

South Hams Council



Title:	Agenda																														
Date:	Thursday, 19th May, 2016																														
Time:	2.00 pm																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Bramble</p> <p style="text-align: center;">Vice Chairman Smerdon</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td>Baldry</td> <td>Hopwood</td> </tr> <tr> <td>Bastone</td> <td>Horsburgh</td> </tr> <tr> <td>Blackler</td> <td>May</td> </tr> <tr> <td>Brazil</td> <td>Pearce</td> </tr> <tr> <td>Brown</td> <td>Pennington</td> </tr> <tr> <td>Cane</td> <td>Pringle</td> </tr> <tr> <td>Cuthbert</td> <td>Rowe</td> </tr> <tr> <td>Foss</td> <td>Saltern</td> </tr> <tr> <td>Gilbert</td> <td>Steer</td> </tr> <tr> <td>Green</td> <td>Tucker</td> </tr> <tr> <td>Hawkins</td> <td>Vint</td> </tr> <tr> <td>Hicks</td> <td>Ward</td> </tr> <tr> <td>Hitchins</td> <td>Wingate</td> </tr> <tr> <td>Hodgson</td> <td>Wright</td> </tr> <tr> <td>Holway</td> <td></td> </tr> </table>	Baldry	Hopwood	Bastone	Horsburgh	Blackler	May	Brazil	Pearce	Brown	Pennington	Cane	Pringle	Cuthbert	Rowe	Foss	Saltern	Gilbert	Steer	Green	Tucker	Hawkins	Vint	Hicks	Ward	Hitchins	Wingate	Hodgson	Wright	Holway	
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Substitutes:	Named substitutes are not appointed																														
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Member.Services@swdevon.gov.uk																														

1. Election of Chairman of the Council;

(The Chairman will then read and sign the declaration of acceptance of office)

2. Address by the New Chairman of Council;

3. Vote of thanks to the Retiring Chairman;

4. Response by the Retiring Chairman;

5. Appointment of the Vice Chairman of the Council;

(The Vice Chairman will then read and sign the declaration of acceptance of office).

6. Minutes

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to approve as a correct record and authorise the Chairman to sign the minutes of the meetings of the Council held on 11 February 2016, 25 February 2016 and 7 April 2016;

7. Representation on Political Groups

to approve a review carried out in consultation with leaders of the Political Groups. This is reflected in the list of Council Bodies – see item 9 below;

8. Appointment of Members of the Bodies of the Council

27 - 28

to appoint the Members of the following Council Bodies for the 2016/17 Municipal Year:-

- a) Audit Committee;
- b) Development Management Committee;
- c) Executive;
- d) Licensing Committee; and
- e) Overview and Scrutiny Panel.

9. Election of Chairman and Vice-Chairman of Bodies of the Council

29 - 30

to elect the Chairman and Vice-Chairman of the following

Bodies of the Council for the 2016/17 Municipal Year:-

- a) Audit Committee;
- b) Development Management Committee;
- c) Licensing Committee;
- d) Overview and Scrutiny Panel; and
- e) Salcombe Harbour Board (Chairman only).

10. Appointment of Representatives on Outside Bodies 31 - 36

to consider a report concerning the appointment of Members as representatives on Outside Bodies for the 2016/17 Municipal Year;

NOTE: Although some of these appointments are accepted by the "Outside Bodies" for a period of years, it is the Council's practice where possible to review all appointments annually.

11. Appointment of Other Groups 37 - 38

to agree to the appointment of the following Groups for the 2016/17 Municipal Year:-

- a) Beach Management Working Group;
- b) Council Tax Setting Panel;
- c) Design and Conservation Panel;
- d) Devon Building Control Partnership;
- e) Income Generation Working Group;
- f) Political Structures Working Group;
- g) Public Spaces Working Group;
- h) Strategic Planning Working Group; and
- i) Youth Engagement Working Group.

12. Urgent Business

the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under item 17 below);

13. Confidential Business

the Chairman to inform the meeting of any confidential item of business;

14. Exempt Information

to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;

15. Declarations of Interest

Members are invited to declare any personal; or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;

16. Chairman's Announcements;

17. Business Brought Forward by the Chairman

to consider business (if any) brought forward by the Chairman as reported under item 12 above;

18. Questions

to consider the following questions received (if any) in accordance with Council Procedure Rule 8:

(a) From Cllr Baldry to Cllr Tucker, Leader of the Council

‘For the 2017 Overview and Scrutiny Panel Budget meeting, will the Constitution of the Council be changed in order that all Members may play a part, including full voting?’

(b) From Cllr Baldry to Cllr Wright, lead Executive Member for Support Services

‘As you know, the Government has set all public sector employers an annual target of apprentices making up 2.3% of the workforce. What percentage of SHDC employees are apprentices?’

(c) From Cllr Baldry to Cllr Wright, lead Executive Member for Support Services

‘Publicity issued by SHDC, other local authorities and the government traditionally quotes Band D properties as ‘the Average’. The use of the term ‘average’ is statistically questionable in this context. Across the District, what is the percentage of residential

Council Tax paying properties in each Council Tax band?”

(d) From Cllr Hodgson to Cllr Tucker, Leader of the Council

‘When will the public along with Town and Parish Councils be consulted on the Devolution Bid that has now been submitted to the Secretary of State for Local Communities? Can the Leader assure us that this will be a comprehensive consultation where all elements of the bid will be open to comment and input from the public and with widespread promotion to ensure full public awareness and engagement in the process?’

(e) From Cllr Hodgson to Cllr Tucker, Leader of the Council

‘Further to my question asked at full Council on 8 October 2015 and again on 10 December 2015, please can the Leader update us on the situation with regard to the Syrian refugee resettlement programme that I understand this Council is supporting? With the further commitment of the UK Government to take 3,000 unaccompanied children and the recent atrocities of bombing refugee camps and hospitals within Syria, this humanitarian crisis and the role of local authorities has now become even more urgent.

Please can the Leader confirm that this Council is committed to playing its part in welcoming, supporting and accommodating its fair share of refugees including unaccompanied children; will he write to the Prime Minister to assure him that South Hams District Council stands ready and willing to help at this time of crisis?

19. Notice of Motion

to consider the following motions received (if any) in accordance with Council Procedure Rule 10.1.

(a) By Cllrs Tucker and Brazil

“This Council is very concerned with some of the consequences of the Housing Bill. We may find ourselves unable to address our local housing needs and welcome some of the amendments proposed by the Lords, in particular those in respect of ‘Starter Homes’. We call upon local MPs to lobby Government Ministers and, as a last resort, vote against Government legislation that will prevent planning authorities doing what’s best for our local communities.”

(b) By Cllrs Green and Hodgson

“This Council notes the suffering forced upon local residents as a result of this government’s cuts programme and asserts that there is an alternative to its ideologically driven attack on public services, namely the levy of a financial transaction tax on the speculative activities that have accelerated the recent enrichment of the few to the detriment of the many. The Council therefore calls upon the Government to enact a financial transaction tax (Robin Hood Tax) and use the revenues from this measure to reverse ongoing shrinkage in central grants to our Council. In doing so, we would be combatting austerity both within our authority and beyond joining 70 other councils, including Edinburgh, Cardiff, Islington, Manchester and Sheffield.

(c) By Cllrs Hodgson and Green

“This Council develops a policy opposing the use of the process known as ‘Fracking’ in South Hams to obtain fossil fuels. ‘Fracking’ is a dangerous exploitive process that brings a low rate of return of energy, can create mini earthquakes and can pollute drinking water supplies.

(d) By Cllrs Hodgson and Green

“This Council bans the use of Glyphosphate herbicide as a dangerous pollutant on council land. Glyphosphate is now listed by the World Health Organisation as a probably carcinogen and is dangerous to wildlife and drinking water supplies. It is banned in Denmark, Holland, Paris and Sri Lanka. France, Brazil and El Salvador are also currently considering full bans.”

(e) By Cllrs Hodgson and Baldry

“This Council will not permit the culling of badgers on Council owned land, it will instead permit the Bovine TB vaccination programme to be carried out on badgers. The Badger cull is barbaric and dangerous for humans and wildlife within the (two mile) shooting range and interferes with wildlife and natural habitats. The vaccination programme is sage, cheaper and more reliable to avoid any spread of Bovine TB.”

20. Community Governance Review

39 - 48

to consider a report that presents the recommendations of the Political Structures Working Group in respect of the proposal to

transfer the area to the east of Ivybridge from Ugborough parish to Ivybridge parish;

21. Calendar of Meetings 2016/17 49 - 56

to consider a report which presents the draft Calendar of Meetings for the 2016/17 Municipal Year

22. Appointment of Salcombe Harbour Board Co-Opted Members 57 - 60

to consider a report that seeks to appoint two Co-Opted Members on to the Salcombe Harbour Board;

23. Reports of Bodies 61 - 122

to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies:-

Council Body		Date of Meeting
a	Development Management Committee	17 February 2016
b	Overview and Scrutiny Panel	25 February 2016
c	Council Tax Setting Panel	25 February 2016
d	Salcombe Harbour Board	29 February 2016
e	Executive	10 March 2016
f	Development Management Committee	16 March 2016
g	Audit Committee *	24 March 2016
h	Executive	7 April 2016
i	Overview and Scrutiny Panel	7 April 2016
j	Overview and Scrutiny Panel	21 April 2016

*** Indicates minutes containing recommendations to Council.**

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Agenda Item 6

MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 11 FEBRUARY 2016

MEMBERS

* Cllr I Bramble – Chairman

* Cllr P C Smerdon – Vice-Chairman

* Cllr K J Baldry	* Cllr N A Hopwood
* Cllr H D Bastone	* Cllr D Horsburgh
* Cllr J I G Blackler	* Cllr D W May
* Cllr J Brazil	* Cllr J A Pearce
* Cllr D Brown	* Cllr J T Pennington
∅ Cllr B F Cane	* Cllr K Pringle
* Cllr P K Cuthbert	* Cllr R Rowe
* Cllr R J Foss	* Cllr M F Saltern
* Cllr R D Gilbert	* Cllr R C Steer
* Cllr J P Green	* Cllr R J Tucker
∅ Cllr J D Hawkins	* Cllr R J Vint
* Cllr M J Hicks	* Cllr L A H Ward
* Cllr P W Hitchins	* Cllr K R H Wingate
* Cllr J M Hodgson	* Cllr S A E Wright
* Cllr T R Holway	

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Head of Paid Service; Group Manager – Support Services; Section 151 Officer; COP Lead – Place and Strategy; Monitoring Officer; and Senior Specialist (Democratic Services)

52/15 MINUTES

The minutes of the meeting of Council held on 10 December 2015 were confirmed as a correct record and signed by the Chairman.

53/15 DECLARATIONS OF INTEREST

Members were 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 L A H Ward declared a personal interest in Item 10: 'Budget 2016/17' (Minute 56/15 below refers) by virtue of being the Council's representative on the South Hams Citizens' Advice Bureau and remained in the meeting and took part in the debate and vote thereon.

Cllr M F Saltern declared a Disclosable Pecuniary Interest in Item 9(e): 'Notices of Motion' (Minute 55/15(e) below refers) by virtue of being a non-Executive Director of Devon and Cornwall Housing and left the meeting during consideration of this particular motion.

54/15 **QUESTIONS**

It was noted that no questions had been received in accordance with Council Procedure Rule 8.

55/15 **NOTICE OF MOTIONS**

It was noted that five motions had been received in accordance with Council Procedure Rule 10.1.

(a) **By Cllrs Tucker and Wright**

“That authority be delegated to a Member Working Group on behalf of the Council, to consider and submit a response to the Government’s technical consultation document on the future of the New Homes Bonus scheme. The Member Working Group is to consist of four Members, with appointments to be confirmed by Group Leaders.”

In introducing the motion, the proposer highlighted the tight time constraints associated with responding to the consultation document before the prescribed deadline of 10 March 2016.

During the ensuing debate, some Members emphasised the seriousness of this consultation document and requested that the draft consultation response on the National Planning Policy Framework (Minute 59/15 below refers) should be both used as a template and read in conjunction with the response on this consultation document.

It was then:

RESOLVED

That authority be delegated to a Member Working Group on behalf of the Council, to consider and submit a response to the Government’s technical consultation document on the future of the New Homes Bonus scheme. The Member Working Group is to consist of four Members, with appointments to be confirmed by Group Leaders.

(b) **By Cllrs Pennington and Tucker**

“The proposed four year reduction in the Settlement Funding Assessment (SFA) is likely to undermine vital essential statutory services which are efficiently provided by South Hams District Council. This is a view fully endorsed by our external auditors Grant Thornton in their Value for Money report 2014/15 in which they state:-

‘On the basis of our work and having regard to the guidance on the specified criteria published by the Audit Commission we were satisfied that in all significant respects the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2015.’

Therefore, in view of the Council’s economic delivery of services, we request the Secretary of State for Local Government to seek agreement with the Chancellor of the Exchequer to return the SFA at the 2016/17 level over the next four years and also consider improvements in line with any inflation.”

In introducing his motion, the proposer made reference to:-

- (a) the Council being a prudent and efficient local authority, which was a view echoed by Grant Thornton;
- (b) his view that central government funding was being wrongly directed towards Foreign Aid.

In discussion, a number of Members endorsed the sentiments of the motion, but wished to distance themselves from the comments of the proposer in relation to Foreign Aid.

It was then:

RESOLVED

The proposed four year reduction in the Settlement Funding Assessment (SFA) is likely to undermine vital essential statutory services which are efficiently provided by South Hams District Council. This is a view fully endorsed by our external auditors Grant Thornton in their Value for Money report 2014/15 in which they state:-

‘On the basis of our work and having regard to the guidance on the specified criteria published by the Audit Commission we were satisfied that in all significant respects the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2015.’

