

# Public Document Pack



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Dear Councillor

**SOUTH HAMS COUNCIL - THURSDAY, 14TH JULY, 2022**

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

- | <b>Agenda No</b> | <b>Item</b>   |
|------------------|---|
| 7.               | <b><u>Fusion Solar Investment Proposal (Pages 1 - 16)</u></b>   |
| 8.               | <b><u>Appointments: Licensing Committee Substitute Members and the Six-Month Member Meeting Attendance Rule (Pages 17 - 20)</u></b> |
| 9.               | <b><u>Reports of Bodies</u></b>   |
|                  | e) <b><u>Executive 7 July 2022 (Pages 21 - 28)</u></b>  |

Yours sincerely

Darryl White  
Democratic Services Manager

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Report to: **Council**  
Date: **14<sup>th</sup> July 2022**  
Title: **Fusion Solar Investment Proposal**  
Portfolio Area: **Climate Change – Cllr Tom Holway**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting.

Author: **Chris Brook** Role: **Director – Place and Enterprise**  
**Lisa Buckle** **Section 151 Officer**

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## **RECOMMENDATION**

### **That the Council**

- 1) Approves a change to the funding proposals to facilitate the investment in and installation of solar panels on the Council's four leisure centres such that:**
  - i) The Council funds the acquisition of the solar panels direct as part of its Capital Programme for 2022/23 (instead of making a loan to Fusion to do the same) and approves a capital budget of £500,000 for solar panel investment on the Council's leisure centres, funded by either PWLB borrowing or internal borrowing depending on prevailing interest rates.**
  - ii) A separate management agreement is drawn up between the Council and Fusion, to the benefit of the Council, so that the Council annually receives an income payment from Fusion of the same amount of the repayments that the Council would have received from Fusion from the loan repayment.**

- 2) Grants an exemption to its procurement rules such that it can rely upon the procurement that Fusion have undertaken to get a contractor ready to install the panels for the price agreed.**
- 3) Delegates approval to the Section 151 Officer, in consultation with the Leader, the lead Executive Member for Climate Change and the Director of Place and Enterprise, to agree any necessary contract amendments, the management agreement between Fusion and the Council referred to in 1ii) above and the structure of the borrowing referred to in 1i) above as part of the Council's overall Capital Programme.**

## **1. Executive summary**

- 1.1. The Council approved an investment of up to £500k in solar panels across all four Council leisure centres to reduce the centres' utility bills and aid their financial sustainability. The investment was to be a commercial loan which would also have derived a small income stream for the Council.
- 1.2. Detailed treasury management advice has been procured to deliver this Council ambition, which has highlighted some risks around state aid and subsidy control, which can be mitigated but there has been clarity that this will take some time and would have slowed down the delivery of the project.
- 1.3. In view of the delivery timescales for the project, an alternative and simpler approach is now recommended, to achieve an identical outcome. This would see the Council paying the supply chain direct for the installation and the solar investment and the £500,000 would form part of the Council's Council Programme for 2022/23 (with technical oversight from both Fusion and the Council).
- 1.4. A separate management agreement would be drawn up between the Council and Fusion, to the benefit of the Council, so that the Council annually receives an income payment from Fusion of the same amount of the repayments that the Council would have received from Fusion from the loan repayment.
- 1.5. This approach reduces treasury management risks, expedites the programme, but does require the Council to rely upon a private sector procurement process (conducted by Fusion) and as such requires an exemption from the Council's Contract Procedure Rules.

## **2. Background**

2.1. The Council is committed to reducing carbon emissions in South Hams, through its Scope 1,2 and 3 emissions. Having measured the Council's carbon footprint, and identified that the carbon emissions of the leisure centres are one of the biggest emitters, the Executive and Council resolved to loan money to Fusion so that solar panels could be installed as below:

*E.105/21 - RESOLVED*

1. *That the progress on plans aligned to the aim of the Council being net-zero by 2030 and increasing biodiversity on its own land by 10% by 2025, be noted;*

*That Council be RECOMMENDED to delegate authority to the Section 151 Officer, in consultation with the Leader of the Council and the lead Executive Member for Finance to:*

**2. *approve and agree the lending terms to Fusion Leisure for a loan of up to £500,000 to facilitate solar panel installation across all four Council Leisure Centres over the remaining term of the leisure contract, in accordance with treasury management advice; and***

3. *update the Council's Capital Strategy, Investment Strategy and Treasury Management Strategy for 2022/23 for a £500,000 loan provision to Fusion Leisure for the solar installation, in accordance with treasury management advice.*

2.2. The Director of Strategic Finance and Director of Place and Enterprise have been working to deliver against this Council decision with Fusion including procuring detailed Treasury Management advice, to ensure that the loan can be granted without subsidy control and state aid risks.

