

# SOUTH HAMS COUNCIL



## **Minutes** of a meeting of the **South Hams Council** held on **Thursday, 21st March, 2019** at **2.00 pm** at the **Council Chamber - Follaton House**

Present: **Councillors:**

**Chairman** Cllr Holway  
**Vice Chairman** Cllr Rowe

Cllr Baldry	Cllr Bastone
Cllr Birch	Cllr Bramble
Cllr Brazil	Cllr Cuthbert
Cllr Foss	Cllr Gilbert
Cllr Hawkins	Cllr Hicks
Cllr Hitchins	Cllr Hodgson
Cllr Hopwood	Cllr May
Cllr Pearce	Cllr Pennington
Cllr Pringle	Cllr Saltern
Cllr Smerdon	Cllr Steer
Cllr Tucker	Cllr Vint
Cllr Wingate	Cllr Wright

### **In attendance:**

Officers:  
Head of Paid Service  
Group Manager – Commercial Services  
Section 151 Officer  
Deputy Monitoring Officer  
Strategic Planning Manager (Joint Local Plan)  
Head of Place Making Practice

### 64. **Urgent Business**

64/18

The Chairman informed that he had no items of urgent business for consideration at this meeting.

### 65. **Declarations of Interest**

65/18

Before inviting any declarations of interest, the Chairman reminded Members that all Members who owned land within the red line settlement

boundaries had been granted a general dispensation to enable them to take part in the debate and vote on agenda item 4: 'Adoption of the Plymouth and South West Devon Joint Local Plan' (Minute 66/18 below refers).

Members and officers were then invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr P W Hitchins declared a Disclosable Pecuniary Interest in Item 4: 'Adoption of the Plymouth and South West Devon Joint Local Plan' (Minute 66/18 below refers) by virtue of owning an area of land that had been earmarked for development in the Joint Local Plan and left the meeting during consideration of this agenda item; and

Cllr R C Steer declared a Disclosable Pecuniary Interest in Item 12(a): 'Reports of Bodies – Development Management Committee: 13 February 2019' (Minute 67/18(a) below refers) and specifically planning application 2117/18/FUL by virtue of being the applicant. Cllr Steer advised that, when presenting these Committee minutes, should any questions arise, he would then leave the meeting room.

66. **Adoption of the Plymouth and South West Devon Joint Local Plan**

66/18

Consideration was given to a report that sought the formal adoption of the Plymouth and South West Devon Joint Local Plan (JLP).

The Strategic Planning Manager (Joint Local Plan) was invited to outline the three further changes that had been added by the Inspector to the Main Modifications that were previously consulted upon between October and December 2018. These changes were summarised as follows:

1. There being no need for a specific policy that dealt with the process of designating Local Green Space designations;
2. It had been noted that Policy PLY61 incorrectly included a reference to 'Western Park and Ride' that was located in Cornwall; and
3. Amendments to Main Modification 52 that related to Policy 'DEV29 – Green and Play Space'.

In the ensuing discussion, the following points were raised:-

- (a) A number of Members paid tribute to the extensive work undertaken by those officers, Joint Steering Group Members and the Leaders of the three partner local authorities who had been so instrumental and visionary in reaching this significant milestone;
- (b) A Member asked that the Deputy Monitoring Officer provide a ruling on whether or not the Council could proceed to determine this matter despite the fact that the documents (in their entirety) were only available on the Plymouth City Council website. In reply,

the Deputy Monitoring Officer acknowledged that the timeframe was tight but advised that she was satisfied that the Council could take a decision at this meeting for reasons that included:

- all relevant papers were publically available;
- the Council had considered the main modifications at length at its meeting on 17 May 2018 (Minute 15/18 refers);
- officers had set out the three changes since the main modifications had been presented and were in attendance to respond to Member questions at this meeting; and
- a direct link to the Plymouth City Council webpage had been included with the notification email that had been sent to all Members at the point when the agenda report and appendices had been published (on Tuesday, 19 March 2019);

(c) The local Ward Member for Dartington and Staverton provided a statement to the meeting that reflected the deep levels of concern and upset over the extent of the proposed development in Dartington.

During her submission, a motion was **PROPOSED** and **SECONDED** to suspend Council Procedure Rule 12.4 to enable the Member to speak for more than the five minutes time limit.

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

(d) An amendment was **PROPOSED** and **SECONDED** as follows:

*'That consideration of the adoption of the Plymouth and South West Devon Joint Local Plan be deferred for a period of five clear working days (i.e. Friday, 29 March 2019) to enable Members time to consider the agenda papers and consult with their constituents before formally reconsidering the decision.'*

In support of the amendment, the proposer and seconder highlighted that the other two partner authorities were not considering this agenda item until Tuesday, 26 March 2019 and felt that Members should be given at least the same amount of time to digest these documents as their colleagues. In addition, the Members emphasised the significance of this agenda item and felt that an officer briefing would be beneficial prior to the matter being determined.