Therefore, in view of the Council's economic delivery of services, we request the Secretary of State for Local Government to seek agreement with the Chancellor of the Exchequer to return the SFA at the 2016/17 level over the next four years and also consider improvements in line with any inflation.

(c) **By Cllrs Green and Hodgson**

"This Council hereby:

- 1. defers consideration as to whether to create a Local Authority Company for at least a year to enable the changes that are being implemented under the T18 process to become effective;*
- 2. commits to carry out an impact assessment in conjunction with the business community to consider the effect which a large and highly competitive LACC would have on them and the wider local economy;*
- 3. agrees to focus more resources on investigating options for savings and income generation for the next 2 – 4 years;*
- 4. encourages West Devon Borough Council to consider extending its current waste contract for one year; and*
- 5. commits to carry out an assessment into the feasibility of the SHDC waste team taking on the West Devon Borough Council waste contract."*

In introducing the motion, the proposer highlighted the debate and recommendations which had been generated during the Executive meeting held on 4 February 2016 (Minute E.62/15 refers). As a consequence of these discussions, the proposer wished to alter his motion to the following:-

'This Council hereby agrees to set up a Working Group to consider alternatives to establishing a Local Authority Controlled Company (LACC).'

(NOTE. the Working Group will investigate opportunities for savings to be made and for generating additional income and some recommendations may well be able to be implemented even with the creation of a LACC.)

In support of the revised wording, some Members were of the view that the Council was rushing ahead too quickly with these proposals and had failed to explore other alternative potential options.

In reply, other Members felt that the motion was premature and made reference to the proposals being next scheduled for consideration at a Special Council meeting on 25 February 2016.

In addition, the point was made that the Special Council meeting would only be seeking agreement at this time to produce a detailed business case and implementation plan that would then enable further consideration of the merits of establishing a LACC.

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

(d) **By Cllrs Hodgson and Vint**

“That the Overview and Scrutiny Panel be requested to invite a representative from the Local Enterprise Partnership (LEP) to come and speak to a future Panel meeting regarding their role in local enterprise and their involvement in the Devolution Bid. This would provide an opportunity for greater understanding of who is involved in the Heart of The South West Partnership.”

The proposer highlighted that she was aware of concerns regarding the accountability of the LEP and she would welcome an in-depth Overview and Scrutiny review of the organisation.

The Chairman of the Overview and Scrutiny Panel proceeded to advise that it was a matter for the Panel itself to set its own work programme. Furthermore, the Chairman highlighted the adopted Scrutiny Proposal form, which was a tool for Members to submit potential future agenda items. Nonetheless, the importance of the issue was recognised and the Chairman confirmed that he was supportive of taking this request to the next Panel meeting.

It was then:

RESOLVED

That the Overview and Scrutiny Panel be requested to invite a representative from the Local Enterprise Partnership (LEP) to come and speak to a future Panel meeting regarding their role in local enterprise and their involvement in the Devolution Bid. This would provide an opportunity for greater understanding of who is involved in the Heart of The South West Partnership.

(e) **By Cllrs Hodgson and Horsburgh**

‘Given the concerns of many local residents in the South Hams, this Council will make its concerns known to the Secretary of State for Planning regarding the new Housing Bill. This new legislation undermines local democracy and the provisions of localism in the planning process. The new measures proposed would allow for agreed development and policies in the Local Plan to be overturned against local views, public representation and without proper public consultation.’

In introducing the motion, the proposer and seconder highlighted their concerns with the Bill. In particular, notable concerns were raised in relation to the right to buy initiative would lead to a dramatic reduction in available housing stock.

In discussion, specific reference was made to the timing of the motion. Some Members commented that they had a great deal of sympathy with the tone of the motion and felt that the 'right to buy' policy would be disastrous for the South Hams. However, these Members also felt that, since the Bill had already been considered by the House of Lords, it was unlikely that there would be further consultation in this regard.

In addition, some Members highlighted the relevance of the motion that was submitted by Cllrs Wright and Ward (and subsequently agreed by the Council at its meeting on 10 December 2015) whereby the Council wished to express its concerns on the proposals whereby Housing Associations would have to cut Social housing rents by 1% each year (Minute 48/15(a) refers).

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

56/15

BUDGET 2016/17

The Council considered a report that provided an update of the Council's overall financial position and that detailed the formal recommendations of the Executive to achieve a balanced Budget (Minutes E.47/15 and E.58/15 also refer).

The Leader of Council proceeded to introduce the agenda item and made specific reference to:-

- (a) the role of the District Council Network, Sparse and Local South West MPs in actively lobbying to ensure that the Council had obtained additional grant funding from central government;
- (b) the draft Budget securing service delivery for the 2016/17 financial year;
- (c) the budget surplus. Members were informed that it was the recommendation of the Executive to transfer the budget surplus in 2016/17 of £767,995 into a Contingency Earmarked Reserve (as outlined in recommendation 7 of the presented agenda report). Furthermore, decisions relating to how these monies would be specifically spent would be a matter for Members to consider in the future.

At this point, the 18 recommendations were **PROPOSED** and **SECONDED** and the Chairman subsequently invited any debate on each of them individually. In so doing, the following points were raised:-

- (i) With regard to recommendation 1, the overwhelming majority of Members felt that, when considering the financial pressures being faced by the authority, the Council had no option other than to increase Council Tax for 2016/17 by £5. A number of Members also emphasised their disappointment at the incredibly late notification that had been given to local authorities in respect of the final finance settlement;

In line with statutory requirements, a recorded vote was then undertaken on part 1 of the motion. The voting on this part was recorded as follows:-

For the motion (28): Cllrs Bastone, Blackler, Bramble, Brazil, Brown, Cuthbert, Foss, Gilbert, Green, Hicks, Hitchins, Hodgson, Holway, Hopwood, Horsburgh, May, Pearce, Pennington, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Vint, Ward, Wingate and Wright.

Against the motion (1): Cllr Baldry.

Abstentions (0):

Absent (2): Cllrs Cane and Hawkins.

and the vote was therefore declared **CARRIED**.

- (ii) An amendment was duly **PROPOSED** and **SECONDED** as follows:-

“That the combined budget surplus identified in recommendation 7 (£767,995) and recommendation 15 (£777,402), which amounts to £1,545,397, be ringfenced for income based projects towards delivering in-house social affordable rental homes.”

A debate ensued on the amendment, during which the importance of affordable housing was reiterated. In conclusion, a number of Members felt that the amendment as proposed was too restrictive. As a further assurance that the Council remained committed to affordable housing delivery, the lead Executive Member for Business Development advised Members that officers were currently working on initiatives that would greatly support the intention of this amendment;

In line with statutory requirements, a recorded vote was then undertaken on the amendment. The voting on this amendment was recorded as follows:-

For the motion (6): Cllrs Baldry, Brazil, Green, Hodgson, Horsburgh and Vint

Against the motion (23): Cllrs Bastone, Blackler, Bramble, Brown, Cuthbert, Foss, Gilbert, Hicks, Hitchins, Holway, Hopwood, May, Pearce, Pennington, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Ward, Wingate and Wright.

Abstentions (0):

Absent (2): Cllrs Cane and Hawkins.

and the vote was therefore declared **LOST**.

In line with statutory requirements, a recorded vote was then undertaken on parts 7, 10, 12, 14 and 15 of the motion. The voting on these parts was recorded as follows:-

For the motion (25): Cllrs Baldry, Bastone, Blackler, Bramble, Brazil, Brown, Cuthbert, Foss, Gilbert, Hicks, Hitchins, Holway, Hopwood, May, Pearce, Pennington, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Ward, Wingate and Wright.

Against the motion (4): Cllrs Green, Hodgson, Horsburgh and Vint.

Abstentions (0):

Absent (2): Cllrs Cane and Hawkins.

and the vote was therefore declared **CARRIED**.

(iii) A Member highlighted his previously raised concerns regarding the lack of Citizens Advice Bureau (CAB) service provision for residents who lived in the western end of the district. In reply, it was noted that the CAB was currently undertaking a review during which this matter would be given further consideration.

In accordance with Council Procedure Rule 15.5, a recorded vote was then demanded on parts 2, 3, 4, 5, 6, 8, 9, 11, 13, 16, 17 and 18 of the motion. The voting on these parts was recorded as follows:-

For the motion (29): Cllrs Baldry, Bastone, Blackler, Bramble, Brazil, Brown, Cuthbert, Foss, Gilbert, Green, Hicks, Hitchins, Hodgson, Holway, Hopwood, Horsburgh, May, Pearce, Pennington, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Vint, Ward, Wingate and Wright.

Against the motion (0):

Abstentions (0):

Absent (2): Cllrs Cane and Hawkins.

and the vote was therefore declared **CARRIED**.

It was then:

RESOLVED

1. That Council Tax for 2016/17 be increased by £5 (which equates to a Band D Council Tax of £150.42 for 2016/17, an increase of £5 per year or 10 pence per week). This equates to a Council Tax requirement of £5,566,140 (as shown in Appendix 2A of the agenda report presented to Members);
2. That the financial pressures (as outlined in Appendix 3 of the agenda report presented to Members) amounting to £1,690,000 be agreed;
3. That the £10,000 discretionary budget bid for the Citizen's Advice Bureau be agreed;
4. That the schedule of savings identified in Appendix 3 of the agenda report presented to Members (totalling £1,283,800) be agreed (this includes the additional saving of £31,800 following the review of Member Allowances);
5. That the Collection Fund Surplus of £210,000 as shown in Appendix 1A of the presented agenda report be agreed;
6. That the level of contributions to reserves to be included within the Authority's budget, as set out in Appendix 1B of the presented agenda report, be agreed (this includes using £500,000 of New Homes Bonus funding to fund the 2016/17 Revenue budget);
7. That the budget surplus in 2016/17 of £767,995 be transferred into a Contingency Earmarked Reserve (see Part 2 of the presented agenda report for an explanation of this figure)
8. That the allocation of Council Tax Support Grant for Town and Parish Councils be set at £101,658 in 2016/17, a reduction of 9.9% as per Appendix E of the agenda report presented to the Executive at its meeting on 4 February 2016;
9. That the Council set its total net expenditure for 2016/17 at £8,751,722 (Appendix 1A of the presented agenda report refers);
10. That £153,900 of New Homes Bonus funding for 2016/17 be allocated to the Community Reinvestment Projects budget for 2016/17. Any underspend from the 2015/16 Community Reinvestment Projects budget of £153,900 is to be transferred into the Capital Programme Reserve;

11. That the Council transfers £24,606 of its allocation of the New Homes Bonus for 2016/17 to the Dartmoor National Park Sustainable Community Fund. The funds are awarded as a one off payment to Dartmoor National Park, to award projects on an application basis administered by Dartmoor National Park. (NOTE: the following conditions will apply):
 - A. decisions must be taken in consultation with the South Hams District Council local Ward Member(s);
 - B. funding can only be used for capital spending on projects in those parts of Dartmoor National Park which fall within the South Hams District Council Boundaries and enable the Dartmoor National Park to carry out its social economic responsibilities; and
 - C. Dartmoor National Park reports on the progress in the application of, and use of the funds to the Overview and Scrutiny Panel, in time for budget decision to be made;
12. That £464,000 of New Homes Bonus funding from the 2016/17 allocation be used to fund housing capital projects (Disabled Facilities Grants and Affordable Housing);
13. That the Capital Programme for 2016/17 totalling £1,765,000 (and funding sources) be agreed as set out in Item 8 of the Executive meeting on 4 February 2016;
14. That £150,000 of New Homes Bonus funding for 2016/17 be transferred into an Earmarked Reserve for the one-off costs of the Local Authority Controlled Company (LACC – see Section 5.9 of the Executive report on 4 February 2016);
15. That the unallocated New Homes Bonus of £777,402 be transferred into an Innovation Fund (Invest to Earn) Earmarked Reserve (as per 7.10 and 7.11 of the Executive report refers);
16. That the minimum level of the Unearmarked Revenue Reserves be maintained at £1,500,000 as per Section 9 of the Executive report refers;
17. That the level of reserves as set out within the presented agenda report and the assessment of their adequacy and the robustness of budget estimates be noted. (NOTE: this is a requirement of Part 2 of the Local Government Act 2003); and
18. That a waste round review be supported that considers a four day waste and recycling collection round.

57/15

HEART OF THE SOUTH WEST FORMAL DEVOLUTION BID

A report was considered that sought to endorse the current approach to devolution and the drafting of proposals, their submission and negotiation of a deal for the Heart of the South West.

In introducing this item, the Leader of Council made particular reference to:-

- the process having commenced in August 2015 and numerous senior officer and Member meetings having taken place since then to get to this point;
- his hope that this process would help to improve working relations between the local authorities across Devon and Somerset;
- the emphasis being given in the proposals to the marine industry, housing provision and upskilling. Whilst he acknowledged that the proposal was currently high level and therefore lacking precise details, the Leader welcomed reference in the proposals to these matters; and
- his view that it was important to be a partner authority in this process rather than an outsider.

During discussion, the following points were raised:-

(a) Some Members expressed their concerns over the proposals for reasons including:

- the similarities between the aspirations of the Bid and those of the Heart of the South West Local Enterprise Partnership (LEP) and a sense that the LEP was driving the devolution agenda;
- a lack of reference to what benefits the proposals would add;
- the lack of public awareness and consultation over the proposals;
- the potential loss of democracy being regrettable; and
- the importance of a Strategic Environmental Impact Assessment being undertaken.

In light of these concerns, an amendment was **PROPOSED** and **SECONDED** whereby recommendation 3 should be deleted. The proposer informed that the purpose of this amendment was to ensure that, in the event of any changes, a consultation exercise would need to be undertaken.

In reply, other Members commented that there was no duty to consult in this regard and therefore questioned the need for this amendment.

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

(b) The importance of the Council remaining a partner and having a degree of influence in the process was reiterated and recognised by a number of Members.

