

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD IN  
THE COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES ON THURSDAY 30  
MARCH 2023**

**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: Chief Executive; Director – Place & Enterprise; Director – Strategy & Governance; Section 151 Officer; Monitoring Officer; Democratic Services Manager; Head of Finance; Senior Strategic Planning Officer; Head of Communications; Specialist – Neighbourhood Planning (via Teams)

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**ADVICE FROM THE MONITORING OFFICER**

In light of the meeting being held during the Pre-Election Period, the Chairman invited the Monitoring Officer to provide guidance to Members on the format and conduct to be adhered to at this meeting. In particular, the Monitoring Officer emphasised the need for questions and speeches to be relevant to the matter that was being considered.

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**MINUTES**

The minutes of the Council meeting held on 16 February 2023 were confirmed as a true and correct record.

**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 and these were recorded as follows:

Cllr D O'Callaghan declared a non-registrable interest in agenda item 10: 'Plymouth and South Devon Freeport' (Minute 77/22 below refers) by virtue of being a member of the South Hams Society and remained in the meeting during the debate and vote thereon.

When questioned, the Monitoring Officer informed that Cllr H Bastone had recently been granted a dispensation to enable him to take part in the debate and vote on agenda items that related to the Plymouth and South Devon Freeport.

**2023/24 CAPITAL STRATEGY; 2023/24 TREASURY MANAGEMENT STRATEGY; AND 2023/24 INVESTMENT STRATEGY**

Consideration was given to a report recommending the approval of the proposed Capital Strategy, Investment Strategy and Treasury Management for 2023/24, together with their associated prudential indicators.

In discussion, reference was made to:

- (a) With regard to the proposed Capital Strategy, a Member sought clarification on whether or not local Ward Members would be consulted when Assets were to be divested as well as acquired within their Ward. In reply, the Deputy Leader suggested that this should be the case;
- (b) It was noted that the Fair Value Valuation for the Council's investment property in Dartmouth had reduced and the question was therefore raised as to the financial impact that this had on the Council. In response the Section 151 Officer advised that there had been no resultant change to the Council's income stream and further advised that new Asset Valuations were being undertaken across the Council's portfolio with the resulting report due to be considered by the Audit & Governance Committee at its meeting to be held in June 2023;
- (c) A Member sought clarity on matters concerning the Freeport contained within the respective Strategies and it was confirmed that pending any decisions made by the Council when considering the Exempt Plymouth and South Devon Freeport report later in the meeting (Minute 77/22 refers) the information contained with the published Strategy documents was current and correct.

It was then:

### **RESOLVED**

1. That the following strategies for 2023-24 be approved:
  - i. Capital Strategy (as attached at Appendix A of the presented agenda report);
  - ii. Treasury Management Strategy (as attached at Appendix B of the presented agenda report);
  - iii. Investment Strategy (as attached at Appendix C of the presented agenda report); and
2. That the Section 151 Officer be granted delegated authority, in consultation with the Leader of the Council and the lead Executive Member for Finance, to make any minor amendments to these Strategies if required throughout the 2023/24 Financial Year.

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### **MODBURY NEIGHBOURHOOD PLAN**

Consideration was given to a report that sought approval of the making (adoption) of the Modbury Neighbourhood Plan.

During the discussion, reference was made to:-

- (a) the proposed Relief Road. A Member queried whether any safeguards had been put in place to protect the location of the possible Relief Road referred to within the Plan. In reply, it was confirmed that the same road was referenced in an already approved Neighbouring Plan and, as such, although the Road was unlikely to be constructed, the planned route was protected;
- (b) the proposed 'Primary Residence' clause. Whilst recognising the reasons for the clause being removed as part of the Inspection process, there was nonetheless some disappointment expressed that this had been deemed necessary;
- (c) the Plan being welcomed. In welcoming the Plan having reached this point, a number of Members wished to put on record their thanks to those individuals who had worked so tirelessly to develop it.

It was then:

### **RESOLVED**

That the Modbury Neighbourhood Plan be made (adopted)

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### **REPORTS OF BODIES**

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

- (a) **Licensing Committee - 5 January 2023**

(b) Development Management Committee - 15 February 2023

(c) Council Tax Setting Committee - 22 February 2023

(d) Licensing Committee - 9 March 2023

(e) Audit & Governance Committee - 9 March 2023

**AG.37/22 2023/24 Capital Strategy, 2023/24 Treasury Management Strategy and 2023/24 Investment Strategy**

It was noted that the Recommendations to Council contained therein had already been considered at agenda item 6 (Minute 73/22 above refers).

(f) Development Management Committee - 15 March 2023

(g) Salcombe Harbour Board - 20 March 2023

(h) Executive - 2 March 2023

**E.81/22 Better Lives For All – Year 3 Updates**

**RESOLVED**

That the minor amendments to the Year 3 Better Lives for All delivery plans, as set out in Appendix A of the report presented to the Executive meeting, be approved.

**E.90/22 Recruitment and Retention**

During debate and, in recognition of the gesture, an amendment to the recommendation was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

‘Council be **RECOMMENDED** to accept the recommendations of the Independent report on senior officer pay, undertaken by the Local Government Association and approve the revised pay and grading structure for the Senior Leadership Team *and that Council notes the offer of the Senior Leadership Team to limit their annual pay award to 6% in line with other staff members*’.