2.3. In doing so, it has become apparent that a simpler route to achieve an identical outcome is available. Rather than loan Fusion the money for them to install the solar panels, the Council can instead pay for the installation of the panels direct to the suppliers and set up a separate management agreement so that the Council annually receives an income payment from Fusion of the same amount of the repayments that the Council would have received from Fusion from the loan repayment.

- 2.4. This approach overcomes the following issues:
  - 2.4.1. The risk of any State aid challenges
  - 2.4.2. Ownership of solar panels (they will be owned by the Council this way)
  - 2.4.3. Risk of default on the loan (as there won't be a loan structure with this route)
  - 2.4.4. Timeline – there has been clarity that resolving the treasury management issues would have taken some time and would have slowed down the delivery of the project.
- 2.5. To follow this proposal, the Council would need to rely on the procurement process that Fusion have undertaken to line up a supply chain and get quotes for the works. Officers have reviewed this process, which included approaching three suppliers. A local supplier provided a full quote and undertook multiple site visits.
- 2.6. Fusion's procurement process does not meet the processes and procedures that the Council is required to follow had it been leading the procurement process, and therefore we would require an exemption from these requirements to be approved, so as to proceed.
- 2.7. Therefore, the Council will require an exemption from its Contract Procedure Rules to be approved.
- 2.8. Technical data on the relative outputs and performance of the proposed solar arrays for each leisure centre are contained in Appendix A. Notably, they show a forecast saving of over 350,000 Kge of CO2 per year across the four centres.

### **3. Outcomes/outputs**

- 3.1. The outcome of this report is purely to change the approach and financial treatment of the project previously approved by Executive and Council to facilitate installation of solar panels on the four leisure centres in South Hams.
- 3.2. Officers recommend a change to the approach, with the Council making the investment directly with the supply chain, and no longer needing to loan the money to Fusion.
- 3.3. This approach will expedite the delivery of the project and mitigate treasury management risks.

### **4. Options available and consideration of risk**

- 4.1. The risk of this approach is one of procurement and delivery oversight as follows:
  - 4.1.1. The private sector does not need to meet public sector procurement regulations and so the supplier that is lined up to deliver the solar panels was sourced through a light touch market engagement.

4.1.2. The Council would need to grant an exemption from its procurement regulations so as to rely upon this approach and ensure that the project gets delivered in a timely manner with no treasury management risk (risk of challenge against subsidy control and state aid).

4.1.3. As the Council would be responsible for the delivery of the solar panels, it would also need to oversee the project. To mitigate this risk, Fusion have offered to give technical oversight to the project (as they would have done had they been paying the supply chain). This mitigates a significant amount of the project management requirement for the project and leaves only the Client oversight which will be resourced by the Assets team.

## 5. Proposed Way Forward

5.1. That Council support the recommendation to ensure the previous Council decision can be delivered in a timely manner, with less treasury management risk.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	y	<p>The Public Contracts Regulations 2015 prescribe the procedures by which contracts for goods, services, supplies and works above prescribed thresholds must be awarded. In the case of a works contract the threshold is £5,336,937 (including VAT). Below that threshold the Council is able to determine its own procedure rules to promote good procurement practice, public accountability and to deter corruption.</p> <p>The contract for the installation of solar panels to provide electricity is a works contract. As such it is subject to the Council's Contracts Procedure Rules. The Contract Procedure Rules as at the date of writing require the procurement of all such contracts to comply with the Rules. However, the Council and the Executive can authorise exemptions from the requirement to seek quotations or invite tenders. This is in addition to the ability of exemptions to be granted in exceptional circumstances by certain officers in consultation with specified officers and members.</p>
Financial implications to include reference	y	A separate management agreement would be drawn up between the Council and Fusion, to the benefit of the Council, so that the Council annually receives an income payment from Fusion of the