It was then:

RESOLVED

1. That the Leader's current approach to devolution and the drafting of proposals, their submission and negotiation of a deal for the Heart of the South West be endorsed namely:
 - working with local authorities, National Parks and the Heart of the South West Local Enterprise Partnership to deliver full proposals for Devolution which will seek a formal agreement with Government on a formal devolution deal (as set out in Appendix 1 of the presented agenda report);
2. That the final devolution proposal be approved; and
3. That, should the government timescales change, or minor amendments become necessary, authority be delegated to the Head of Paid Service in consultation with the Leader of Council to approve the final proposal.

58/15

MEMBERS' ALLOWANCES REVIEW

A report was considered that presented the recommendations of the Independent Panel on Members' Allowances.

In discussion, reference was made to:-

- (a) the Panel recommendations. A number of Members expressed their support for the Panel recommendations, which were felt to recognise the additional workload being undertaken by the now 31 Member Council;
- (b) the demographic profile of Members. It was hoped that the Panel's recommendations would help to encourage a wider range of prospective candidates to consider standing for Council.

It was then:

RESOLVED

That the recommendations of the Independent Panel on Members' Allowances (as outlined at Appendix A of the presented agenda report) be agreed and that the revised Scheme of Members Allowances (as shown at Appendix C of the presented agenda report) be adopted with immediate effect, with any consequent increases in Allowances backdated to 11 May 2015.

59/15

NATIONAL PLANNING POLICY FRAMEWORK DRAFT CONSULTATION RESPONSE

A report was considered that sought agreement to the submission of the draft consultation response on the proposed changes to the National Planning Policy Framework (NPPF).

In discussion, reference was made to:-

- (a) the content of the draft response. In commending the robustness of the draft response, several Members recognised the importance of this document and wished to congratulate the officers for producing an excellent piece of work;
- (b) an addition to the proposed recommendation. In light of the importance of the issue, the proposer and seconder of the motion were willing to accept an additional recommendation as below:

‘That a copy of the response also be circulated to the Local Government Association and SPARSE.’

Furthermore, Members were assured that each of the local authorities across Devon were intending to respond to this consultation exercise along similar lines.

It was then:

RESOLVED

1. That the draft consultation response to the Department for Communities & Local Government (as set out at Appendix 1 of the presented agenda report) be agreed; and
2. That authority be delegated to the Lead Specialist – Place and Strategy, in consultation with the lead Executive Member, to agree any minor modifications to the final submission; and
3. That a copy of the response also be circulated to the Local Government Association and SPARSE.

60/15

SENIOR PAY POLICY STATEMENT 2016/17

A report was considered that sought approval of the adoption of the Senior Pay Policy Statement for 2016/17.

Having been suggested, officers agreed to include in future Pay Policy reports comparative figures with the previous year.

It was then:

RESOLVED

That the Pay Policy Statement for 2016/17 (as attached at Appendix A of the presented agenda report) be adopted.

61/15

REPORTS OF BODIES**RESOLVED**

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

(a) Executive 10 December 2015

E.46/15: Revenue Budget Monitoring 2015/16**RESOLVED**

1. That £50,000 be used from the Strategic Issues Reserve, £150,000 from the Planning Policy and Major Developments Reserve and £55,000 from the T18 Investment Reserve to fund:
 - the T18 transition costs of £125,000 (Note J of the agenda report presented to the Executive refers);
 - the vacancy provision of £100,000 which has not been met (Note J of the agenda report presented to the Executive refers);
 - the planning legal fees of £30,000 (Note R of the agenda report presented to the Executive refers);
2. That the uncommitted balance of £50,000 from the Print Room Equipment Reserve be released back to the General Fund (Unearmarked) Reserves; and
3. That £25,000 be transferred into an Earmarked Reserve for Homelessness Prevention (as per Note F of the agenda report presented to the Executive).

E.50/15: T18 Budget Monitoring Report – Quarter 2 2015/16**RESOLVED**

That the postponement (to 2016) of the round reviews and the waste review changes be funded by using £100,000 of the Business Rates Earmarked Reserve and £75,000 of the Strategic Issues Earmarked Reserve.

E.54/15: Reports of Bodies**(a) Overview and Scrutiny Panel – 19 November 2015****(i) O&S.51/15 Review of Fees and Charges**

RESOLVED

1. That the proposed fees and charges (as set out in the agenda report and appendices presented to the Panel) be approved as part of the 2016/17 Budget Setting process, subject to the shower charges being increased from 20p to £1;
2. That delegated authority be given to the Community Of Practice Lead for Environmental Health, in consultation with the lead Executive Member, to modify the charges of Food Export Certificates, once the outcome of the current review is known; and
3. That delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Commercial Waste charges, once all the price modelling factors are known.

(b) Development Management Committee 16 December 2015

(c) Audit Committee 7 January 2016

A.26/15: Certification Work for South Hams District Council for Year Ended 31 March 2015

The lead Executive Member for Support Services wished to reiterate the views of the Committee whereby the Housing Benefit team should be thanked and congratulated for their hard work and commitment to the Council.

(d) Overview and Scrutiny Panel 14 January 2016

(e) Development Management Committee 20 January 2016

(f) Executive 4 February 2016

E.59/15: Capital Budget Proposals for 2016/17

RESOLVED

1. That the views of the Overview and Scrutiny Panel on the Capital Budget Proposals be endorsed, namely that an Options Appraisal is required with Member involvement for the Follaton House boilers (paragraph 3.1.2 of the presented agenda report refers) and that any allocation of Locality vehicles (paragraph 3.2 of the presented agenda report refers) be determined after the March 2016 Overview and Scrutiny Panel review of the Locality role;

2. That the Capital Programme of £1,765,000 be financed by using:-
 - £635,000 from the Capital Programme Earmarked Reserve;
 - £300,000 from Capital Receipts;
 - £366,000 from Better Care Funding towards Disabled Facilities Grants; and
 - £464,000 from New Homes Bonus funding.
3. That £40,000 be allocated from the Capital Programme Contingency Reserve to pay for solar panels on the roofs of employment units at Burke Road, Totnes.

E.63/15: Community Right to Build Orders – Delegated Procedures

RESOLVED

1. That authority to approve the Community Right to Build Orders Procedure (as set out in Appendix 2 of the presented agenda report) be delegated to the Lead Specialist Place and Strategy, in consultation with the Lead Executive Member for Business Development and Local Plan and the local Ward Member(s) for the relevant Neighbourhood area; and
2. That appropriate changes be made to the Council's Neighbourhood Planning Protocol.

E.64/15: Effectively Implementing SHDC DP11: Housing Mix and Tenure

RESOLVED

1. That, when applying policy SHDC DP11: Housing Mix, the following indicative housing size mix be used to inform housing proposals:
 - 35% - 1 and 2 bed dwellings;
 - 35% - 3 bed dwellings; and
 - 30% - 4 + bed dwellings.
2. That the use of Office for National Statistics (ONS) Neighbourhood Statistics data be approved to inform the mix of housing type for housing proposals.

E.65/15: Safeguarding Policy

RESOLVED

That the Safeguarding Policy be adopted.

(Meeting commenced at 2.00 pm and concluded at 5.00 pm)

Chairman

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**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 25 FEBRUARY
2016**

MEMBERS

* Cllr I Bramble – Chairman

* Cllr P C Smerdon – Vice-Chairman

* Cllr K J Baldry	* Cllr N A Hopwood
* Cllr H D Bastone	* Cllr D Horsburgh
* Cllr J I G Blackler	* Cllr D W May
* Cllr J Brazil	* Cllr J A Pearce
* Cllr D Brown	* Cllr J T Pennington
* Cllr B F Cane	* Cllr K Pringle
∅ Cllr P K Cuthbert	* Cllr R Rowe
* Cllr R J Foss	* Cllr M F Saltern
* Cllr R D Gilbert	* Cllr R C Steer
* Cllr J P Green	* Cllr R J Tucker
* Cllr J D Hawkins	* Cllr R J Vint
* Cllr M J Hicks	* Cllr L A H Ward
* Cllr P W Hitchins	* Cllr K R H Wingate
* Cllr J M Hodgson	* Cllr S A E Wright
∅ Cllr T R Holway	

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Head of Paid Service, Executive Director (Service Delivery and Commercial Development), Monitoring Officer, S151 Officer and Senior Specialist – Democratic Services

62/15 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.

63/15 PROPOSALS RELATING TO A LOCAL AUTHORITY CONTROLLED COMPANY

A report was considered that proposed that a detailed business case and implementation plan be produced to enable further consideration of the merits of establishing a Local Authority Controlled Company (LACC) jointly with West Devon Borough Council.

In discussion, reference was made to:-

- (a) the recommendation only seeking approval at this stage to develop a business case and implementation plan. As a consequence, assurances were given that the Council would re-consider this subject matter again for a final decision once this piece of work had been produced;
- (b) some concerns being expressed over the proposals relating to a LACC. Specific concerns that were raised included:-
- the agenda report appearing to indicate that a LACC was the only future option available to the Council. Some Members were of the view that officers should be researching at least two different options;
 - the timing of undertaking this piece of work. A Member highlighted some of the current weaknesses in the Council's service delivery and consequently queried who would buy our services at this moment in time. As a result, the Member strongly urged the Council to focus on firstly improving its own service delivery before then exploring the merits of establishing a LACC;
 - the assumption that the Council could not find further efficiencies yet a LACC could;
- (c) an amendment to the recommendation was **PROPOSED** and **SECONDED** as follows:-

'That both councils spend a combined maximum of £25,000 towards undertaking a scoping plan, with the plan including a comparative analysis being undertaken on the merits of an in-house trading arm.'

In support of the amendment, the proposer felt that the budget provision of £150,000 per Council was a massive risk for the authority to be taking at this time.

However, when put to the vote, the amendment was declared **LOST**;

- (d) the detailed business case and implementation plan. A Member hoped that the business case and implementation plan would produce a clear and unambiguous set of recommendations, which were neither subjective nor open to different interpretations.

It was then:

RESOLVED

1. That a detailed business case and implementation plan be produced to enable further consideration of the merits of establishing a Local Authority Controlled Company jointly with West Devon Borough Council to deliver services for South Hams District Council and West Devon Borough Council, and to other organisations as contracts are won; and

2. That both Council's costs for the preparation of the detailed business case and implementation plan of £300,000 are met from a budget provision of £150,000 being set aside by both Councils for this purpose, and that draw down of these funds be delegated to the Executive Director (Service Delivery and Commercial Development), in consultation with the Leader and the lead Executive Member for Support Services.

64/15

EXCLUSION OF PUBLIC AND PRESS**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 7 of Schedule 12A to the Act is involved.

65/15

PLANNING ENFORCEMENT

The Council considered an exempt report that sought to approve the Planning Enforcement plan to address the backlog of cases within a twelve month time period.

In introducing the motion, the proposer and seconder of the recommendation made reference to three updates which they wished to see incorporated in the action plan (section 5 of the presented agenda report refers). These were namely:-

- That paragraph 5.4 be deleted;
- That paragraph 5.6 be updated whereby the team would seek to close approximately 35-50 cases per month and not 20-30 cases; and
- That paragraph 5.8 also be updated to include reference to the team being subject to performance management meetings on a weekly basis.

During the ensuing debate, an additional recommendation was also **PROPOSED** and **SECONDED** to read as follows:-

'That local Ward Members are copied into any resolution correspondence related to planning enforcement cases in their local wards.'

When put to the vote, this amendment was declared **CARRIED** and therefore became part of the substantive motion.

It was then:

RESOLVED

1. That the Planning Enforcement plan (as amended in the detailed minutes above) be approved to address the backlog of cases within a twelve month period;
2. That the costs for resourcing the planning enforcement team (as outlined in the financial implications of the presented agenda report) be met from the Planning Policy and Major Developments Earmarked Reserve; and
3. That local Ward Members are copied into any resolution correspondence related to planning enforcement cases in their local wards.

(Meeting commenced at 10.00 am and concluded at 11.00 am)

Chairman

**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 7 APRIL 2016**

MEMBERS

* Cllr I Bramble – Chairman

* Cllr P C Smerdon – Vice-Chairman

* Cllr K J Baldry	* Cllr N A Hopwood
* Cllr H D Bastone	* Cllr D Horsburgh
* Cllr J I G Blackler	* Cllr D W May
* Cllr J Brazil	* Cllr J A Pearce
* Cllr D Brown	* Cllr J T Pennington
* Cllr B F Cane	∅ Cllr K Pringle
* Cllr P K Cuthbert	* Cllr R Rowe
* Cllr R J Foss	* Cllr M F Saltern
* Cllr R D Gilbert	* Cllr R C Steer
* Cllr J P Green	* Cllr R J Tucker
* Cllr J D Hawkins	∅ Cllr R J Vint
* Cllr M J Hicks	∅ Cllr L A H Ward
* Cllr P W Hitchins	* Cllr K R H Wingate
* Cllr J M Hodgson	* Cllr S A E Wright
* Cllr T R Holway	

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Head of Paid Service; Group Manager – Business Development;
Monitoring Officer; and Senior Specialist – Democratic Services

66/15 **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.

67/15 **EXCLUSION OF PUBLIC AND PRESS**

The following resolution was **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**:

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 items of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

68/15

BID TO PURCHASE LAND TO ASSIST WITH INCOME GENERATION

An exempt report was considered that sought to gain approval to lodge an unconditional bid for the purchase of a site in the South Hams.

Members noted that this item had also been considered by the Overview and Scrutiny Panel before this meeting had taken place (Minute O&S.99/16 also refers).

In discussion, a Member requested that her views be noted whereby the Council should continue to aspire for 50% affordable housing on every future development in the South Hams.

It was then:

RESOLVED

1. That officers lodge an unconditional bid for a site on the terms as outlined in Section 3 of the presented agenda report; and
2. That the associated acquisition costs (including stamp duty) be funded from the Innovation Fund.

