 Fees and Charges (as set out in Appendix D of the presented agenda report to the Board meeting) be approved.

(c) Development Management Committee – 6 October 2021

DM.29/21: Planning Applications

(f) 2133/19/VAR Cottage Hotel, Hope Cove TQ7 3HJ

The accuracy of the minute and specifically some of the comments attributed to the Leader of Council were questioned and it was agreed that officers would review these prior to the next Development Management Committee meeting.

(d) Overview & Scrutiny Committee – 13 October 2021

O&S.25/21: Overview and Scrutiny Annual Report

RESOLVED

That the Overview and Scrutiny Annual Report for 2020/21 be approved.

(e) Executive – 14 October 2021

E.51/21: Response to the Housing Crisis

RESOLVED

That the Council agrees to form a Community Benefit Society (CBS); and delegates authority to the Director of Place and Enterprise in consultation with the Chief Executive; Section 151 Officer and Monitoring Officer; and with the Leader of the Council to undertake full due diligence and the necessary steps to set up the CBS.

E.53/21: Planning Improvement Plan – Phase 2 Resources

When questioned, it was confirmed that the proposed additional legal resources would lead to the added benefits of reductions in the need for external legal advice to be sought and additional legal support for the Development Management and Planning Enforcement functions.

It was then:

RESOLVED

1. That six additional permanent posts be employed (shared with West Devon Borough Council) being four planning specialists and two legal specialists at an annual cost of £164,000 (the Council share of the costs) to be funded from additional planning income; and
2. That the staffing budget be increased by £164,000 and the planning income target for 2022/23 onwards be increased by £164,000.

(f) Audit Committee – 28 October 2021

(g) Overview and Committee – 4 November 2021

O&S.33/21: Response to the Housing Crisis – Request from Executive Meeting of 14 October 2021 (Minute E.51/21 refers)

For clarity, it was confirmed that the Leader had recommended the establishment of one (and not two) Housing Task and Finish Groups and it was agreed that this amendment would be incorporated prior to the Committee minutes being agreed as a true and correct record.

(h) Special Executive – 11 November 2021

E.58/21: Declarations of Interest

In light of some comments that had been made in respect of the timing of the interest being declared at the Special Executive meeting, it was noted that the draft minute had since been revised before the agenda for the next Executive meeting (to be held on 2 December 2021) had been published.

57/21 PUBLIC QUESTION TIME

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

58/21 QUESTIONS ON NOTICE

It was noted that one Question on Notice had been received in accordance with Council Procedure Rule 8 as follows:

(a) From Cllr Baldry to Cllr Pearce (Leader of Council)

'Planning Applications

In the interest of public transparency, will the Leader agree that all applicants for planning permission for 5 or more dwellings, are asked to disclose whether in the past 10 years they have made a donation to a British political party?'

In reply, Cllr Pearce stated that 'what information the Council could ask for as part of a planning application was limited in the first instance by law and then by the policies in the National Planning Policy Framework (NPPF). Essentially, the Council was limited to asking for the minimum information needed to make a decision whether planning permission should be granted or not. The information requested must therefore be relevant, necessary and material to the application in question. Whether an applicant had made a donation to a political party was not a material planning consideration'.

In reply to a supplementary question, the Leader stated her confidence that such issues would never be allowed to cloud the professional judgement of a planning officer.

59/21 MOTIONS ON NOTICE

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

(a) By Cllrs O'Callaghan and Jackson

"There is a housing crisis in the South Hams, and genuinely affordable homes for local people must be our top priority.

The Council will look to find solutions by forming a Working Group in the immediate future which will report back to the Executive and/or Full Council as soon as is practicable.”

In her introduction, the proposer made particular reference to:

- the urgency of the housing crisis necessitating the need for an open ended Working Group;
- the motion leading to an increased level of Member engagement and consultation; and
- there being a genuine need for an increased provision of both rental properties and social housing in the South Hams.

In the ensuing debate, reference was made to:

- (a) a recognition that there was a need for all Members to be involved in finding potential solutions to the housing crisis;
- (b) the scope to investigate premises above retail units being brought into housing use;
- (c) the ability for a Working Group to consider a variety and mix of options to address the housing crisis;
- (d) the report that was considered by the Executive on 14 October 2021 titled ‘Response to the Housing Crisis’ (Minute E.51/21 refers). In opposition to the motion, a Member outlined the number of proposed measures and concepts that were set out in the Executive report to address the crisis and felt that officers should be given the opportunity to develop these instead of being required to support an additional Member Working Group.

