

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD IN  
THE COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES ON THURSDAY 15  
DECEMBER 2022**

**MEMBERS**

\* Cllr L Austen – Chairman

\* Cllr B Taylor – Vice-Chairman

* Cllr V Abbott	* Cllr M Long
* Cllr K J Baldry	* Cllr J McKay
* Cllr H D Bastone	* Cllr D M O'Callaghan
* Cllr J P Birch	* Cllr G Pannell
* Cllr J Brazil	* Cllr J A Pearce
* Cllr D Brown	∅ Cllr J T Pennington
* Cllr M Chown	* Cllr K Pringle
* Cllr R Foss	* 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 D Thomas
∅ Cllr K Kemp	

\* Denotes attendance

∅ Denotes apology for absence

\*\* Denotes attendance via Teams in a non-voting capacity

Officers in attendance and participating:

For all items: Senior Leadership Team; Monitoring Officer; Democratic Services Manager; Assistant Director – Strategy and Organisational Development (via Teams) Head of Revenues and Benefits; Principal Natural Resources & Green Spaces Officer, Head of Housing (via Teams), Specialist – Climate Change (via Teams) and Licensing Specialist (via Teams)

**47/22 MINUTES**

The minutes of the Council meeting held on 22 September 2022 and the Special Council meeting held on 13 October 2022 were both confirmed as a true and correct record.

**48/22 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.

**ANNUAL REVIEW OF HEALTH AND SAFETY POLICY STATEMENT**

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

In her introduction, the Leader set out the proposed updates to the Health and Safety Policy since it had last been approved by the Council at its meeting held on 25 November 2021 (Minute 52/21 refers).

In debate, the following points were raised:

- a) A Member requested further information on the Public Health advice that had resulted in changes to the Health and Safety Policy with regard to the ability to Vape on Council premises. In response, an assurance was given that this information would be provided following this meeting;
- b) A Member queried as to how lone working would be monitored for Members who routinely worked alone in their respective Wards. In reply, it was confirmed that training on general Health and Safety, including Lone Working, had been provided to all Members as part of the Induction programme in 2019 and that the actions Members should take to minimise risk when working alone had been included in the session. However, as this was some time ago, a Member requested that a refresher session be held (via Teams) in early 2023;
- c) A request was made that the suite of adopted Council Policies, not solely the Health and Safety Policy, be placed on the intranet in a location easily accessible for all officers and Members.

It was then:

**RESOLVED**

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

**TAMAR VALLEY AONB MANAGEMENT PLAN EXTENSION**

Consideration was given to a report that sought an extension to the Tamar Valley AONB Management Plan, in line with Defra recommendations.

In discussion, disappointment was expressed about the time taken for the Glover Review to be considered by Government. This delay had resulted in the requirement for the Tamar Valley AONB Management Plan, amongst others, to be extended, which was felt to be regrettable.

It was then:

**RESOLVED**

That the Tamar Valley AONB Management Plan (2019-2024) be extended by up to 12 months to the end of 2025.

51/22

## **DARTMOUTH NEIGHBOURHOOD PLAN**

The Council considered a report that recommended adoption of the Dartmouth Neighbourhood Plan.

In discussion, a number of Members paid tribute to the work undertaken by all those involved in developing the Plan, particularly the Sub-Committee of Dartmouth Town Council. However, disappointment was expressed over the low turn-out for the Referendum, despite which, nearly 90% had voted in support of the Plan.

It was then:

### **RESOLVED**

That the Dartmouth Neighbourhood Development Plan be made (adopted).

52/22

## **KINGSBRIDGE, WEST ALVINGTON AND CHURCHSTOW NEIGHBOURHOOD PLAN**

The Council considered a report that recommended approval of the Kingsbridge, West Alvington and Churchstow Neighbourhood Plan.

In discussion, Members paid tribute to the work undertaken by all those involved in developing the Plan, particularly Kingsbridge Town Council and the adjoining Parish Councils of West Alvington and Churchstow.