69/15

INCOME GENERATION PROPOSALS

An exempt report was considered that provided an update on income generation proposals.

Members again noted that this item had also been considered by the Overview and Scrutiny Panel before this meeting had taken place (Minute O&S.100/15 also refers).

It was then:

RESOLVED

1. That approval be given to the recruitment of a permanent level four grade specialist post, shared between South Hams and West Devon, on a 60% South Hams / 40% West Devon split at an initial cost to the Council of £26,400 per annum;
2. That this resource be charged with preparing detailed business cases for the schemes identified in Figure 1 (as outlined in the presented agenda report)
3. That the income generation and efficiency proposals (as set out in paragraph 3.2 of the presented agenda report) be progressed to the stage of business case sign-off; and
4. That individual business cases will be subject to a consultation exercise with relevant stakeholders and these will ultimately be presented back to Members for a decision.

70/15 **RE-ADMITTANCE OF PUBLIC AND PRESS**

The following resolution was then **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**:

RESOLVED

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

71/15 **OVERVIEW AND SCRUTINY PANEL MINUTES – 17 MARCH 2016 MEETING****(a) Briefing on the South Devon Coastal LAG and Greater Dartmoor LEAF Programmes (Minute O&S.88/15 refers)****RESOLVED**

That a letter be sent to the District Council Network outlining the Council's grave concerns over the current decision-making process.

(b) Our Plan: South Hams Review (Minute O&S.89/15 refers)**RESOLVED**

1. That the progress on the 2015/16 Our Plan; Annual Activity Programme (appendix 1 of the presented agenda report to the Panel refers) be noted;
2. That *Our Plan: South Hams* (as presented at Appendix 2 of the presented agenda report to the Panel) be adopted for the 2016/17 Financial year as a document that:-
 - Recognises Our Plan: South Hams as the single comprehensive Council Plan and recognises the importance of infrastructure being given the same emphasis as economy and homes;
 - Stresses the importance of housing being provided that reflects the unique needs and special requirements of the South Hams area;
 - Restates the Council's corporate Vision and Objectives;
 - Establishes the common basis for the Councils Financial Plan, Asset Management Plan, Local Plan and all other Plans and Strategies;
 - Establishes priorities for delivery including a delivery plan commencing in 2016/17;
 - Establishes mechanisms for delivery and ensuring the use of SMART targets;
 - Establishes engagement, monitoring and review procedures; and
 - Provides context for subsequent incorporation of the Local Plan element currently subject to separate preparation

Subject to inclusion of any amendments, which are to be delegated to Lead Specialist – Place and Strategy, in consultation with the Leader of Council, Executive Lead Member for Strategic Planning and the Chairman of the Overview and Scrutiny Panel.

3. Establish a joint South Hams and West Devon Member working group (comprising of Cllrs Hopwood, Ward and Wingate) to agree the scope, details and key measures of the Economic Development work; and
4. Undertake further work to identify *Key Measures* for the 8 Our Plan objectives that are clear expressions of the Councils intentions and which can be measured and readily promoted. Agreement of these to be delegated to Lead Specialist – Place and Strategy, in consultation with the Leader and Executive Lead for Strategic Planning.

(Meeting commenced at 10.00 am and concluded at 10.20 am)

Chairman

Agenda Item 8

Membership of Council Bodies for 2016/17 – ITEM 8

A	Audit Committee Cllr I Bramble Cllr J Brazil Cllr J A Pearce Cllr J T Pennington Cllr K R H Wingate	D	Licensing Committee Cllr K J Baldry Cllr J I G Blackler Cllr D Brown Cllr B F Cane Cllr P K Cuthbert Cllr R J Foss Cllr P W Hitchins Cllr T R Holway Cllr N A Hopwood Cllr D W May Cllr K Pringle Cllr R Rowe
B	Development Management Committee Cllr I Bramble Cllr J Brazil Cllr B F Cane Cllr P K Cuthbert Cllr R J Foss Cllr P W Hitchins Cllr J M Hodgson Cllr T R Holway Cllr J A Pearce Cllr R Rowe Cllr R C Steer Cllr R J Vint	E	Overview and Scrutiny Panel Cllr K J Baldry Cllr J I G Blackler Cllr D Brown Cllr J P Green Cllr J D Hawkins Cllr D Horsburgh Cllr N A Hopwood Cllr D W May Cllr J T Pennington Cllr K Pringle Cllr M F Saltern Cllr P C Smerdon Cllr K R H Wingate
C	Executive Cllr H D Bastone Cllr R D Gilbert Cllr M J Hicks Cllr R J Tucker Cllr L A H Ward Cllr S A E Wright		

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A. Audit Committee

Cllr K R H Wingate – Chairman
Cllr J T Pennington – Vice Chairman

B. Development Management Committee

Cllr R C Steer – Chairman
Cllr R J Foss – Vice Chairman

C. Licensing Committee

Cllr D W May – Chairman
Cllr T R Holway – Vice Chairman

D. Overview and Scrutiny Panel

Cllr K J Baldry **OR** Cllr M F Saltern – Chairman
Cllr K R H Wingate – Vice Chairman

E. Salcombe Harbour Board

Cllr J Brazil - Chairman

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Report to: **ANNUAL COUNCIL**

Date: **19 May 2016**

Title: **APPOINTMENT OF REPRESENTATIVES ON
OUTSIDE BODIES 2016/17**

Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

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

Date next steps can be taken: **Immediately**
(e.g. referral on of recommendation or implementation of substantive decision)

Author: **Darryl White** Role: **Lead Specialist –
Democratic Services**

Contact: **darryl.white@swdevon.gov.uk**

RECOMMENDATIONS:

That the Council RESOLVES that:-

- 1. the Council should be represented on the list of Outside Bodies (as attached at Appendix A);**
- 2. appropriate representatives be appointed as the Council's appointments to those Bodies for the 2016/17 Municipal Year and that, for the purposes of Members' Allowances, attendance at meetings of these Bodies be regarded as an approved duty; and**
- 3. Members appointed to Outside Bodies provide regular feedback and consultation on issues affecting the Bodies concerned.**

1. Executive summary

- 1.1 In accordance with the Council Constitution, it is a requirement for the Council to approve the list of Outside Bodies and appropriate representatives to serve on this list for the 2016/17 Municipal Year.

2. Background

- 2.1 The Council makes annual appointments to a large number of Outside Bodies.
- 2.2 Some Members will recall that an extensive review was undertaken into the list of Outside Bodies during 2010. The current list (attached at Appendix A) is now subject to an ongoing review.

3. Issues for Consideration

Providing Feedback to the Wider Membership

- 3.1 Since Members are appointed to represent the Outside Bodies on behalf of the Council, there is an agreed Council practice (minutes 12/03 and 27/03 refer) of reporting back on the work of the body and highlighting issues of interest to the Council. Some Members adhere to this and produce reports for the Members' Bulletin. However, in general, feedback and consultation remains at only a moderate level.
- 3.2 Therefore, Members are reminded that appointment to Outside Bodies includes:
 - a commitment to provide regular feedback on issues raised at such Bodies;
 - consultation with other Members and relevant officers on issues coming up before the Bodies; and
 - briefing / debriefing relevant officers as soon as possible after becoming aware of issues which may be of interest to the Council.
- 3.3 These requirements will help the Council in assessing whether continued membership of those Bodies remains in line with the Council's agreed Corporate Priorities.

Conflicts of Interest

- 3.4 With some of the organisations concerned, conflicts of interests due to Council representation can arise. In such cases, Members should be aware that, even though they may be the Council's representative, the first legal duty is to act in the best interests of that Outside Body when participating in the affairs of that organisation. Fortunately, commonality of interests is a more frequent situation than circumstances of conflicts of interests, but if situations do arise which may put the Council or the Member in a difficult situation advice should be sought from the Monitoring Officer.
- 3.5 Any Member serving on an Outside Body should seek advice at an early stage from that organisation as to the duties and liabilities of Members. The extent of any liability (and insurance) will depend on

the nature of the organisation (e.g. is the organisation a company limited by guarantee or is it unincorporated? Am I acting as a trustee or as a Director?). If clarity of advice cannot be offered by that outside body the advice of the Monitoring Officer should be sought. Fortunately, mishaps are few and far between but Members do need to be clear as to both their responsibilities and liabilities.

- 3.6 When acting for an Outside Body, the Member is not acting for the Council as the outside organisation will invariably have a legal status independent of the Council. If the outside organisation has a Code of Conduct, it is that Code which will apply; otherwise the Member should observe this Authority's adopted Code of Conduct.
- 3.7 Members are also reminded of their obligations regarding the Register of Interests. Amongst other things, the register should show membership of, or position of general control or management in organisations where a Member represents his / her authority.

Devon and Cornwall Housing

- 3.8 Members will recall that the Council has previously made a nomination to the Devon and Cornwall Housing (DCH) Community Interest Company. Following a governance review conducted by DCH, the organisation has decided to dissolve its Community Interest Company during early 2016/17. Whilst it is acknowledged that this will result in the Council losing its nominated representative on the Company, the Head of Paid Service will provide an update in this regard to the Council meeting.

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The Council Constitution requires the Council to approve the list of (and appointments to) the Outside Bodies.
Financial		There are no financial implications arising directly from this report.
Risk		In the event of any Member finding themselves in a position where interests conflict, they are strongly encouraged to seek early advice of the Council's Monitoring Officer
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications directly related to this report.

Safeguarding		There are no safeguarding implications directly related to this report
Community Safety, Crime and Disorder		There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing		There are no health, safety and wellbeing implications directly related to this report.
Other implications		None

Supporting Information

Appendices:

- A. List of Outside Bodies.

Background Papers:

Survey results of the 2010 Outside Bodies review; and Council Constitution.

REPRESENTATIVES ON OUTSIDE BODIES 2016/17

1. **Avon Estuary Forum**
Cllr L A H Ward
2. **Dartmoor National Park Authority**
Cllr P W Hitchins
3. **Dartmoor National Park Forum**
Cllr P C Smerdon
4. **Devon Authorities Strategic Waste Committee**
Lead Executive Member for Commercial Services (Substitute: Cllr N A Hopwood **OR**
Cllr J M Hodgson)
5. **Devon Building Control Partnership**
Cllrs H D Bastone and M J Hicks
6. **Devon County/South Hams Highways and Traffic Orders Committee**
Cllrs J P Green **AND/OR** D Horsburgh **AND/OR** J T Pennington (2 representatives
only)
7. **Devon Districts Forum have made the following appointment:-**
The Investment and Pension Fund Committee -
Cllr M J Hicks (in substitute capacity)
8. **Devon Economic Partnership**
Cllr M J Hicks
9. **Governance Board (South Devon Healthcare NHS Foundation Trust)**
Cllr S A E Wright
10. **Greater Dartmoor Local Enterprise Action Fund**
Cllr P W Hitchins
11. **Hope Harbour**
Cllr S A E Wright
12. **iESE Transformation Limited**
Cllr M J Hicks
13. **Joint Advisory Committee on Housing for Local Needs in the Dartmoor National
Park (JAC)**
Cllrs J I G Blacker and J Brazil
14. **Langage Local Liaison Committee**
Cllrs J I G Blackler and D Brown
15. **Local Government Association:-**
 - (i) **General Assembly** - Cllr L A H Ward
 - (ii) **South West Branch** – Leader
 - (iii) **Rural Commission** - Leader or Deputy Leader
 - (iv) **LGA Committee, Panel, etc appointments****(NB: These appointments are made via an Electoral College process)**

through the LGA. Council has been given delegated authority to the Monitoring Officer, in consultation with the Leaders of the political groups, to agree any such appointments).

16. **Parking and Traffic Regulations Outside London (PATROL)**
Cllr K J Baldry
17. **Plymouth and Peninsula City Deal**
Leader of Council
18. **Police and Crime Commissioners Scrutiny Panel**
Cllr M F Saltern
19. **River Yealm Harbour Authority**
Cllr T R Holway
20. **Salcombe-Kingsbridge Estuary Conservation Forum**
Cllr S A E Wright and Chairman of Salcombe Harbour Board (or nominee).
21. **South Devon AONB Partnership Committee**
Cllr D Brown **AND/OR** B F Cane **AND/OR** Cllr J P Green (2 representatives only)
22. **South Devon Coastal Local Action Group**
Cllr M J Hicks
23. **South Devon and Dartmoor Community Safety Partnership**
Cllr S A E Wright
24. **South Hams Citizens' Advice Bureau**
Cllr L A H Ward
25. **South Hams Community and Voluntary Services - Executive Committee**
Cllrs K Pringle and P C Smerdon
26. **South West Councils**
Cllr R J Tucker
27. **SPARSE Rural and Rural Services Network**
Cllr M J Hicks
28. **Tamar Estuary Consultative Forum**
Cllr P W Hitchins
29. **Totnes and Dartmouth Ring and Ride Service**
Cllr D Horsburgh
30. **Totnes and District Swimming Pool Association**
Cllrs P C Smerdon and R J Vint
31. **Yealm Estuary Forum**
Cllr K J Baldry

Appointment of Other Groups 2016/2017 – ITEM 11

- (a) **Beach Management Working Group**
Cllr D Brown
Cllr R J Foss
Cllr K R H Wingate
Cllr S A E Wright
- (b) **Council Tax Setting Panel**
Chairman of Council
Leader of Council
Chairman of Overview and Scrutiny Panel
Leader of the Opposition
- (c) **Devon Building Control Partnership**
Cllr H D Bastone
Cllr M J Hicks
- (d) **Discretionary Business Rate Relief Decision Panel**
Chairman of the Overview and Scrutiny Panel
Lead Executive Member for Business Development
Leader of Council

Substitute Member:
Deputy Leader of Council
- (e) **Joint SH/WD Economic Development Working Group**
Cllr N A Hopwood
Cllr L A H Ward
Cllr K R H Wingate
- (f) **Joint SH/WD Leisure Board**
Cllr H D Bastone
Cllr M J Hicks
Cllr L A H Ward
- (g) **Joint SH/WD/Plymouth Local Plan Steering Group**
Cllr M J Hicks
Cllr J A Pearce
- (h) **Political Structures Working Group**
Cllr K J Baldry
Cllr J P Green
Cllr P W Hitchins
Cllr D Horsburgh
Cllr J T Pennington
Cllr M F Saltern
Cllr R J Tucker
Cllr L A H Ward
- (i) **Public Spaces Working Group**
Cllr R J Foss
Cllr R C Steer
Cllr R J Vint
Cllr S A E Wright
- (j) **Slapton Line Steering Group**
Cllr J Brazil
Cllr R J Foss

(k) Strategic Planning Working Group

Cllr M J Hicks

Cllr J M Hodgson

Cllr J A Pearce

Cllr J T Pennington

Cllr R C Steer

Cllr R J Vint

(l) Youth Engagement Working Group

Cllr D Brown

Cllr P K Cuthbert

Cllr J M Hodgson

Cllr L A H Ward

Report to: **Annual Council**
Date: **19 May 2016**
Title: **COMMUNITY GOVERNANCE REVIEW**
Portfolio Area: **Strategy & Commissioning**

Wards Affected: **Ermington and Ugborough, Ivybridge (East) and Ivybridge (West)**

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

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision)

Consultation on the published draft proposals is due to commence on Monday, 23 May 2016.