It was then:

**RESOLVED**

2. That the recommendations of the independent report on senior officer pay, undertaken by the Local Government Association be accepted and that the revised pay and grading structure for the Senior Leadership Team, be approved and that the offer of the Senior Leadership Team to limit their annual pay award to 6% in line with other staff members be noted.

*(NOTE: the Council's Senior Leadership Team left the meeting room prior to the debate on this recommendation).*

### **E.92/22 Plymouth and South Devon Freeport**

It was noted that the Recommendations to Council contained therein were due to be considered at Exempt agenda item 10 (Minute 77/22 below refers).

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### **EXCLUSION OF PUBLIC AND PRESS**

Having been **PROPOSED** and **SECONDED** to exclude the public and press, some Members highlighted the amount of money involved in the proposals and were of the view that to exclude would represent a lack of transparency in the decision-making process. However, when put to the vote, the majority of Members did not accept this viewpoint and it was therefore:

#### **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.

77/22

### **PLYMOUTH AND SOUTH DEVON FREEPORT**

The Council considered an Exempt report which sought approval for the acquisition of Freeport land and a change to the approved borrowing terms.

During the debate, an amendment to the recommendation was **PROPOSED** and **SECONDED** that sought to include an additional (part 5) to the recommendation as follows:

5. *That a progress report on the proposed purchase be provided to the Full Council meeting to be held on 25 May 2023 and, at that meeting, authority will be sought for the Council to proceed to exchange of contracts for the said purpose.*

In support of his amendment, the proposer stated that this would not prevent officers from continuing to progress the work but would enable the new Council administration to give the matter further consideration at the Annual Council meeting to be held on 25 May 2023 before the issue was finally determined.

In contrast, other Members stated that it would be unfair for a new Council to be asked to consider such a complicated subject matter within just three weeks of being elected and they were therefore of the view that this issue should be determined at this meeting.

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

It was then:

### **RESOLVED**

That each of the four parts of the recommendation (as set out in the exempt agenda report) be approved.

*(NOTE: in accordance with Council Procedure Rule 17.7 (Right to Require Individual Vote to be Recorded), Cllr R Foss asked that his vote in support of the resolution be recorded and Cllrs K Baldry, J Hodgson, S Jackson, D O'Callaghan, G Pannell, T Pennington and J Sweett asked that their respective votes in opposition to the resolution also be recorded.)*

## 78/22 **RE-ADMISSION OF PUBLIC AND PRESS**

### **RESOLVED**

That the press and public be re-admitted to the meeting

## 79/22 **PUBLIC QUESTIONS**

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

## 80/22 **QUESTIONS ON NOTICE**

It was noted that the no Questions on Notice had been received in accordance with Council Procedure Rules:

## 81/22 **MOTIONS ON NOTICE**

It was noted that one Motion on Notice had been received in accordance with Council Procedure Rules.

### **a. From Cllr Chown and Cllr Hodgson**

*"Debate Not Hate motion*

*Intimidation and abuse, in person or otherwise, undermines democracy.*

*Therefore, this council resolves to:*

- *Uphold exemplary standards of political debate in all it does*
- *Challenge the normalisation of abuse by promoting respectful, courteous, and constructive debate amongst our residents*

- *Sign up to the LGA's 'Debate Not Hate' campaign which aims to raise public awareness of the role of councillors in local communities, encourage healthy debate, and improve the response to and support those in public life facing abuse and intimidation.*
- *Write to the local Members of Parliament to ask them to support the campaign*
- *Write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians*
- *Regularly review the support available to councillors in relation to abuse and intimidation and councillor safety*
- *Take a zero-tolerance approach to abuse of councillors and officers*

During debate, there was widespread support expressed for the Motion and the proposer and seconder were thanked for bringing it forward to this Meeting.

To further supplement the Motion, an amendment was **PROPOSED, SECONDED** that read as follows:

*'Write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians including the restoration of the power to suspend Councillors at all levels of Local Government whose behaviour is deemed under the Standards Complaints Procedure to warrant this sanction.'*

In support of the amendment, the proposer felt that it was critical to be able to impose meaningful sanctions in the event of any Councillor breaching their Code of Conduct. In agreement with this view, the proposer and seconder of the motion were willing to accept the amendment and it was therefore included as part of the substantive motion.

It was then:

## **RESOLVED**

That this Council **RESOLVES** to:

- Uphold exemplary standards of political debate in all it does;
- Challenge the normalisation of abuse by promoting respectful, courteous, and constructive debate amongst our residents;
- Sign up to the LGA's 'Debate Not Hate' campaign which aims to raise public awareness of the role of councillors in local communities, encourage healthy debate, and improve the response to and support those in public life facing abuse and intimidation;
- Write to the local Members of Parliament to ask them to support the campaign;

- (e) Write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians. In so doing, to write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians including the restoration of the power to suspend Councillors at all levels of Local Government whose behaviour is deemed under the Standards Complaints Procedure to warrant this sanction;
- (f) Regularly review the support available to councillors in relation to abuse and intimidation and councillor safety; and
- (g) Take a zero-tolerance approach to abuse of councillors and officers.

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### **CONCLUDING COMMENTS**

As this was anticipated to be the last meeting of Full Council before the District Council Elections took place in May 2023, thanks were given to the Chairman for the manner in which he had conducted Council Meetings throughout the 2022/23 Municipal Year

(Meeting commenced at 2.00 pm and concluded at 4.00 pm)

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Chairman