to value for money		<p>same amount of the repayments that the Council would have received from Fusion from the loan repayment. An illustration of this was set out in Appendix A of the Executive report on 7<sup>th</sup> April 2022.</p> <p>Installing solar arrays will reduce carbon emissions, reduce Fusion's energy bill costs and add to Fusion's financial resilience by lessening their exposure to energy price rises. The savings that Fusion will make on their energy costs will enable them to pay the income payments as part of a separate management agreement.</p> <p>The Council's Capital Programme is funded overall by borrowing, capital receipts and Government grants. The solar panel investment for the Council's four leisure centres would be funded either by PWLB borrowing or internal borrowing depending on prevailing interest rates (and the financing of the Capital Programme as a whole) and repaid by the income received from the separate management agreement with Fusion.</p>
Risk		See above
Supporting Corporate Strategy		Climate Change – see 2.8
Climate Change - Carbon / Biodiversity Impact		As previous report to Council
Comprehensive Impact Assessment Implications		
Equality and Diversity		N/A
Safeguarding		N/A
Community Safety, Crime and Disorder		N/A
Health, Safety and Wellbeing		
Other implications		

**Supporting Information**  
**Appendices:**



Appendix A – Solar Array performance details

**Background Papers:**

Executive report – 7<sup>th</sup> April 2022 – Climate Change and Biodiversity Action  
– Council net-zero approach

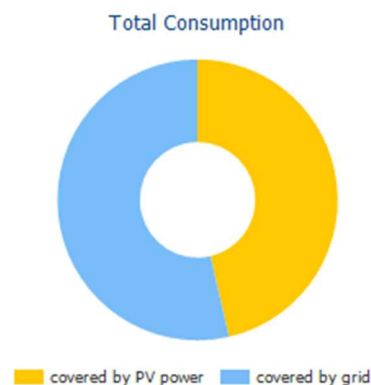
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**Dartmouth Leisure Centre,**

Spec. Annual Yield	1,077. kWh/k 60 Wp
Performance Ratio (PR)	88.3 %
Yield Reduction due to Shading	0.8 %/Year
PV Generator Energy (AC grid)	132,3 kWh/Y 56 ear
Own Consumption	88,40 kWh/Y 6 ear
Down-regulation at Feed-in Point	0 kWh/Y ear
Grid Feed-in	43,95 kWh/Y 0 ear
Own Power Consumption	66.8 %
CO <sub>2</sub> Emissions avoided	79,40 kg / 7 year

**Appliances**

Appliances	173,000 kWh/Year
Standby Consumption (Inverter)	10 kWh/Year
Total Consumption	173,010 kWh/Year
covered by PV power	80,265 kWh/Year
covered by grid	92,745 kWh/Year
Solar Fraction	46.4 %



**Level of Self-sufficiency**

Total Consumption	173,010 kWh/Year
covered by grid	92,745 kWh/Year
Level of Self-sufficiency	46.4 %

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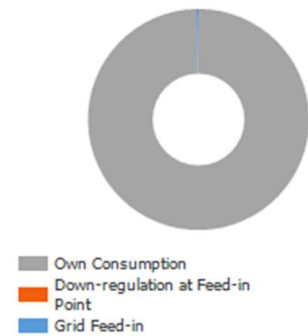
# Simulation Results

## Results Total System

### PV System

PV Generator Output	92.8 kWp
Spec. Annual Yield	940.22 kWh/kWp
Performance Ratio (PR)	89.4 %
Yield Reduction due to Shading	0.2 %/Year
PV Generator Energy (AC grid)	87,246 kWh/Year
Own Consumption	87,021 kWh/Year
Down-regulation at Feed-in Point	0 kWh/Year
Grid Feed-in	225 kWh/Year
Own Power Consumption	99.7 %
CO <sub>2</sub> Emissions avoided	52,343 kg / year

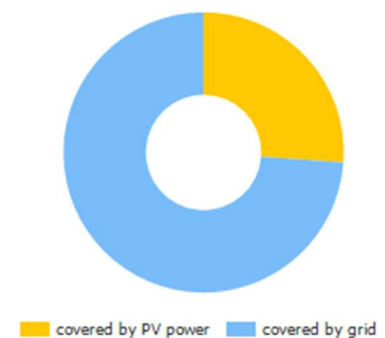
PV Generator Energy (AC grid)