It was then:

### **RESOLVED**

That the Kingsbridge, West Alvington and Churchstow Neighbourhood Development Plan be made (adopted).

53/22

## **REPORTS OF BODIES**

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

**(a) Salcombe Harbour Board – 13 June 2022**

**(b) Overview & Scrutiny Committee - 16 June 2022**

**(c) Overview & Scrutiny Committee - 21 July 2022**

In noting the Minutes, a Member sought an update on the current position with the recruitment of staff into the Legal team. In reply, it was confirmed that there had been limited interest in the recent recruitment round and, as a result, all vacancies were due to be re-advertised early in the New Year.

**(d) Development Management Committee – 7 September 2022**

**(e) Audit & Governance Committee – 8 September 2022**

**AG.12/22 Update on Progress on the 2022-23 Internal Audit Plan**

In discussion, Members sought clarification on whether or not the Servaco Trading Company had been intended to be the vehicle for the Council to develop its own housing stock in the future. The Section 151 Officer replied that this was not the case and a different Trading Company was being developed for that purpose and that 'Servaco' had never traded since being established by the Council during the last administration.

It was then:

**RESOLVED**

That, with effect from 31 March 2023, the Servaco Trading Company be closed.

**(f) Executive – 21 September 2022**

**E.33/22 Waste and Recycling Services Update**

It was noted that the Recommendations to Council contained therein had been considered at the meeting of Council held on 22 September 2022 (Minute 35/22 refers).

**E.34/22 Medium Term Financial Strategy 2023/24 to 2025/26**

Since the Executive meeting of 21 September 2022, the Government had issued new guidance that permitted local authorities to raise Council Tax by 2.99% without triggering a Council Tax Referendum. In advising Members of this, the Leader stated that it was still her intention to propose to the Budget Council meeting in February 2023, that the Council Tax be raised by £5.00 for a Band D Property, and not the £5.39 now permitted under the new regulations

After a lengthy debate and, to clarify the new position, an amendment to Recommendation 1(i) was **PROPOSED, SECONDED** and when put to the vote declared **CARRIED** that:

“it be the strategic intention to raise Council Tax *by £5.00 for a Band D property (rather than the maximum allowed* without triggering a Council Tax Referendum) to endeavour to continue to deliver services. (NB. The actual Council Tax for 2023/24 will be decided by Council in February 2023)”

It was then:

**RESOLVED**

1. That it be the strategic intention to raise Council Tax by £5.00 for a Band D property (rather than the maximum allowed without triggering a Council Tax Referendum) to endeavour to continue to deliver services. (NB. The actual Council Tax for 2023/24 will be decided by Council in February 2023);
2. That the Council continue to respond to Government consultations on Business Rates Reform;
3. That active lobbying and engagement be continued with the Government, Devon MPs, South West Councils and other sector bodies such as the District Councils' Network and the Rural Services Network, for a realistic business rates baseline to be set for the Council for 2024 onwards, when the business rates reset is predicted to happen (this is the earliest date it might happen); and
4. That lobbying be continued in support of the Government eliminating Negative Revenue Support Grant in 2023/24 (and thereafter) and lobbying for Rural Services Delivery Grant allocations which adequately reflect the cost of rural service provision.

**(g) Salcombe Harbour Board – 26 September 2022**

**SH.17/22 2023/24 Budget and Fees and Charges**

In proposing the recommendations, the Chairman of the Salcombe Harbour Board wished to put on record his thanks to the Harbour staff for their hard work during what had been a challenging time during the Covid pandemic.

It was then:

**RESOLVED**

1. That the proposed 2023/24 Budget (as set out within the published agenda report presented to the Board meeting) be approved; and
2. That, with effect from 1 April 2023, the proposed 2023/24 Fees and Charges (as set out in Appendix C of the published agenda report presented to the Board meeting) be approved.