Another Member pointed out that, regardless of whether or not fellow Members supported the conclusions made by the Inspector, the Councils were required to accept them or they would not be able to adopt the Plan.

Whilst a request was made for a Recorded Vote to be taken on the amendment, in accordance with Council Procedure Rule 15.5, less than the required five Members in attendance at the meeting demanded it.

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

- (e) A Member was concerned at the proposed number of houses that were to be built in the South Hams area and was of the view that the infrastructure to support such development was wholly inadequate;
- (f) In opposition to the principle of Starter Homes, a Member informed that he could not support reference to them within Policy DEV9;
- (g) With regard to the reference to villages that were located within the Area of Outstanding Natural Beauty, a Member welcomed the increased emphasis to providing a robust defence to the preservation of these areas;
- (h) Whilst a Member expressed her sympathy to the communities of Ivybridge, Totnes and Dartington, unfortunately there were a distinct lack of viable alternative options that were considered able to absorb such development in the South Hams;
- (i) Some Members made the point that, without an adopted Plan, the Council would be in a far worse position than it would be if this version was approved by each of the three partner authorities.

It was then:

#### **RESOLVED**

1. That the Plymouth and South West Devon Joint Local Plan and Policies Map be adopted; and
2. That approval be given to the establishment of the Joint Local Plan Partnership Board in accordance with the Joint Local Plan Governance arrangements set out in the Plymouth and South West Devon Joint Local Plan – Delivery and Governance Paper.  
(NOTE: in accordance with Council Procedure 15.6, Cllr M F Saltern asked that his abstention from the vote on this proposal be formally recorded).

#### **67. 2019/20 Capital Strategy, 2019/20 Investment Strategy and 2019/20 Treasury Management Strategy**

67/18

A report was presented that sought Council approval of the draft:

- 2019/20 Capital Strategy;
- 2019/20 Investment Strategy; and
- 2019/20 Treasury Management Strategy.

It was then:

## **RESOLVED**

That approval be given to:

1. The 2019/20 Capital Strategy (as outlined at Appendix A of the presented agenda report);
2. The 2019/20 Investment Strategy (as outlined at Appendix B of the presented agenda report); and
3. The 2019/20 Treasury Management Strategy (as outlined at Appendix C of the presented agenda report).

### **68. Devon Audit Partnership - Non-voting Partner**

68/18

Consideration was given to a report that informed Members of the opportunity to join the Devon Audit Partnership from the 2019/20 financial year as a 'non-voting' partner.

In discussion, it was confirmed that the Audit Committee had now considered this matter and had unanimously supported the proposed way forward. Furthermore, the Council also noted that the Audit Committee had asked that a further review (including the associated costs) be undertaken into the merits of becoming a full Voting Partner.

It was then:

## **RESOLVED**

That the Council:

1. join the Devon Audit Partnership as a non-voting partner from 1 April 2019 (or as soon as is reasonably practicable thereafter);
2. delegate the details of the Service Level Agreement (including the Terms of Reference) to the Monitoring Officer and Section 151 Officer, in consultation with the lead Executive Member for Finance and the Chairman of the Audit Committee; and
3. note the decision of the Audit Committee to review (including the associated costs) the merits of becoming a full Voting Partner.

### **69. Audit Committee Size and Composition**

69/18

Members were presented with a report that sought to increase the size of the Audit Committee from five to seven Members. The report also recommended that the current practice be retained whereby there was

no provision for Co-Opted Members to be appointed to serve on the Audit Committee.

In discussion, the Committee Chairman highlighted that the provision for Co-Opted Members to serve on an Audit Committee was recognised by CIPFA (Chartered Institute of Public Finance and Accountancy) as being best practice. Whilst the majority of Members did not agree with this view, they also recognised that the new Council administration may have a different view and an additional recommendation was added whereby this matter should be reviewed again within the next twelve months.

It was then:

**RESOLVED**

That, with effect from the start of the 2019/20 Municipal Year:

1. the Size of the Council's Audit Committee be increased from 5 to 7 Members, with the Committee Quorum being increased from 3 to 4 Members; and
2. the current practice whereby there is no provision for Co-Opted Members to be appointed to serve on the Council's Audit Committee be retained and that this be reviewed again within the next 12 months.

70. **Pay Policy Statement and Pay and Reward Strategy 2019/20**

70/18

The Council considered a report that sought approval to adopt the Pay Policy Statement for 2019/20 and the Pay and Reward Strategy 2019/20.

In discussion, the following points were raised:-

- (a) Members asked that their best wishes be sent to the Head of Human Resources Practice in his recovery from a recent operation;
- (b) When questioned, the Chief Executive confirmed that her annual salary (as shown in the published Pay Policy Statement at Appendix A of the presented agenda report) did not include any remuneration related to her also being the Council's Returning Officer.