### Appliances

Appliances	332,949 kWh/Year
Standby Consumption (Inverter)	8 kWh/Year
Total Consumption	332,957 kWh/Year
covered by PV power	87,021 kWh/Year
covered by grid	245,936 kWh/Year
Solar Fraction	26.1 %

Total Consumption



### Level of Self-sufficiency

Total Consumption	332,957 kWh/Year
covered by grid	245,936 kWh/Year
Level of Self-sufficiency	26.1 %

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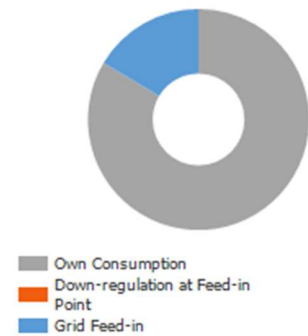
# Simulation Results

## Results Total System

### PV System

PV Generator Output	215.2 kWp
Spec. Annual Yield	1,011.20 kWh/kWp
Performance Ratio (PR)	88.5 %
Yield Reduction due to Shading	2.6 %/Year
PV Generator Energy (AC grid)	217,593 kWh/Year
Own Consumption	181,784 kWh/Year
Down-regulation at Feed-in Point	0 kWh/Year
Grid Feed-in	35,809 kWh/Year
Own Power Consumption	83.5 %
CO <sub>2</sub> Emissions avoided	130,535 kg / year

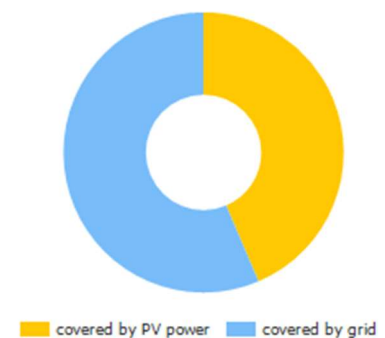
PV Generator Energy (AC grid)



### Appliances

Appliances	417,147 kWh/Year
Standby Consumption (Inverter)	34 kWh/Year
Total Consumption	417,181 kWh/Year
covered by PV power	181,784 kWh/Year
covered by grid	235,397 kWh/Year
Solar Fraction	43.6 %

Total Consumption



### Level of Self-sufficiency

Total Consumption	417,181 kWh/Year
covered by grid	235,397 kWh/Year
Level of Self-sufficiency	43.6 %

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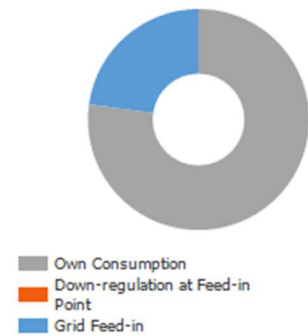
# Simulation Results

## Results Total System

### PV System

PV Generator Output	171.3 kWp
Spec. Annual Yield	941.48 kWh/kWp
Performance Ratio (PR)	87.5 %
Yield Reduction due to Shading	1.3 %/Year
PV Generator Energy (AC grid)	161,292 kWh/Year
Own Consumption	124,523 kWh/Year
Down-regulation at Feed-in Point	0 kWh/Year
Grid Feed-in	36,768 kWh/Year
Own Power Consumption	77.2 %
CO <sub>2</sub> Emissions avoided	96,751 kg / year

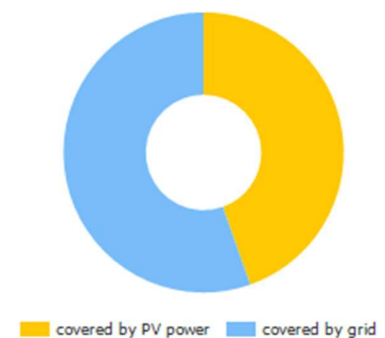
PV Generator Energy (AC grid)



### Appliances

Appliances	279,226 kWh/Year
Standby Consumption (Inverter)	40 kWh/Year
Total Consumption	279,266 kWh/Year
covered by PV power	124,523 kWh/Year
covered by grid	154,743 kWh/Year
Solar Fraction	44.6 %