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

(b) By Cllrs Rose and Chown

“Moving away from Gas and Oil in South Hams

The transition away from fossil fuels is complex, expensive, and urgent. While SHDC is often reliant on National Government policy to set the pace of the shift, we can significantly influence attitudes and behaviour through our communications and publicly stated intentions.

Council notes:

- *That many of our residents are deeply concerned that global CO2 emissions continue to rise;*
- *That the burning of fossil fuels, including gas and oil, is directly responsible for this;*
- *That Government policy is not yet in place to ban the installation of gas and oil boilers in new builds;*
- *That a great deal of time and expense are being invested into retrofitting houses to emit less CO2;*

- *That developers were given notice as long ago as 2007 under the Code for Sustainable Homes that all new homes would have to be zero carbon by 2016. These requirements were scrapped in 2015.*
- *The comments from Sustainable South Hams:*
- *'New homes need to be built to zero carbon standards as would have been required by 2016 under the scrapped Code for Sustainable Homes. This reduces up-front costs for heating infrastructure and brings running costs down, as well as lessening the burden on the electricity grid. Aside from ensuring homes are insulated to best practice standards, one of the best tried and tested means to achieve zero carbon is to install a heat pump. Air-source and ground-source heat pumps are as green as the electricity powering them. So as the UK's remarkable progress in greening its electricity grid continues, heat pumps will tend towards zero carbon in operation. They also of course emit no dangerous PM2.5 particulates, unlike gas and oil boilers. And as SHDC stated in the April 2018 Clean Air Strategy, "there is no safe level for PM2.5", and "life expectancy can be significantly affected due to exposure to poor air quality".'*

Council agrees:

- *That it is likely that most gas boilers installed from today will eventually need to be removed and replaced with heat pumps.*
- *That in a time of climate and ecological emergency it is unacceptable for gas and oil boilers to be installed in new builds.*
- *That our residents should not be exposed to PM2.5, for which SHDC has already stated that there is no 'safe' level.*

And therefore, South Hams District Council resolves to:

- *Make a public statement to house builders informing them that: SHDC will be banning the installation of gas and oil boilers in new builds as soon as we are able to under Central Government regulations. Developers should consider this as fair warning and the beginning of a grace period to prepare for this change;*
- *To lobby Central Government to bring forward policy that requires new builds to be zero carbon.*
- *To lobby Central Government to bring forward policy to ban the installation of gas and oil boilers in new builds.*

In his introduction, the proposer highlighted that he had discussed the wording of his motion with other Members since the agenda had been published and he therefore wished to propose the following revisions (in red font) to his motion:

*'Moving away from **Fossil Fuels** in South Hams*

And therefore, South Hams District Council resolves to:

- *Make a public statement to **the press** and house builders informing them that: SHDC will **use its power as a planning authority to require all new homes to be net zero as soon as Central Government regulations allow for this.** Developers should consider this as fair warning and the beginning of a grace period*

to prepare for this change. SHDC urges house builders to cease the installation of fossil fuel burning boilers and pay great attention to achieving very high standards of insulation;

- *To lobby Central Government to bring forward policy that requires new homes to be net zero carbon;*
- *To lobby Central Government to bring forward policy to ban the installation of fossil fuel burning boilers in any new builds prior to the proposed Government ban in 2025.*

(These revisions were subsequently seconded by Cllr Chown).

In his introduction, the proposer felt that approval of this motion would help to demonstrate a real statement of intent that the Council was taking its declared Climate Change and Biodiversity Emergency seriously.

During the ensuing debate, the Leader gave an assurance that the Joint Local Plan Officers were fully aware of these issues and were in the process of drafting a policy to address these with the working title 'Super DEV 32'.

It was then:

RESOLVED

Moving away from Fossil Fuels in South Hams

The transition away from fossil fuels is complex, expensive, and urgent. While SHDC is often reliant on National Government policy to set the pace of the shift, we can significantly influence attitudes and behaviour through our communications and publicly stated intentions.

Council notes:

- That many of our residents are deeply concerned that global CO2 emissions continue to rise;
- That humanity's reckless burning of fossil fuels (coal, gas, and oil) is directly responsible for this;
- That Government policy is not yet in place to ban the installation of coal, gas and oil boilers in new homes;
- That a great deal of time and expense are being invested into retrofitting houses to emit less CO2;
- That developers were given notice as long ago as 2007 under the Code for Sustainable Homes that all new homes would have to be zero carbon by 2016. These requirements were scrapped in 2015; and
- The comments from Sustainable South Hams: *'New homes need to be built to zero carbon standards as would have been required by 2016 under the scrapped Code for Sustainable Homes. This reduces up-front costs for heating infrastructure and brings running costs down, as well as lessening the burden on the electricity grid. Aside from ensuring homes are insulated to best practice standards, one of the best tried and tested means to achieve zero carbon is*

to install a heat pump. Air-source and ground-source heat pumps are as green as the electricity powering them. So as the UK's remarkable progress in greening its electricity grid continues, heat pumps will tend towards zero carbon in operation. They also of course emit no dangerous PM2.5 particulates, unlike gas and oil boilers. And as SHDC stated in the April 2018 Clean Air Strategy, "there is no safe level for PM2.5", and "life expectancy can be significantly affected due to exposure to poor air quality".'