It was then:

**RESOLVED**

1. That the Pay Policy Statement for 2019/20 (as set out at Appendix A of the presented agenda report) be adopted; and

2. That the Pay and Reward Strategy for 2019/20 (as set out at Appendix B of the presented agenda report) be adopted.

71. **Stoke Fleming Neighbourhood Plan**

71/18

Consideration was given to a report that recommended approval of the Stoke Fleming Neighbourhood Development Plan.

In discussion, a number of Members paid tribute to the work undertaken by the Neighbourhood Planning Group in developing such an excellent Plan.

It was then:

**RESOLVED**

That the Stoke Fleming Neighbourhood Development Plan be adopted.

72. **Malborough Neighbourhood Plan**

72/18

The Council considered a report that recommended approval of the Malborough Neighbourhood Development Plan.

Local Ward Members congratulated the Neighbourhood Planning Group who, despite encountering some obstacles in the development of their Plan, had worked tirelessly to reach this point.

It was then:

**RESOLVED**

That the Malborough Neighbourhood Development Plan be adopted.

73. **Bickleigh Neighbourhood Plan**

73/18

Members were presented with a report that recommended approval of the Bickleigh Neighbourhood Development Plan.

In discussion, the following points were raised:-

- (a) It was noted that the 'wards affected' in the published agenda report should be amended to read 'Woolwell';
- (b) Despite the parish facing challenging times due to the content of the Joint Local Plan, Members felt that the production of this Neighbourhood Plan would stand the area in good stead. As a

result, credit was extended to those Neighbourhood Planning Group representatives who had put in so much hard work.

It was then:

**RESOLVED**

That the Bickleigh Neighbourhood Development Plan be adopted.

74. **Report of Bodies - to receive and as many as necessary approve the minutes and recommendations of the under-mentioned Bodies**

74/18

**RESOLVED**

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

(a) Development Management Committee 13 February 2019

(b) Executive 14 March 2019

**E.83/18: Community Housing Delivery – Capital Requirements**

**RESOLVED**

1. That the Community Housing Development expenditure of up to £8.5 million be approved to build out four Community Housing schemes, delivering 55 residential units (as detailed in the presented agenda report to the Executive meeting);
2. That funding of up to £8.5 million be approved to build the schemes from a combination of internal borrowing and external borrowing (from the Public Works Loan Board);
3. That specialist Treasury Management advice be taken on the optimum way of financing the Community Housing Schemes; and
4. That authority be delegated to the Head of Assets Practice and Section 151 Officer to approve associated long leaseholds and disposals, in consultation with the Leader of Council.

### **E.84/18: Public Toilet Project**

Members highlighted an omission on part 2 of the resolution whereby there was no reference to the need to consult with the local Ward Members. As a result, it was agreed that the draft minutes should be amended to read:

2. That the installation of Pay on Entry (PoE) equipment at the three public toilets in Totnes (Civic Hall, Coronation Road and Steamer Quay) be approved, unless an alternative funding solution is offered by the Town Council by 28 February 2019. It is further recommended that the decision on any alternative funding solution offered by the Town Council is assessed for financial and operational viability by the Head of Environment Services Practice in conjunction with the Leader and Portfolio Holder (***and following consultation with the local Ward Members***) in order to ensure it provides adequate compensation for any income not generated through PoE;

### **E.85/18 Peer Review Action Plan**

#### **RESOLVED**

That a Joint Working Group be convened and the draft Terms of Reference for that Group be approved as detailed in Appendix B of the agenda report presented to the Executive meeting.

### **E.91/18 Accommodation Strategy – Follaton House**

#### **RESOLVED**

1. That, following the local elections in May 2019, approval be given to the formation of a Member Working Group to review an appropriate future strategy for Follaton House in light of changes in operational requirements and increasing budgetary constraints; and
2. That the re-designation of the Arboretum as public open space to ensure its future use and management to secure it for the benefit of the local community be approved.

## **75. Chairman's Concluding Remarks**

75/18

As this was anticipated to be the last Council meeting of the 2018/19 Municipal Year, and the local elections would have taken place before the Council was to meet again, the Chairman thanked all Members and

officers for their commitment and diligence not just during his Chairmanship but also for the preceding four years of the current administration. The Chairman proceeded to wish those retiring Members well for the future and those Members who were seeking re-election good luck in their respective endeavours.

In reply, other Members wished to thank the Chairman and Vice-Chairman for the way that they had conducted their roles this year and too wished them every success and happiness in the future.

The Leader also advised Members that this was to be the last Council meeting before the Group Manager – Commercial Services left the employ of the Council. As a result, Members wished to thank the officer for the dedication and service that she had given to the Council and wished her good luck for the future.

Finally, a number of Members paid tribute to the Leader of the Council, who was retiring following 22 years of exemplar service with the Council (12 of those years as Leader). These Members felt that he had been an outstanding Leader and servant to both the Council and the local community and the best wishes of the whole membership was extended to him.

The Meeting concluded at 3.35 pm

**Signed by:**

**Chairman**

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