Total Consumption



### Level of Self-sufficiency

Total Consumption	279,266 kWh/Year
covered by grid	154,743 kWh/Year
Level of Self-sufficiency	44.6 %

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Report to: **COUNCIL**

Date: **14 July 2022**

Title: **APPOINTMENTS: LICENSING COMMITTEE  
SUBSTITUTE MEMBERS AND THE SIX-MONTH  
MEMBER MEETING ATTENDANCE RULE**

Portfolio Area: **Council – Cllr Pearce**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

Author: **Darryl White** Role: **Democratic Services Manager**

Contact: email: [Darryl.White@swdevon.gov.uk](mailto:Darryl.White@swdevon.gov.uk)

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**RECOMMENDATIONS:**

That Council is **RECOMMENDED** to approve:

1. that, subject to being in receipt of the required training, Cllrs V Abbott, K Baldry, J Birch, J Brazil, R Foss, S Jackson, J McKay and B Taylor be appointed as Licensing Committee Substitute Members for the remainder of the 2022/23 Municipal Year;
2. the waiver of the six-month attendance rule provided for within Section 85(1) of the Local Government Act 1972 for Councillor Kate Kemp due to ill health; and
3. the extension of the permitted non-attendance time period for Councillor Kate Kemp for up to and including Thursday, 22 September 2022.

## 1. Executive summary

### Licensing Committee Membership

- 1.1. Members will be aware that there have been a number of recent challenges with ensuring that meetings of the Licensing Committee are quorate. In accordance with the Council Constitution, it is a requirement for 7 of the 12 Committee Members to be in attendance to ensure that Committee meetings are quorate;

- 1.2. To build up the resilience of the Licensing Committee, this report seeks Council approval of a pool of Substitute Members for the remainder of the 2022/23 Municipal Year;

### **Six Month Attendance Rule**

- 1.3. Section 85 (1) of the Local Government Act 1972 requires a Member 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. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.
- 1.4. Due to illness, Cllr Kate Kemp, local Ward Member for Loddiswell and Aveton Gifford, has not been able to attend any formal Council meetings since 16 February 2022.

## **2. Background**

### **Licensing Committee Membership**

- 2.1 Group Leaders have been consulted over the proposal to appoint a pool of substitutes to serve on the Licensing Committee. In addition to confirming their support for the proposal, the following Member nominations have been received:
  - Cllr V Abbott;
  - Cllr K Baldry;
  - Cllr J Birch;
  - Cllr J Brazil;
  - Cllr R Foss;
  - Cllr S Jackson;
  - Cllr J McKay; and
  - Cllr B Taylor.
- 2.2 In proposing these substitute appointments, the need for the requisite training is recognised. As a result, none of these Members will be able to serve on the Licensing Committee until they have been in receipt of the necessary training.

### **Six Month Attendance Rule**

- 2.3 Section 85 (1) of the Local Government Act 1972 states that “if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority.”
- 2.4 The Authority can only consider approval of any reasons for non-attendance before the end of the relevant six month period, which in this instance will be 15 August 2022. This meeting of Full Council is the last scheduled meeting of Council before this deadline expires. Section 85 (1) of the Local Government Act 1972 enables a Local Authority to

approve the reason(s) for non- attendance of a Member at any meeting of the Authority throughout a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six month period.

- 2.5 Once any councillor loses office, through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Authority be sought for an extension in time.
- 2.6 In the event of the Council deciding not to waive the six-month attendance rule in this instance, it is important to note that, as a Member of the Development Management Committee, Cllr Kemp could still attend the scheduled Committee meeting to be held on 27 July 2022 (thereby ensuring compliance with the rule).

### 3. Options available and consideration of risk

#### Licensing Committee Membership

- 3.1 Approval of the recommendation to appoint named Licensing Committee substitutes will minimise the risk of meetings being inquorate and not taking place.

#### Six Month Attendance Rule

- 3.2 It is recommended that Councillor Kemp continues to be an elected Member until the date of the Council Meeting on 22 September 2022. If Cllr Kemp is unable to return to her duties before this date, then the matter will be reviewed again at this Council Meeting.