Council agrees:

- That it is likely that most fossil fuel boilers installed from today will eventually need to be replaced (or converted) with cleaner tech such as heat pumps or hydrogen boilers;
- That in a time of climate and ecological emergency it is unacceptable for gas, coal, or oil boilers to be installed in new builds.

And therefore, South Hams District Council resolves to:

- Make a public statement to the press and house builders informing them that: SHDC will use its power as a planning authority to require all new homes to be net zero as soon as Central Government regulations allow for this. Developers should consider this as fair warning and the beginning of a grace period to prepare for this change. SHDC urges house builders to cease the installation of fossil fuel burning boilers and pay great attention to achieving very high standards of insulation;
- Lobby Central Government to bring forward policy that requires new homes to be net zero carbon;
- To lobby Central Government to bring forward policy to ban the installation of fossil fuel burning boilers in any new builds prior to the proposed Government ban in 2025.

(c) By Cllrs Pennington and Long

'1. This Council asks that the Executive make all necessary arrangements to empty resident's Brown Garden Waste Bins as soon as possible.

Options being by the use of multiple contractors to cover different areas within the District; and/or by FCC arranging overtime with existing staff for this one off collection.

2. This Council asks the Executive to revoke the decision to suspend the South Hams garden waste collections until spring 2022. And for the great benefit of South Hams residents and council taxpayers renegotiate with FCC this hugely appreciated service during the months of January, February and March 2022 under the terms of the agreed contract. A monthly collection would suffice until the spring review is completed.

As a consequence of the discussions earlier in this meeting (Minute 54/21 above refers), the Chairman ruled that this motion was in breach of Council Procedure Rule 16.1: 'Recission of Previous Decisions and Motions' and the motion was therefore not considered at this meeting.

(d) By Cllrs Sweett and Long

“Due to the further increases in house prices over the past eighteen months combined with a lack of available rental properties in the South West many local people especially young people do not have housing options within their home towns and villages. This Council will recommence the useful discussions between various traveller groups, caravan dwellers, interested parties and South Hams officers to continue to find a variety of solutions to the ‘housing’ crisis. This will include the options discussed previously with the for example a transit site in collaboration with DCC, smaller sites within Wards, engage with developers on these issues and simplify the planning process for both tolerated sites and those living low impact lifestyles.”

In her introduction, the proposer emphasised the importance of this motion and therefore hoped that progress could be made as soon as was practically possible.

In debate, an amendment (as set out in red font) was **PROPOSED** and **SECONDED** as follows:

“Due to the further increases in house prices over the past eighteen months combined with a lack of available rental properties in the South West many local people especially young people do not have housing options within their home towns and villages.

*This Council will recommence the useful discussions between various traveller groups, caravan dwellers, interested parties and South Hams officers to continue to find a variety of solutions **for these communities** to the ‘housing’ crisis. This will include the options discussed previously for example a transit site in collaboration with DCC, **some** smaller sites within Wards, **engaging with** developers on these issues and **assisting with** the planning process for both tolerated sites and, **if and where appropriate**, those living low impact lifestyles.”*

Since these amendments were felt to provide greater clarity to the initial motion, the proposer and seconder were content to accept this amendment and it therefore became the substantive motion.

It was then:

RESOLVED

Due to the further increases in house prices over the past eighteen months combined with a lack of available rental properties in the South West many local people especially young people do not have housing options within their home towns and

villages.

This Council will recommence the useful discussions between various traveller groups, caravan dwellers, interested parties and South Hams officers to continue to find a variety of solutions for these communities to the 'housing' crisis. This will include the options discussed previously for example a transit site in collaboration with DCC, some smaller sites within Wards, engaging with developers on these issues and assisting with the planning process for both tolerated sites and, if and where appropriate, those living low impact lifestyles.

At this point and, in accordance with Meeting Procedure Rule 8.3(b), the Chairman advised that the 45-minute time limit for consideration of Notices of Motion had now expired and it was therefore his intention to formally close this Council Meeting.

(Meeting commenced at 11.00 am and concluded at 2.20 pm)

Chairman