**(h) Overview & Scrutiny Committee – 29 September 2022**

**(i) Development Management Committee – 5 October 2022**

**(j) Executive – 13 October 2022**

## **E.45/22 Key Partnerships Funding**

### **RESOLVED**

2. That funding be extended for the following key partners for a further two years as follows:

- SW Museum Development Trust - £4,000;
- Iybridge Ring and Ride - £5,710; and
- South Hams CVS - £10,000;

3. That an increase in funding be agreed for each of the next two years for the following partners in recognition of additional activities being delivered:

- Citizens Advice South Hams – £70,867 (an increase of £10,000 per annum funded from Covid-19 vulnerability grant underspend);
- South Devon AONB - £28,749 (an increase of £8,000 per annum), subject to a Service Level Agreement (being prior agreed by the Executive) in respect of focused support to meet the demand of South Hams District Council Development Management Service;

**(k) Audit & Governance Committee – 20 October 2022**

**(l) Overview & Scrutiny Committee – 3 November 2022**

**(m) Development Management Committee – 9 November 2022**

**(n) Licencing Committee – 17 November 2022**

### **L.09/22 Hackney Carriage and Private Hire Policy – The Statutory Taxi And Private Hire Vehicle Standards**

#### **RESOLVED**

That that the draft Hackney Carriage and Private Hire Policy, as amended, be adopted.

### **L.10/22 Hackney Carriage and Private Hire Policy – Proposal to Delay Implementation of the Euro NCAP Safety Rating Standard**

#### **RESOLVED**

That the draft Hackney Carriage and Private Hire Policy, as amended, be adopted.

**(o) Executive – 1 December 2022**

## **E.55/22 Revenue and Capital Budget Proposals for 2023/24 to 2025/26**

A Member sought clarity as to whether the Council's Constitution would be amended to reflect the creation of a 'Budget Advisory Committee'. In reply, the Leader confirmed that this would be a matter for consideration as part of the next review of the Council Constitution. For clarity, the Leader advised that the purpose of establishing a Budget Advisory Committee was to ensure that all non-Executive Members of Council were formally consulted on the Council's Budget proposals prior to consideration by the Executive and Full Council.

It was then:

### **RESOLVED**

- (v) That an advisory Committee comprising of all Non-Executive Members be established to consider the 2023/24 Revenue and Capital Budget Proposals and make recommendations to the Executive on the Budget Proposals (meeting date of Thursday, 19 January 2023 proposed);
- (vi) That membership of the Devon Business Rates Pool for 2023/24 be continued, 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 Portfolio Holder for Finance), would change this recommendation.

## **E.62/22 Devon Carbon Plan**

### **RESOLVED**

1. That the ambition and objectives set out within the Devon Carbon Plan be endorsed; and
2. That the Climate Change Strategy and Action Plan be revised to show how it will contribute to delivering the Devon Carbon Plan.

54/22

### **PUBLIC QUESTIONS**

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

55/22

### **QUESTIONS ON NOTICE**

It was noted that the following Questions on Notice had been received in accordance with Council Procedure Rules:

- a. **From Cllr Hodgson to Cllr Holway (lead Executive Member for Climate Change and Biodiversity)**

*“With wider recognition of the climate crisis at COP 27 and the current international energy crisis, will SHDC support the opportunity to increase renewable energy capture in Devon by active lobbying to the Government for the National Grid link, to be installed as a matter of urgency?”*

In reply, the lead Executive Member advised that there was no doubt that investment in the region’s electricity network was essential to enable connection of new sources of much needed renewable energy. He stated that the question referred to the Hinkley Point Connection Project which aimed to provide a 57km long new high-voltage electricity connection between Bridgwater and Seabank near Avonmouth. As stated in the question, this project was linked to the development of the Hinkley Point C by EDF and in view of this our ability to influence this nationally significant infrastructure project was limited. He confirmed that the Council would add its weight to regional calls for greater grid reinforcement and capacity improvement, continuing that there were other grid constraints that came in the form of high connection costs. After speaking to Devon County Council (DCC) it was understood that, from April 2023, connection costs would be shared in a more proportionate way, making new connections more affordable. In closing, Cllr Holway confirmed that the Council would also continue to work with DCC and our Community Energy Groups to explore small local solutions that would facilitate renewable energy development that did not rely on enhanced grid capacity.