### 4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		If approval is not provided to waive the six-month attendance rule the Councillor will cease to be a Member of the Authority once this period has expired (15 August 2022).
Financial implications to include reference to value for money		Councillors that have been granted an extended period of absence will continue to receive their allowance unless otherwise requested.
Risk		Section 3 above refers.
Supporting Corporate Strategy		N/A
Climate Change - Carbon / Biodiversity Impact		None

Comprehensive Impact Assessment Implications		
Equality and Diversity		None
Safeguarding		None.
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		None

**Supporting Information**

**Appendices:**

None

**Background Papers:**

Local Government Act 1972

**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD IN THE COUNCIL CHAMBER ON THURSDAY, 7 JULY 2022**

<b>Members in attendance:</b>			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr K J Baldry	*	Cllr T R Holway
*	Cllr H D Bastone (Vice Chairman)	*	Cllr N A Hopwood
*	Cllr J D Hawkins	*	Cllr J A Pearce (Chairman)

<b>Non-Executive Members also present either in person or remotely for all or part of the meeting:</b>
Cllrs Abbott, Birch, Brazil, McKay, Pringle, Reeve, Taylor and Thomas

<b>Officers in attendance and participating:</b>		
All items		Chief Executive; Director of Strategy and Governance; Director of Place and Enterprise; Section 151 Officer; Monitoring Officer; and Democratic Services Manager
Items 7 and 12	Minutes E.16/22 and E.21/22	Head of Strategy and Projects
Item 9	Minute E.18/22	Head of Housing and Senior Specialist – Place Making
Item 10	Minute E.19/22	Senior Specialist – Economic Development
Items 11 and 13	Minutes E.20/22 and E.22/22	Head of Assets

**E.11/22      MINUTES**

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

**E.12/22      DECLARATIONS OF INTEREST**

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

**E.13/22      URGENT BUSINESS**

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

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

## E.14/22 **PUBLIC QUESTION TIME**

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

The questions and responses were as follows:

### **Question 1 from Mr Keith Kiddell:**

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

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

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

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

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

## E.15/22 **EXECUTIVE FORWARD PLAN**

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



**E.16/22 ANNUAL REPORT OF ACHIEVEMENTS**

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

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

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

It was then:

**RESOLVED**

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

**E.17/22 UPDATE ON PROGRESS – TACKLING RURAL POVERTY**

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

**E.18/22 HOUSING CRISIS – DEVELOPMENT AND ENABLING**

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

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

In the ensuing debate, the following points were raised:

- (a) Members recognised the positive nature of the report and the progress that was being made and wished to put on record their thanks to the Housing Enabling Team;
- (b) The recent Executive Member visit to Sherford was felt to have been incredibly useful;
- (c) Whilst accepting that the definition of 'affordable housing' was derived from Central Government, it was felt that greater explanation of this point should be included in future Housing reports.

It was then:

### **RESOLVED**

That the progress regarding Affordable Housing Delivery be noted.

E.19/22

### **LEVELLING UP FUND ROUND 2 AND UK SHARED PROSPERITY FUND**

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

In discussion, reference was made to:-

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

It was then:

### **RESOLVED**

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

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

#### **E.20/22 TOTNES LEISURE CENTRE – GRANT OF REVERSIONARY LEASE**

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

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

It was then:

### **RECOMMENDED**

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

#### **E.21/22 QUARTER 1 INTEGRATED PERFORMANCE MANAGEMENT REPORT**

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

In discussion, reference was made to:-

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

It was then:

### **RESOLVED**

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

E.22/22

### **IVYBRIDGE REGENERATION PROJECT UPDATE**

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

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

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

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

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

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

(This was subsequently **SECONDED**).

In discussion, the following points were raised:-

(a) Notwithstanding the decision of the Development Management Committee, a Member advised that:

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

(b) In calling for a lessons learned exercise to be undertaken by either the Overview and Scrutiny or Audit Committee, other Members felt that:

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

It was then:

### **RESOLVED**

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

E.23/22      **EXCLUSION OF PUBLIC AND PRESS**

It was then:

**RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

E.24/22      **URGENT BUSINESS – FREEPORT: LAND ASSEMBLY AT LANGAGE**

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

Following a brief debate, it was then:

**RECOMMENDED**

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

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

(Meeting commenced at 10:00 am and concluded at 11.20 am)

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Chairman