Author: **Darryl White (on behalf of the Political Structures Working Group)**

Contacts: Cllr.tucker@swdevon.gov.uk and darryl.white@swdevon.gov.uk

RECOMMENDATIONS:

That the Council RESOLVES that:

- 1. The main points arising from the initial submissions (paragraph 3.2 below refers) be noted;**
- 2. The draft proposal to transfer the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) from Ugborough Parish to the Ivybridge Parish be published for further consultation;**
- 3. The impact of any future Section 106 contributions should be considered in relation to any boundary change, whilst bearing**

in mind the Section 122 Community Infrastructure Levy regulations; and

- 4. In the event of any boundary change being approved, the procedure for determining applications made to the Community Re-Investment Fund be amended to ensure that, for relevant applications, the local Ward Member for Ermington and Ugborough also be included as a consultee alongside the local ward Members for Ivybridge (East) and Ivybridge (West).**

1. Executive summary

- 1.1 In accordance with the adopted terms of reference (as outlined at appendix A), the Community Governance Review on a proposal to transfer the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) from Ugborough Parish to the Ivybridge Parish is now at Stage 3 of the process.
- 1.2 In accordance with Stage 3, the Council is now required to consider the initial submissions received before approving that the draft proposals be published and subjected to further public consultation.

2. Background

- 2.1 At its meeting on 12 February 2015, the Council considered a motion that had been submitted by Cllrs Saltern and Holway (Minute 65/14(a) refers);
- 2.2 Following a discussion, the Council subsequently agreed that a 'Community Governance Review be instigated that has the main purpose of consulting on a proposal to transfer the area to the East of Ivybridge (recently added to create the new SHDC Ivybridge East Ward) from Ugborough Parish to the Ivybridge Parish';
- 2.3 The terms of reference were subsequently agreed and published on 2 November 2015;
- 2.4 Upon their publication, and in order to take full account of the views of the affected local residents, officers contacted all 27 householders affected. In addition, other relevant stakeholders (SHDC local ward Members, Ivybridge Town Council, Ugborough Parish Council and Devon County Council) were contacted and notification of the Review was also published on the Council website;
- 2.5 Four replies were subsequently received before the deadline of Wednesday, 24 February 2016, three from residents of Filham against the proposal and one from Ivybridge Town Council in favour;

2.6 These replies were presented and considered by the Political Structures Working Group at its meeting on 11 May 2016.

3. Political Structures Working Group Deliberations

4.1 The Working Group meeting was attended by six of its eight Members (Cllrs Baldry, Hitchins, Hodgson, Saltern, Tucker, Ward). Furthermore, Cllrs Bastone, Cuthbert, Green, Hicks, Holway and Pearce were also in attendance in a non-voting capacity. The meeting was supported by Legal and Democratic Services Senior Specialists;

4.2 To aid its deliberations, a discussion paper was considered by the Working Group that summarised the main arguments that had been made in support and in opposition to the proposal. These are repeated in the table below:

In Support	In Opposition
<p>With regard to the new boundary line, it is reasonable to assume that the Ivybridge parish boundary should reflect that of the Ward boundary for both the SHDC and DCC electoral wards.</p>	<p>The Filham Hamlet (particularly North Filham) would be split in two;</p> <p>Differing rates of Council Tax would be levied (the Ivybridge precept being more) on properties likely to receive the same level of services as those paying less;</p> <p>Filham has more characteristics in common with Ugborough and Bittaford than it does with Ivybridge;</p> <p>Confusion could result in which Council would take responsibility if problems occurred within the parish, specifically in North Filham;</p> <p>Dissatisfaction experienced in previous dealings with Ivybridge Town Council;</p> <p>The validity of the Review is in question, as no population changes or new local issues have arisen which merit the instigation of a Review;</p> <p>The aims of the Review in improving community engagement, providing more cohesive communities and local democracy do not apply; and</p>

	The Ivybridge Parish interest in the boundary change is only financial.
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4.3 In its discussions, the Working Group was particularly mindful of the need to consider all of the representations that had been submitted and, in so doing, concerns were expressed at the lack of any comments from Ugborough Parish Council;

4.4 Some Members were so swayed by the arguments in opposition to the proposals that a motion was proposed and seconded whereby the Council should be recommended to terminate the Review at this Stage.

In contrast, other Members felt that the Review should be allowed to run its course (as per the original Council motion) and reiterated that the Council would not be making any firm decisions at this time, but would be merely taking the Review to the next consultation stage.

When put to the vote, the proposal was declared lost by a vote of two in favour, three against with one abstention;

4.5 Whilst being supportive of taking the review to the next stage, Members emphasised the following points:

- It was essential that Ugborough Parish Council made a formal submission before the next deadline of Friday, 9 September 2016;
- That the impact of any future Section 106 contributions should be considered in relation to any boundary change, whilst bearing in mind the Section 122 Community Infrastructure Levy regulations;
- That, in the event of any boundary change being approved, the procedure for determining applications made to the Community Re-Investment Fund should be amended to ensure that, for relevant applications, the local Ward Member for Ermington and Ugborough also be included as a consultee alongside the local ward Members for Ivybridge (East) and Ivybridge (West).

Taking into account the importance of these points, a motion was proposed and seconded whereby the Council should be recommended to consult further on the draft proposal to transfer the area of land.

When put to the vote, this proposal was declared carried by a vote of four in favour and two against and is therefore reflected in the recommendations contained within this agenda report.

4. Implications

Legal/Governance		The Local Government and Public Involvement in Health Act 2007 requires the Council to 'consult the local government electors for the area under review
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		and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the statutory criteria (as below): 'That Community governance within the area under review reflects the identities and interests of the community in that area and is effective and convenient.' Section 122 of the Community Infrastructure Levy regulations.
Financial		There are no additional financial implications directly related to this report
Risk		The Review is adhering to its approved timetable and, at this initial stage, there are no risk implications directly related to this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications directly related to this report.
Safeguarding		There are no safeguarding implications directly related to this report.
Community Safety, Crime and Disorder		There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing		There are no health, safety and wellbeing implications directly related to this report.
Other implications		N/A

Supporting Information

Appendices:

A. Community Governance Review – Terms of Reference

Background Papers:

Discussion Paper presented to the Political Structures Working Group meeting on 11 May 2016;
Initial Submissions received from Ivybridge Town Council and Messrs Scull, Sibley and Kerton; and
DCLG Guidance on Community Governance Reviews.

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South Hams District Council

Community Governance Review – Terms of Reference

At its meeting on 12 February 2015, South Hams District Council resolved to instigate a Community Governance Review. The District Council will be guided by the relevant legislation and guidance, in particular the Local Government and Public Involvement in Health Act 2007 and Guidance on Community Governance Reviews (published jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England).

What is a Community Governance Review?

A Community Governance Review provides the opportunity for 'principal councils' (district councils and unitary councils) to review and make changes to community governance within their areas. Such a Review can be helpful in circumstances such as where there have been changes in population, or in reaction to specific or local new issues.

In so doing, a Community Governance Review offers an opportunity to put in place strong, clearly defined boundaries, tied to firm ground features and remove the many anomalous parish boundaries that exist in England.

Why is the District Council undertaking the Review?

In light of the Council decision made on 12 February 2015, the main purpose of this Review will be to consult on a proposal to transfer the area to the East of Ivybridge, recently added to create the new SHDC Ivybridge East Ward, from Ugborough Parish to the Ivybridge Parish.

The government has emphasised that recommendations made in a Review ought to bring about '*improved community engagement, more cohesive communities, better local democracy and result in a more effective and convenient delivery of local services.*'

As the principal authority, South Hams District Council is responsible for undertaking any such Review within its electoral area. The body responsible for overseeing this process is the Full Council, who will be responsible for producing draft and final recommendations. The Council will approve the final recommendations before a Community Governance Order is made.

How will the District Council conduct consultations during this Review?

Before making any recommendations or publishing final proposals, the District Council will take full account of the views of local residents. The District Council will comply with the statutory consultative requirements by:-

- Consulting local government electors for the area under review;
- Consulting any other person or body (including a local authority) which appears to the District Council to have an interest in the review;
- Notifying and consulting Devon County Council; and
- Taking into account any representations received in connection with the review.

Information relating to the review will be available on the Council website (www.southhams.gov.uk) and key documents will be available on request from the District Council offices at: Follaton House, Plymouth Road, Totnes TQ9 5NE.

The District Council will publish its recommendations as soon as practicable and will take such steps as it considers sufficient to ensure that persons who may be interested in the review are informed of the recommendations and the reasons behind them. The District Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review.

What will be the timetable for this Review?

It is a statutory requirement whereby a review must be concluded within a twelve month period from the day on which it commences. A review starts when the District Council publishes its Terms of Reference and concludes when the District Council publishes its final recommendations.

Outlined below is the proposed timetable for the review:-

Stage 1	Publication of the Terms of Reference for the Review	Monday, 2 November 2015
Stage 2	Introductory Stage: Submissions are invited. The District Council invites proposals from stakeholders on future arrangements in accordance with the Terms of Reference.	Monday, 2 November 2015 – Wednesday, 24 February 2016
Stage 3	Consideration of Initial Submissions: Draft proposals to be considered by the Political Structures Working Group before recommendations are made to the Annual Council meeting on 19 May 2016.	Thursday, 25 February – Thursday, 19 May 2016

<p>Stage 4</p>	<p>Consultation on Published Draft Proposals: In publishing the draft proposals, the District Council will notify stakeholders and invite further comments and/or recommendations.</p>	<p>Monday, 23 May – Friday, 9 September</p>
<p>Stage 5</p>	<p>Final Recommendations Consideration of consultation responses and production of final recommendations to be presented to the Political Structures Working Group in the first instance and on to the Council meeting in the Autumn for a final decision.</p>	<p>Monday, 12 September – Council Meeting in Autumn 2016 (date to be confirmed)</p>
<p>Stage 6</p>	<p>Implementation Final recommendations are then published and the Council resolves (if appropriate) to make a Reorganisation of Community Governance Order.</p> <p>For administrative and financial purposes, the Order should take effect on 1 April 2017.</p> <p>Electoral arrangements for an existing town and/or parish council will come into force at the first elections to the town and/or parish council following (any) Reorganisation Order, which will be May 2019.</p>	<p>Council Meeting in Autumn 2016 (date to be confirmed)</p> <p>1 April 2017</p> <p>May 2019</p>

The review will be formally completed when the Council adopts and publishes the Reorganisation of Community Governance Order and requests that the Electoral Commission approve any consequential changes.

How to contact us

Should you wish to submit a written representation regarding this review, please address this to:

Community Governance Review
Member Services
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Alternatively, your submission may be emailed to:
member.services@southhams.gov.uk

Date of publication

Monday, 2 November 2015.

Report to: **Council**
Date: **19 May 2016**
Title: **DRAFT CALENDAR OF MEETINGS**
Portfolio Area: **Strategy and Commissioning – Cllr Tucker**
Wards Affected: **All**
Relevant Scrutiny Committee: **Overview and Scrutiny Panel**
Urgent Decision: **N** Approval and clearance obtained: **Y**
Date next steps can be taken:

Author: **Kathryn Trant** Senior Case Manager

Contact: **Email: kathryn.trant@swdevon.gov.uk**

RECOMMENDATION

That the Calendar of Meetings for 2016-17 (as presented at Appendix A) be approved.

1. Executive summary

- 1.1 Each year, the Council is required to approve a calendar of meetings for the forthcoming year.

2. Background

- 2.1 The Constitution sets out requirements relating to the number and frequency of meetings of Council Bodies. In setting the calendar of meetings each year, the Council can ensure that these requirements are met. It also enables forward planning and avoids meeting clashes.

3. Outcomes/outputs

- 3.1 Set out at Appendix A is the draft calendar of meetings for 2016-17.