In asking a supplementary question, Cllr Hodgson sought reassurance of the Council’s commitment to direct lobbying, through the Local Enterprise Partnership, to encourage the National Grid to make the link sooner rather than later. In reply, the Lead Executive Member confirmed that there would be direct lobbying and expressed his belief that Community Generation Projects were well worthwhile.

**b. From Cllr Hodgson to Cllr Baldry (lead Executive Member for Environment)**

*“In moving forward with the Devon Carbon Plan and recognising that waste management has a high carbon footprint, can support be provided for Devon Community Recycling Network to enable them to provide direct support with, promotion, information and advice for new locally based community composting initiatives coming forward?”*

In response, Cllr Baldry stated that Officers had already started communications with the Sustainable South Hams Working Group to assist with the issues that new groups were facing as part of setting up community composting schemes. As part of these discussions, Devon Community Recycling Network had put forward its proposals as to how the Network could support groups alongside the Council going forward which Officers were currently considering and looking to progress.

**c. From Cllr Hodgson to Cllr Bastone (Deputy Leader of the Council)**

*“Now that regular SHDC Traveller Forum meetings are starting to take place, what is the current position with progress with developing serviced traveller sites in South Hams and is additional funding needing to be allocated in the forthcoming annual budget to properly address this need?”*

On behalf of Cllr Bastone, Cllr Pearce replied that meetings of the Forum had recently recommenced and that South Hams District Council was hosting these to ensure that homelessness, housing advice and planning information was provided to people who did not fall within the Gypsy & Traveller protected characteristic group.

She further advised that the Joint Local Plan Policy Dev 13 was used to determine planning applications for Gypsy & Traveller sites and that there was currently no evidence of need for any permanent sites/pitches. She confirmed that this information would be revisited as part of the Joint Local Plan review. Therefore, there was no need to identify additional funding for this purpose from the forthcoming budget. As part of the review, consideration would be given to whether any permanent pitches would be required or whether any existing tolerated pitches could feasibly obtain planning permission. Should finance be required in the future this would be subject to an appropriate business case and grant funding opportunity.

Cllr Pearce added that our forum provided a space to support the needs of what were sometimes called “new age travellers” or van dwellers. There was no duty to provide a physical site for this group, however recognising the difficulties illegal parking on highways and byways could cause, the Council was working to identify the best location for a site within the South Hams. In addition, where there was no issue with an existing location, the Council would adopt a pragmatic approach and look to regularise planning to allow continued occupation. These were not generally on land owned by the Council and we would work with both the residents and the landowners to reach a solution.

In reply to a supplementary question, Cllr Pearce confirmed that efforts continued to find a suitable site and asked that, in the event that any Member(s) were aware of one (and a willing landowner), then they advise lead officers accordingly.

**d. From Cllr Hodgson to Cllr Pearce (Leader of the Council)**

*“Now that Teignbridge is pursuing the development and direct delivery of council housing to provide much needed social housing, will SHDC follow this model and establish a similar initiative for the South Hams. Please can an update on Team Devon plans and initiatives towards delivering social housing be provided?”*

In replying, the Leader stated that, Teignbridge District Council, like South Hams District Council (SHDC), had transferred all of its Council housing stock to Teign Housing and that, like SHDC had at St Ann's Chapel, Teignbridge had also begun to look at direct delivery at two sites. She continued that the Council was currently running an Expression of Interest process for 2 sites in Kingsbridge, one greenfield and one brownfield in order to bring forward affordable led housing on Council owned land.