- 3.2 In drawing up the calendar of meetings, a number of parameters are set which include:
- Constitutional requirements which, for some bodies, sets the number and frequency of meetings to be held annually
 - The wishes of Members that Thursdays are seen as Member days and therefore as many meetings as possible are arranged to take place on this day, with the exception of Development Management Committee;
 - The wishes of Members to avoid clashes with meetings of other organisations and events where possible;
 - The wishes of Members to avoid meetings during school holidays where possible;
 - Financial timescales and requirements; and
 - Attempting to ensure that Council and Executive meetings are held in close proximity to the equivalent meetings at West Devon Borough Council.
- 3.3 It should be noted that the calendar only lists those meetings which can or need to be programmed (for constitutional, financial or other reasons). Meetings of other Council bodies such as task and finish groups arising from the work of the Scrutiny Panel can be programmed on an ad-hoc basis.
- 3.4 Members will note that the draft Calendar already includes provision for Special Council meetings to be held on 30 June 2016 and 21 July 2016. These meetings have been scheduled at the request of lead officers to consider the proposals in relation to the Local Authority Controlled Company (30 June) and the Leisure Review (21 July).

4. Options available and consideration of risk

- 4.1 By approving the calendar of meetings each year, the Council will avoid potential Member meeting clashes and ensure that the Constitutional requirements are provided for, and Members wishes, where possible, are taken into account.

5. Proposed Way Forward

- 5.1 Approval of the calendar of meetings will prevent meeting clashes and ensure that Constitutional requirements are met.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory Powers – Local Government Act 1972

Financial	N	There are no direct financial implications
Risk	N	These are addressed in the body of the report
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	Not applicable
Safeguarding	N	Not applicable
Community Safety, Crime and Disorder	N	Not applicable
Health, Safety and Wellbeing	N	Not applicable

Supporting Information

Appendices:

A: Calendar of meetings 2016-17

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DRAFT CALENDAR OF MEETINGS 2016 - 2017

May 2016

- 03 SH Site Inspections
- 11 Development Management Committee
- 19 SH ANNUAL COUNCIL
- 19-21 Devon County Show
- 30 Bank Holiday
- 31 SH Site Inspections

June 2016

- 02 SH Overview and Scrutiny
- 08 Development Management Committee
- 16 Executive
- 20-24 EU Referendum this week
- 27 SH Site Inspections
- 30 SH Audit Committee
- 30 SH Special Council

July 2016

- 05-07 LGA Conference
- 06 Development Management Committee
- 11 Salcombe Harbour Annual Inspection
- 15 Devon Building Control Partnership
- 21 Executive
- 23 July – 31 August – School Holiday
- 25 SH Site Inspections
- 28 SH Audit Committee
- 28 Special Council

August 2016

- 03 Development Management Committee
- 04 Overview and Scrutiny Panel
- 22 SH Site Inspections
- 25-27 Dartmouth Regatta
- 29 Bank Holiday
- 31 Development Management Committee

DRAFT CALENDAR OF MEETINGS 2016 - 2017

September 2016

- 15 Executive
- 19 SH Site Inspections
- 22 SH Audit Committee
- 26 Salcombe Harbour Board
- 28 Development Management Committee
- 29 SH Council

October 2016

- 06 Overview and Scrutiny Panel
- 12-14 SOLACE Conference
- 13 Licensing Committee
- 17 SH Site Inspections
- 20 Executive
- 24-28 Half Term
- 26 Development Management Committee

November 2016

- 03 Overview and Scrutiny Panel
- 11 Devon Building Control Partnership
- 14 SH Site Inspections
- 21 Salcombe Harbour Board
- 23 Development Management Committee
- 24 Overview and Scrutiny Panel

December 2016

- 01 Executive
- 06 WD Council
- 15 SH Council
- 17 – 2 Jan School Holidays

January 2017

- 09 SH Site Inspections
- 12 SH Audit Committee
- 18 Development Management Committee
- 19 Overview and Scrutiny Panel

DRAFT CALENDAR OF MEETINGS 2016 - 2017

February 2017

- 02 Executive
- 06 SH Site Inspections
- 09 SH Council
- 13-17 Half Term
- 15 Development Management Committee
- 20 Salcombe Harbour Board
- 23 Overview and Scrutiny Panel
- 23 SH Council Tax Setting Panel

March 2017

- 06 SH Site Inspections
- 09 Executive
- 15 Development Management Committee
- 23 SH Audit Committee
- 24 Devon Building Control Partnership

April 2017

- 03-17 School Holidays
- 03 SH Site Inspections
- 06 Overview and Scrutiny Panel
- 12 Development Management Committee
- 14 Good Friday
- 17 Easter Monday
- 20 Executive

May 2017

- 01 Bank Holiday
- 02 SH Site Inspections
- 04 Overview and Scrutiny Panel

- 10 Development Management Committee
- 18 SH Annual Council
- 30-2 June Half Term
- 31 SH Site Inspections

DRAFT CALENDAR OF MEETINGS 2016 - 2017

June 2017

07	Development Management Committee
26	SH Site Inspections
29	Executive
29	SH Audit Committee

July 2017

04	Development Management Committee
05	Overview and Scrutiny Panel
10	Salcombe Harbour Board Annual Inspection
20	Executive
20	SH Audit Committee
24	SH Site Inspections
27	Overview and Scrutiny Panel
27	School Holidays

August 2017

02	Development Management Committee
21	SH Site Inspections
28	Bank Holiday
30	Development Management Committee

September 2017

07	Executive
18	SH Site Inspections
21	SH Council
25	Salcombe Harbour Board
27	Development Management Committee

Report to: **Council**

Date: **19 May 2016**

Title: **SALCOMBE HARBOUR BOARD – APPOINTMENT OF CO-OPTED BOARD MEMBERS**

Portfolio Area: **Strategy and Commissioning – Cllr Tucker**

Wards Affected: **Salcombe and Thurlestone, Kingsbridge, Stokenham**

Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

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

Date next steps can be taken: **Immediately**

Author: **Kathryn Trant** Senior Case Manager
Adam Parnell Salcombe Harbour Master

Contact: **Email: kathryn.trant@swdevon.gov.uk**
adam.parnell@swdevon.gov.uk

RECOMMENDATION

That the Council RESOLVES that with immediate effect

1). That Mr Hugh Marriage, Dr Kit Harling CBE and Mr Mark Long be appointed to the Salcombe Harbour Board as Co-opted Members for the period to the date of the Annual Council meeting in May 2019; and

2). That the appointments process in respect of co-opted Members be amended as outlined in paragraph 3.5 below.

1. Executive summary

1.1 The purpose of the report is to approve the appointment of Co-opted Members to the Salcombe Harbour Board, following the recommendations of the Appointments Panel.

2. Background

2.1 On 20 July 2006, the Council considered and approved proposals for the reconstitution of the Salcombe Harbour Board. This was to ensure that the Council could best govern as a Harbour Authority for the future in line with Department of Transport's (DfT) 'Guide to Good Governance' and the Municipal Ports Review which had been published.

- 2.2 As part of the reconstitution, Members approved the establishment of a 'fit for purpose' Board consisting of up to ten members, of which up to six could be co-opted and four made up by nominated District Councillors. A recruitment process was agreed with appointments being based upon a range of technical skills demonstrated by applicants together with other relevant criteria which would make them suitable Board Members. This applied to both co-opted members and Council nominees.
- 2.3 To provide sufficient continuity, the appointment of co-opted Members has been staggered and there are currently four vacancies to be filled on the Board. The appointment process allows for successful co-opted Members to serve an initial three year term. Following the first three years, and with the agreement of the Chairman of Salcombe Harbour Board, co-opted Members are entitled to serve a further three year term without the need to submit to an interview process.
- 2.4 One co-opted Member, Mr Mark Taylor, has served his initial three year term. Having been consulted by the Chairman of Salcombe Harbour Board, he has expressed the wish to continue in this role and this has been agreed.

3. Outcomes/outputs

- 3.1 A recruitment process was undertaken and advertisements placed for potential Board Members. There was an unprecedented level of interest shown, and following a shortlisting process, six applicants were interviewed.
- 3.2 The interviews took place on Friday 13 May 2016, with the Panel consisting of Cllr Julian Brazil (Chairman of Salcombe Harbour Board), Judy Westacott (ex-District Councillor and co-opted Member of Dart Harbour Board) and Capt. Tim Charlesworth (Chief Executive and Harbour Master, Cattewater Harbour Commissioners).
- 3.3 As a result of the interview process, Mr Hugh Marriage, Dr Kit Harling CBE and Mr Mark Long were assessed by the Panel as the three most suitable applicants for appointment (when judged against the criteria), and were recommended for the vacant positions on the Board.
- 3.4 Following an amendment to the process for the appointment of District Council Members whereby a casual vacancy could be filled without a full recruitment process taking place, it has been suggested that the appointment of co-opted Members should now be subject to the same conditions.
- 3.5 It is therefore proposed that the Council Constitution be updated whereby the appointment process for co-opted Members be amended to include the following:

'Co-opted Members shall be appointed to the Board at the first annual meeting following a recruitment, interview and appointment process for a three year term. In the event of a casual vacancy arising before the next scheduled recruitment process, the person who was felt during the recruitment process to be the next most 'fit for purpose' to serve on the Board shall be recommended for appointment'.

4. Options available and consideration of risk

- 4.1 The Constitution sets out the number of co-opted Members who should sit on the Salcombe Harbour Board and the terms under which they are appointed. It is therefore a requirement that a recruitment process is undertaken.
- 4.2 There are potential risks in failing to appoint a 'fit for purpose' Board Member. The robust recruitment process which judges applications against set criteria has mitigated this risk.
- 4.3 There is a risk that appointed Members may not be able to serve a full term. By amending the process as set out in para 3.5, the Board will have a full complement of co-opted Members without the need for a further recruitment exercise.

5. Proposed Way Forward

- 5.1 Following on from the recruitment process and the interview panel, the proposed way forward is to appoint co-opted Members in line with the recommendations of the Interview Panel.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory Powers – Local Government Act 2000; Local Government Act 1972 and the Pier and Harbour Order (Salcombe) Confirmation Act 1954
Financial	N	There are no direct financial implications
Risk	N	These are addressed in the body of the report
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	Not applicable
Safeguarding	N	Not applicable
Community Safety, Crime and Disorder	N	Not applicable
Health, Safety and Wellbeing	N	Not applicable

Background Papers

Council Constitution

Department of Transport's (DfT) 'Guide to Good Governance'

The Municipal Ports Review

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
17 FEBRUARY 2016**

Members in attendance

Cllr I Bramble	Cllr J M Hodgson
Cllr J Brazil	Cllr T R Holway
Cllr B F Cane	Cllr J A Pearce
Cllr P K Cuthbert	Cllr R Rowe
Cllr P W Hitchens	Cllr R C Steer (Chairman)
	Cllr R J Vint

Apologies

Cllr R J Foss

Other Members in attendance

Cllr Wright

Officers in attendance and participating

Item No:	Application No:	
All agenda items		Planning Officers, Solicitor and Senior Case Manager

DM.55/15 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr Pearce declared a disclosable pecuniary interest in application **55/2213/15/VAR**: Variation of conditions 3 (approved plans), 9 (landscaping) and 11 (boundary enclosure) of planning consent 55/2134/12/RM to allow resiting and screening of air source heat pump and revisions to boundary treatment – 8 Whimbrels Edge, Thurlestone, by virtue of being a neighbour to the application site, as declared at the time of submission of the application, and she left the meeting for the duration of the debate and vote on this item;

Cllr Hodgson and Cllr Vint both declared a personal interest in application **14/1424/15/VAR**: Variation of condition 5 (parking restriction) of planning consent 14/2278/14/F – Lower Allerton Farmhouse, Dartington, by virtue of knowing the applicant in a personal capacity and through work with Transition Town Totnes and the Neighbourhood Plan process. They remained in the meeting and took part in the debate and vote thereon.

DM.56/15 MINUTES

The minutes of the meeting of the Committee held on 20 January 2016 were confirmed as a correct record and signed by the Chairman, subject to an amendment to the reason for Cllr Pearce declaring a disclosable pecuniary interest being corrected in the minutes to read:

‘..... by virtue of being a neighbour to the application site, as declared at the time of submission of the application’.

DM.57/15 PUBLIC PARTICIPATION

The Chairman announced that a list of members of the public who had registered their wish to speak at the meeting had been circulated.

DM.58/15 PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the Planning Case officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**55/2213/15/VAR 8 Whimbrels Edge, Thurlestone
Parish: Thurlestone**

Variation of conditions 3 (approved plans), 9 (landscaping) and 11 (boundary enclosure) of planning consent 55/2164/12/RM to allow re-siting and screening of air source heat pump and revisions to boundary treatment

Officer's Update: Revised plan had been submitted showing the block wall at a greater height and a further condition was recommended requiring the block wall to be built to the height as shown on the revised plan.

Comments from EH Officer were presented, as were comments from the applicants in response to questions asked at the site visit.

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Accords with plans
2. External materials and finishes to be retained as approved
3. Implementation and maintenance of landscaping scheme
4. PD removed
5. Boundary treatment to be constructed in accordance with approved details
6. Parking areas within boundary wall to be retained in perpetuity

7. Privacy screen to be retained
8. No access to sedum roof
9. Wicker screen to be retained in accordance with approved details unless otherwise agreed.
10. Planting forward of and within 1m either side of the ASHP shall not be pruned to a height below 1.5m, should planting die or become diseased replanting shall occur in accordance with details to be agreed.

**48/2450/15/F Proposed development site at SX773 400,
Prowse Barn, South Pool, Kingsbridge
Parish: South Pool**

Alterations, conversion and change of use of traditional stone barn to a two bedroom dwelling with detached home office

Speakers included: Parish Council representative – Cllr Peter Wotton

Officer Update: The number of representations was amended to 20 supporting and 14 objecting. Members were updated on the late letters of objection, and a late DCC Highways response of no objection.

Recommendation: Conditional Approval

Committee Decision: Site Inspection

**14/1424/15/VAR Lower Allerton Farmhouse, Dartington, Totnes
Parish: Dartington**

**Variation of condition 5 (parking restriction) of planning consent
14/2278/14/F**

Speakers included: Objector – Ms Tina Dean; Supporter – Mr Robert Tee; Ward Member – Cllr Hodgson

Officer's Update: Additional letters of support and objection related to parking issues on site

Recommendation: Refusal

During discussion, Members asked a number of questions to ensure clarity over exactly where the proposal intended for parking to be allowed. Members also clarified that this was for overflow parking. The Ward Member noted that this application represented an example of using the planning system to resolve neighbour issues. The Ward Member also advised that on a recent visit to the application site with the Case officer there was only one vehicle movement and there seemed to be plenty of space.