Cllr Pearce advised that the report to the Executive meeting on 7 July 2022 had detailed the Council's progress on delivering affordable homes through our enabling activity and that the estimated delivery for the next 2 years was in the region of 352 homes through Section 106 monies alone.

She added that the Council continued to make best use of existing stock with one of the most generous downsizing payments in the Country. This had supported 14 households to move to smaller accommodation thereby freeing up their accommodation for families in need.

Through the Devon Task Force and our own lobbying work, the Council had been working to bring about change to the broad market area and local housing allowances, second homes and the loopholes in the business rate system, as well as a licensing system for holiday accommodation. Against the backdrop of our own housing crisis declaration, the Council had worked to support refugees through the Homes for Ukraine Scheme as well as placing a renewed focus on asylum dispersal.

In closing, the Leader added that the Devon Housing Commission, set up by the Housing Task Force and working with Exeter University, would start work shortly to look for new solutions appropriate to the settings and circumstances in Devon. The Council had been successful in securing a Local Government Association bid to offer practical help and tools to Community Land Trusts (CLT). The Council had had success locally with Newton and Noss CLT being the proud recipients of a national award from the CLT network and this was great news and they were to be congratulated.

In response to a supplementary question, the Leader confirmed that all rental houses that were approved in accordance with the adopted Joint Local Plan (JLP) were for Social Rental purposes.

56/22

## **MOTIONS ON NOTICE**

It was noted that two Motions on Notice had been received in accordance with Council Procedure Rules

### **a. From Cllr Pearce and Cllr Brazil**

*"This Council will adopt a 100% Council Tax premium on second homes as soon as legislation allows."*

In her introduction, Cllr Pearce advised that legislation was progressing through Parliament to enable Councils to introduce a 100% Council Tax Premium on second homes. The proposed date that such measures could be introduced was likely to be 1 April 2024.

During the ensuing debate, there was widespread support expressed for the Motion and frustration that the introduction of the Premium was likely to be well over 15 months away at best. Nonetheless, it was felt positive that the Council could make the 'in principle' decision to make the charge at this meeting and then, on the granting of Royal Assent of the Bill, be in a position to implement the Premium immediately.

A Member queried how the Council would be able to correctly ascertain whether homes were primary or secondary residences. In reply, the Head of Revenues and Benefits confirmed that a pre-emptive exercise was being undertaken shortly to gather this information by means of using existing Council Tax data.

It was then:

### **RESOLVED**

That this Council will adopt a 100% Council Tax Premium on second homes as soon as legislation allows.

#### **b. From Cllr Sweett and Cllr Long**

*"The Council will write to Central Government and trading standards requesting that all nicotine products including all types of "Vapes" are immediately subjected to the same restrictions as cigarette products."*

In her introduction, the proposer outlined the differences in the legal requirements for the sale of traditional tobacco products and new Vaping products and also highlighted statistics regarding the increase in smoking rates and faster increasing vaping rates amongst young people.

During the debate, some Members felt that there was not yet sufficient evidence regarding the health related impacts of vaping to seek such restrictions on Vape products and that an element of personal choice should exist. However, Members were largely supportive of the Motion though recognised that the public health portfolio did not fall directly within the Council's remit. In seeking ways to increase its impact, an amendment to the motion was **PROPOSED, SECONDED** and when put to the vote declared **CARRIED** that:

*"The Council will write to Central Government, **Torbay and South Devon Healthcare Trust**, trading standards **and all partner organisations** requesting that all nicotine products including all types of "Vapes" are immediately subjected to the same restrictions as cigarette products."*

It was then:

**RESOLVED**

That the Council will write to Central Government, Torbay and South Devon Healthcare Trust, trading standards and all partner organisations requesting that all nicotine products including all types of "Vapes" are immediately subjected to the same restrictions as cigarette products.

(Meeting commenced at 2.00 pm and concluded at 4.05 pm)

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Chairman