Another Member suggested that the applicant park in the proposed areas and then see if the planning authority tried to take enforcement action. He added that this was an unsolvable problem. Other comments included disappointment with the plans which were inadequate and inaccurate, and the different perspective provided by the photographs. The Ward Member reiterated that this proposal was for overspill parking; the Case officer confirmed that it would be legitimate to park there all the time.

Committee Decision: Conditional Approval

Reasons:

Space did exist for turning, there was access in and out to the neighbouring property and the proposal was felt to be reasonable.

Conditions:

1. Parking in accordance with original parking plan or wholly within identified pink areas on new plan

DM.59/15 **PLANNING APPEALS UPDATE**

Members noted the presented list of appeals.

(Meeting commenced at 2.00pm and concluded at 3:45 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 17 February 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
55/2213/15/VAR	8 Whimbrels Edge, Thurlestone	Conditional Approval	Cllrs Hodgson, Holway, Brazil, Cane, Steer, Vint (6)	Cllrs Cuthbert, Bramble, Hitchins (3)	Cllr Pearce by virtue of declaring a DPI (1), Cllr Rowe by virtue of not attending the site visit (1)	Cllr Foss (1)
48/2450/15/F	Proposed development site at SX773 400, Prowse Barn, South Pool	Site Inspection	Cllrs: Steer, Holway, Bramble, Hodgson, Vint, Brazil, Cuthbert, Pearce, Hitchins, Cane (10)	Rowe (1)		Cllr Foss (1)
55/1424/15/VAR	Lower Allerton Farmhouse, Dartington, Totnes	Approval	Cllrs Rowe, Bramble, Brazil, Hodgson, Vint, Holway (6)	Cllrs Steer, Hitchins, Cuthbert, Pearce, Cane (5)	(0)	Cllr Foss (1)

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**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 25 FEBRUARY 2016**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr D W May
*	Cllr J I G Blackler	*	Cllr J T Pennington
*	Cllr D Brown	*	Cllr K Pringle
*	Cllr J P Green	*	Cllr M F Saltern (Chairman)
*	Cllr J D Hawkins	*	Cllr P C Smerdon
*	Cllr N A Hopwood	*	Cllr K R H Wingate (Vice Chairman)
*	Cllr D Horsburgh		

Other Members also in attendance:
Cllrs H D Bastone, I Bramble, J Brazil, R J Foss, R F D Gilbert, M J Hicks, P W Hitchins, J M Hodgson, J A Pearce, R C Steer, L A H Ward and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service, Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services
8	O&S.79/15	Devon and Cornwall Housing Group Chief Executive and Group Director of Asset Management
9	O&S.80/15	Group Manager – Support Services
10	O&S.81/15	COP Lead Environmental Health

O&S.75/15 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 14 January 2016 were confirmed as a correct record and signed by the Chairman.

O&S.76/15 DECLARATIONS OF INTEREST

Members and officers were 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 M F Saltern declared a Disclosable Pecuniary Interest in Item 8: 'Annual Devon and Cornwall Housing Update' (Minute O&S.79/15 below refers) by virtue of being a non-Executive Director of Devon and Cornwall Housing and left the meeting during consideration of this agenda item.

O&S.77/15 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, no items were raised at this meeting.

O&S.78/15 EXECUTIVE FORWARD PLAN

Members were presented with the most recently published Executive Forward Plan.

In discussion, the Chairman advised that he was exercising his discretion to schedule updates on the following future Executive agenda items to be made to the next Panel meeting on 17 March 2016:-

- Homeless Strategy; and
- Complaints Policy.

O&S.79/15 ANNUAL DEVON AND CORNWALL HOUSING UPDATE

The Vice-Chairman welcomed Messrs Paul Crawford (Devon and Cornwall Housing (DCH) Group Chief Executive) and Doug Stein (DCH Group Director of Asset Management) to the Panel meeting.

With particular reference made to the South Hams area, Mr Crawford proceeded to undertake a presentation that covered the following specific areas:-

- The context of DCH, its activity, operating performance and development activity;
- The context of legislative changes taking place in the housing sector, particularly in relation to the Welfare Reform and Work Bill and Housing and Planning Bill;
- The impact that these legislative changes are having on housing associations and, in particular, DCH and how the organisation was responding in terms of its efficiency programme and revised development aspirations; and
- How the Council and DCH could work more collaboratively with one another.

In concluding his presentation, Mr Crawford highlighted:-

- DCH's record of delivery and excellent performance had placed the organisation in a strong position;
- Difficult decisions were having to be made to manage our risks and maintain financial strength; and
- DCH was felt to be well prepared for an uncertain future.

During the ensuing debate, reference was made to:-

- (a) contractor failure. In reply to a question submitted in advance, Mr Crawford informed that, from the examples cited, a series of lessons had now been learned in respect of the level of risk that DCH exposed itself to in its relationships with contractors;
- (b) the age profile of South Hams residents living in DCH properties. Mr Crawford confirmed that, whilst the average age of South Hams residents was older in comparison to the remainder of Devon and Cornwall, he would provide a breakdown of the profile figures to Members after the meeting;
- (c) the Repairs and Maintenance programme. The Panel was advised that DCH continued to invest in its programme. Whilst the average time taken for all emergency repairs (nearly 100%) was an admirable performance for DCH, Mr Crawford did advise that there was still a need to improve upon the time taken for longer term repair works;
- (d) the relationship with the Department for Communities and Local Government (DCLG). In reply to a question, Mr Crawford informed that, as the largest landlord in the South West region, DCH had developed a good working relationship with DCLG and he was heartened that the Secretary of State was listening and sympathetic to the issues faced by DCH;
- (e) innovative and passive housing solutions. Mr Crawford confirmed that DCH was aware of these solutions. However, the organisation was not actively pursuing these at the moment because the capital costs did not currently represent good value for money;
- (f) senior officer pay awards. A Member wished to put on record his concerns at the level of pay award increases which had been granted to senior DCH officers in recent years;
- (g) the DCH Community Interest Company (CIC). Following a governance review, it was noted that the decision had been made to dissolve the CIC during early 2016/17. Whilst it was acknowledged that this would result in the Council losing its nominated representative on the Company, it was equally recognised that conflicts of interest had made the role incredibly difficult for nominated Members;
- (h) the future working relationship between the Council and DCH. The Panel expressed a general wish for the two organisations to work more closely together and to improve communication links between DCH and Council local ward Members.

In conclusion, Members were of the view that:-

- DCH representatives should be invited to report back annually to the Panel;

- DCH should review its operational contact points and ensure that Members are informed of their relevant local contact officer(s) details; and
- DCH should give consideration to how it could best ensure that local Ward Member(s) were kept informed of relevant issues within their local areas.

It was then:

RESOLVED

1. That DCH representatives should be invited to report back annually to the Panel;
2. That DCH should review its operational contact points and ensure that Members be informed of their relevant local contact officer(s) details; and
3. That DCH should give consideration to how it could best ensure that local Ward Member(s) were kept informed of relevant issues within their local areas.

O&S.80/15 T18: ICT UPDATE

A report was considered that provided the Panel with an overview of the ICT elements of the T18 Programme. In particular, the report covered the following key areas:-

- Background of ICT projects;
- Civica relationship and performance;
- Current ICT project plan; and
- Current issues and key risks.

In discussion, the following points were raised:-

- (a) A Member expressed his disappointment that the Contact Centre telephony was not anticipated to be complete until the end of July 2016 and highlighted the detrimental impact of this delay on the Customer Services team. In reply, the lead Executive Member for Support Services informed that this timescale was largely as a consequence of budget and procurement reasons;
- (b) The view was expressed that the length of the automated telephony message was far too long and should therefore be shortened;
- (c) With regard to the In-Cab technology, it was noted that the delay in go-live for this project had been attributed to the need to ensure that the product purchased was required to be compatible to the Civica software platform;

- (d) In respect of the graphs illustrating the number of web based transactions completed and the number of online accounts that had been requested by customers, the Group Manager – Support Services confirmed that he would find out the reasoning behind the spike in the early January 2016 figures and would advise Members accordingly;
- (e) A Member was of the view that, when considering the launch had been light touch to date, it was commendable that over 1,800 online accounts had been requested by customers;
- (f) It was noted that, on the rising of the next Panel meeting on 17 March 2016, a demonstration for all interested Members would be undertaken on the planning portal and some online processes. Once this demonstration had been conducted, it was then intended to carry out a similar presentation for town and parish councils;
- (g) The difficulties of broadband provision in very rural parishes was recognised by all present and it was accepted that the potential for all areas in the South Hams to increase their digital capability may not always be possible. As a potential solution, a Member proceeded to encourage colleagues who were aware of parishes that were struggling in this regard to speak to their local Devon County Council (DCC) Member in an attempt to see if they were willing to use a proportion of their Member Locality Fund to improve connectivity.

It was then:

RESOLVED

That the progress to date on the T18 ICT Transformation Programme be noted.

O&S.81/15 HEALTH AND WELLBEING UPDATE

In introducing the annual update on the Health and Wellbeing agenda, the lead Executive Member made particular reference to:-

- the close linkages between the Health and Wellbeing agenda and Our Plan: South Hams; and
- the Devon County Council (DCC) grant funding for district councils in Devon towards supporting Health and Wellbeing projects having now ceased.

In discussion, the following points were raised:-

- (a) A Member was of the view that, whilst large sums of monies were being spent in this regard, there was a distinct lack of effective measures demonstrated in the paper presented to the Panel;

- (b) Specifically with regard to the 'Big Community Switch' intervention, it was confirmed that iChooser electricity contract switching provider did not receive a fee from the applicant. However, whilst iChooser did receive a finder's fee from the successful energy company, this fee was split with the Council on a 50:50 basis and the Council intended to recycle its proportion of the fee into further marketing of the scheme;
- (c) When looking to the future, the Panel was of the view that Health and Wellbeing must be a key theme within the Our Plan: South Hams document. Moreover, the relevant actions related to Health and Wellbeing should sit within the auspices of the wider corporate Our Plan: South Hams action plan. In respect of Member involvement, the Panel tasked officers in the first instance with assessing both what the Council could realistically do to progress the Health and Wellbeing agenda and the practicalities of how Members could be engaged in this process.

It was then:

RESOLVED

1. That the update paper and the work carried out on the Health and Wellbeing agenda be noted; and
2. That officers be tasked with assessing both what the Council can realistically do to progress the Health and Wellbeing agenda and the practicalities if how Members can be engaged in this process.

O&S.82/15 COMPLAINTS UPDATE

The Executive Director (Service Delivery and Commercial Development) introduced a presentation that provided the Panel with an update on the Council's approach to complaints.

During her introduction, specific reference was made to:-

- the Council's approach to complaints now being to consider them as 'a problem to be solved and not a position to be defended';
- there now being more emphasis placed upon communicating with the complainant to identify the specific concerns and outcome required;
- staff training. The Panel was advised that over 90 members of staff had recently been in receipt of Ombudsman training, which had been very well received by those who had attended;
- the new corporate complaints policy. Whilst still in the drafting phase, it was noted that the key headlines from the new policy were that greater emphasis would be placed upon early informal resolution of complaints and proactive resolution of complaints, as opposed to defensive actions;
- the cultural shift. Members were informed that staff were now taking greater ownership and responsibility for their own mistakes and there was more onus being given to seeking satisfactory resolution to complaints and then learning lessons from them.

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

- (a) A number of Members wished to commend the Executive Director for the considerable corporate effort (and steps that had been taken) to improve the Council's approach to complaints;
- (b) In response to a request for a breakdown of complaint numbers, it was noted that these would be included in the Performance Measures report that would be presented to the next Panel meeting on 17 March 2016.

O&S.83/15 **DRAFT ANNUAL WORK PROGRAMME 2015/16**

The Panel considered its draft 2015/16 Work Programme and made particular reference to:-

- the agenda for the next Panel meeting on 17 March 2016. In light of the likely length of the agenda, it was agreed that the following items should be removed from the Work Programme for this meeting:-
 - T18 Programme Update;
 - Food Safety Service Plan;
 - Task and Finish Group Updates; and
 - O+S Annual Report – Final Draft;

In light of the length of the agenda, the Panel agreed that this meeting should commence at the earlier start time of 9.30am.

- the Homeless Strategy and Complaints Policy. The Panel was reminded of its earlier decision (O&S.78/15 above refers) to be in receipt of updates on the Council's draft Homeless Strategy and Complaints Policy at its next meeting before these matters were then considered by the Executive;
- a provisional additional special Panel meeting date. Members endorsed the proposal to invite Local Enterprise Partnership and Clinical Commissioning Group representatives to attend a special Panel meeting at 10.00am on Thursday, 21 April 2016.

(Meeting started at 11.05 am and concluded at 1.10 pm).

Chairman

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**MINUTES OF THE MEETING OF THE COUNCIL TAX SETTING PANEL
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 25 FEBRUARY 2016**

MEMBERS

* Cllr I Bramble - Chairman

* Cllr J M Hodgson

* Cllr R J Tucker

* Cllr M F Saltern

* Denotes attendance

Officers in attendance:

All Agenda Items: Specialist (Accountant Business Partner), Specialist – Accountant
and Senior Specialist – Democratic Services

CTSP.1/15 MINUTES

The minutes of the meeting of the Panel held on 26 February 2015 were approved as a correct record and signed by the Chairman.

CTSP.2/15 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 none was made.

CTSP.3/15 DECLARATION OF THE COUNCIL TAX BASE AND INDIVIDUAL TAX BASES FOR TOWNS AND PARISHES: 2016/2017

Consideration was given to a report that calculated and set out the Council Tax for 2016/17, having taken into account the precepts as notified from Devon County Council, Devon and Cornwall Police and Crime Commissioner, Devon and Somerset Fire and Rescue Authority, and the Town and Parish Councils.

Officers took the Panel through the agenda report and pointed out an update to the financial implications whereby the final bullet point on page 10 should read:

‘more than £5 above its 2015/16 level.’

It was then:

RESOLVED

1. That it be noted that, in January 2016, the Senior Leadership Team, under delegated authority from full Council, approved the Council Tax Base for the year 2016/17:
 - (a) for the whole Council area as 37,003.99 in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base)(England) Regulations 2012; and
 - (b) for dwellings in those parts of its area to which a Parish precept relates in accordance with regulation 6 of the Local Authorities (Calculation of Council Tax Base)(England) Regulations 2012 (**Appendix A**).

2. That the Council Tax requirement for South Hams District Council's own purposes for 2016/17 (excluding Parish precepts) is calculated at £5,566,140 (**Appendix B**).

3. That the following amounts are calculated by the Council for the year 2015/16 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 and the Localism Act 2011 (**Appendix B**):
 - (a) £43,098,040 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act taking into account all precepts issued to it by Parish/Town Councils (**Gross expenditure including parish precepts**);

 - (b) £35,686,682 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act (**Total income including formula grant and council tax surplus**).

 - (c) £7,411,358 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act) (**Council tax requirement including parish precepts**).

- (d) £200.29 being the amount at 3(a) above (Item R), all divided by the Council tax base(1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year **(Average band D council tax for South Hams District Council and parishes)**.
- (e) £1,845,218 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached **Appendix C – parish precepts**).
- (f) £150.42 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the Council tax base (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates **(Band D council tax for South Hams District Council only)**.

4. That it be noted the County Council, the Police and Crime Commissioner and the Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings as shown below:

Precepting authority	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Devon County Council's tax requirements	805.08	939.26	1,073.44	1,207.62	1,475.98	1,744.34	2,012.70	2,415.24
Police & Crime Commissioner's tax requirements	115.23	134.43	153.64	172.84	211.25	249.66	288..07	345.68
Devon & Somerset Fire & Rescue Authority's tax requirements	53.32	62.21	71.09	79.98	97.75	115.53	133.30	159.96

5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts of Council Tax for the year 2016/17 for each of the categories of dwellings shown at **Appendix D (total of all valuation band council taxes for South Hams District Council including parishes, county, police and crime commissioner and fire authority)**.
6. That the Council has concluded that the basic amount of Council Tax for South Hams District Council for 2016/17 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. (see calculation at **Appendix B**).

(Meeting commenced at 2.00pm and concluded at 2.10pm).

Chairman

**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT QUAY HOUSE, KINGSBRIDGE ON MONDAY, 29 FEBRUARY 2016**

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr J Brazil (Chairman)	*	Mr G Burrell
*	Cllr J A Pearce	*	Dr C C Harling (Vice Chairman)
*	Cllr K R H Wingate	*	Mr M Mackley
*	Cllr S A E Wright	*	Mr H Marriage
		*	Mr A Thomson
		∅	Mr M Taylor
*	Cllr R D Gilbert (lead Executive Member)		

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Group Manager – Commercial Serves, Group Manager – Business Development, Salcombe Harbour Master, Assistant Salcombe Harbour Master (Logistics and Maintenance), Assistant Salcombe Harbour Master (Administration); and Specialist – Democratic Services

SH.33/15 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 2 November 2015 were confirmed as a correct record and signed by the Chairman.

SH.34/15 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following were made:

Cllrs Wingate and Wright and Dr Harling, Mr Burrell, Mr Mackley, Mr Marriage and Mr Thomson all declared a disclosable pecuniary interest in all related agenda items by virtue of having moorings or paying harbour dues to the Council. As a result of the Solicitor granting each Board Member a dispensation, they were all able to take part in the debate and vote on any related matters (Minute SH.05/15 refers).

SH.35/15 PUBLIC QUESTION TIME

The following issues were raised in accordance with the Public Question Time procedure rules:

Mr Richard Smith, Kingsbridge Estuary Boat Club
Page 79

1. With regard to the life belts situated around the Harbour, Mr Smith queried whether the Board was aware of a policy whereby those that were lost and/or stolen were no longer replaced.

In reply, the Chairman informed that there was no such generic policy. However, a risk assessment had been undertaken on each of the life belts around the Harbour and a report would be presented to the next meeting of the Beach and Water Safety Group. In considering the cost implications, it was likely that this report would recommend the removal of those belts that were not being used (or maintained) around the Harbour. Mr Smith was also informed that any such decisions that related to safety matters ultimately rested with South Hams District Council and not the Harbour Board.

2. Secondly, Mr Smith wished to record his thanks for the recent dredging works that had been undertaken. Whilst on the whole, the works had been well received by the Boat Club, there were felt to be some remedial works still required.

The Harbour Master responded by stating that he was aware of the need for some remedial dredging works to be undertaken at Kingsbridge. Whilst he remained committed to this being actioned, the Harbour Master did advise that there was a greater priority for dredging to be undertaken at the Batson Pontoon first.

SH.36/15

FEEDBACK FROM HARBOUR COMMUNITY FORUMS

The Board received verbal update reports from the Board Members who attended the Harbour Community Forums. The updates were given as follows:

Salcombe Kingsbridge Estuary Association (SKEA)

The representative informed that no meetings had taken place since the Board had last met. Having been queried, the Harbour Master confirmed that he would check the status of the SKEA Forum in light of the recent passing of Mr Peter Goldsworthy and then advise the Board accordingly.

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

It was noted that no meetings had taken place since the last Board meeting.

South Devon & Channel Shellfishermen

The representative tabled a paper to the Board that provided a brief summary of a meeting held between him, the Chairman and a representative from the Shellfishermen on 16 February 2016. The paper concluded that the problems raised by the Shellfishermen appeared to be primarily due to a breakdown in relationships and a consequent mistrust and lack of communication.

A debate ensued during which Members echoed the sentiments of the paper whereby communication links needed to improve between the Council, Harbour Board and Shellfishermen. To reflect these sentiments, the following motion was **PROPOSED** and **SECONDED**:-

'That in an attempt to improve communication links:

1. *six monthly meetings be held between interested parties within the Fish Quay, Harbour Board representative(s) and South Hams District Council officer(s); and*
2. *an operational liaison group also be established that will meet more frequently and will comprise of interested parties within the Fish Quay and the Board's nominated Forum representative. Furthermore, South Hams District Council officers may be required to attend these meetings depending upon service need.'*

When put to the vote, this motion was declared **CARRIED**.

It was then:

RESOLVED

That in an attempt to improve communication links:

1. six monthly meetings be held between interested parties within the Fish Quay, Harbour Board representative(s) and South Hams District Council officer(s); and
2. an operational liaison group also be established that will meet more frequently and will comprise of interested parties within the Fish Quay and the Board's nominated Forum representative. Furthermore, South Hams District Council officers may be required to attend these meetings depending upon service need.

Kingsbridge and Salcombe Marine Business Forum

There was no update to give at this meeting.

Kingsbridge Estuary Boat Club (KEBC)

The Board noted that Mr Smith had already provided an update of issues during the public question time (Minute SH.35/15 above refers).

SH.37/15

REVENUE BUDGET MONITORING 2015/2016

The Board was presented with a report that enabled it to monitor income and expenditure variations against the approved budget for 2015/16. The report also provided a forecast for the year-end position.

In discussion, reference was made to:-

- (a) the overall projected underspend of £16,200. The Harbour Master was of the view that the projected figure was slightly pessimistic and he was anticipating that the actual underspend at the end of 2015/16 would be higher than £16,200;
- (b) the trend of declining visitor numbers. When questioned, the Harbour Master confirmed that the trend for declining numbers of visitors, coupled with those reduced numbers staying for a longer period, was consistent with 'similar' harbours across the South West region;

- (c) the miscellaneous income. For clarity, the Board was advised that examples of miscellaneous income included monies generated from hiring out the Harbour Crane and Barge;

In conclusion, the Board commended the overall content of the presented agenda report and appendices and therefore wished to put on record its gratitude to all relevant officers.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2015/16 financial year and the overall projected underspend of £16,200 be noted.

SH.38/15 **QUARTER 3 PERFORMANCE INDICATORS**

Consideration was given to a report that sought to summarise the Harbour's Performance Indicators (PIs) for the period 1 October to 31 December 2015.

In discussion, the following points were raised:-

- (a) Whilst the waiting list for a mooring remained broadly static, the Board acknowledged that this was a cause of some dissatisfaction amongst those who had applied;
- (b) It was noted that the CCTV equipment was in the process of being upgraded, with the number of cameras in the area also being increased. In welcoming this news, a Member also felt it would be opportune to undertake a reconstruction in order to test the effectiveness of the new equipment.

It was then:

RESOLVED

That the latest performance indicators be noted.

SH.39/15 **STRATEGY AND MARKETING WORKSHOPS**

A report was considered that presented the outcomes generated from the recent Board workshops held on 20 October 2015 (strategy) and 10 November 2015 (marketing).

In discussion, reference was made to:-

- (a) the success and effectiveness of these workshops. A number of Members welcomed the workshops and were of the view that they had been very well received;

- (b) the potential to raise the cap on mooring numbers by an additional 100 berths. Whilst supporting the principle, a Member emphasised his view that the current berthing footprint should not be increased and an additional pontoon should be constructed. In addition, the view was expressed that an additional 100 berths should not be detrimental to the character of the estuary;
- (c) the need to recognise that the use of the Harbour was changing. Some Members highlighted the need to look to the future or else the Board would be presiding over a declining harbour port. To reflect emerging usage trends, Members felt that there was merit in investigating the following:
- increased capacity to take dinghies;
 - making greater use of the Kingsbridge Slipway; and
 - creating zonal areas in the upper part of the Estuary for the use of kayaks and Stand Up Paddleboards.
- As a general point, Members emphasised the importance of a consultation exercise taking place before any such initiatives be implemented. On the matter of consultation, the local ward Members for Salcombe and Thurlestone cited a number of recent instances during which they had failed to be consulted with by officers and proceeded to express their extreme frustrations at these occurrences;
- (d) the harbour estate. In addition to seeking incorporation of the Fish Quay, Batson Slip and Kingsbridge Slip and landing steps into the Harbour Estate, the view was expressed that Whitestrand and Batson car parks should also be given consideration. Whilst the Council could retain the income from these assets, Members felt that it would be beneficial for the harbour authority to take on greater control for the day to day running of these assets;
- (e) general support for 'Option 3' (as outlined in the presented agenda report). In expressing their support, Members felt that the payback was remarkably short for what was a relatively low investment. In terms of next steps, the Harbour Master informed that these outcomes would form part of the Strategic Business Plan that would be presented to a future Board meeting;
- (f) the merits of purchasing a glass bottom boat. The Harbour Master confirmed that he would explore the merits of purchasing a glass bottom boat and would circulate a draft paper to Board Members for their consideration.

It was then:

RESOLVED

That the latest Performance Indicators be noted.

SH.40/15 REPLACEMENT OF FORKLIFT

A report was considered that sought approval of the release of up to £30,000 (plus VAT) to fund the replacement of the fork lift.

It was then:

RESOLVED

That up to £30,000 (plus VAT) be released from the Renewals Reserve to fund the replacement of the fork lift.

SH.41/15 TOPICAL HARBOUR ISSUES

The Harbour Master provided an update on topical harbour issues that could be of interest to the Board.

In so doing, he made particular reference to:-

- (a) staffing issues. A number of Members wished to pass on their best wishes to the member of staff who had recently sustained a serious injury whilst off-duty;
- (b) the recent safety compliance audit. It was confirmed that once the audit findings had been received by the Harbour Master, they would be forwarded on to Members for their information and reference. A Member proceeded to congratulate the Harbour Master for the amount of work that he had undertaken in respect of safety compliance;
- (c) Egremont. Whilst there remained some reservations amongst Board Members, the majority were content to grant permission, subject to the owners first providing a costed, funded and achievable programme, for the proposed repairs to take place. The Board also requested that it be in receipt of regular updates in this regard and that the Harbour Master maintain a close watching brief over the project;
- (d) the loss of the blue flag status for South Sands beach. Members lamented the loss of the blue flag, but did support the application for a 'Seaside Award' accreditation;
- (e) the Wifi contract. In striving for the Harbour to reflect the changing modern world, Members recognised the importance of a solution being found in this regard to ensure that harbour users were able to wirelessly access the internet.

It was then:

RESOLVED

1. That the update be noted; and
2. That the Board permit the Egremont to undertake repairs throughout 2016 on the proviso that a funded and realistic repair plan be provided to the Harbour Authority.

(Meeting commenced at 2.30 pm and concluded at 4.25 pm)

Chairman

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**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 10 MARCH 2016**

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr H D Bastone	*	Cllr R J Tucker
*	Cllr R D Gilbert	*	Cllr L A H Ward
*	Cllr M J Hicks	*	Cllr S A E Wright

Also in attendance and participating		
Item 7	E.70/15	Cllrs Brazil, Hodgson and Saltern
Item 8	E.71/15	Cllrs Green, Hodgson and Pearce
Item 9	E.72/15	Cllrs Brazil, Cuthbert, Foss, Hopwood, Pearce and Wingate
Item 10	E.73/15	Cllrs Green, Hodgson and Hopwood
Item 11	E.74/15	Cllrs Hodgson, Pearce, Saltern and Smerdon
Item 12	E.75/15	Cllrs Hodgson and Vint
Item 13	E.76/15	Cllr Pearce
Item 15	E.78/15	Cllrs Brazil, Hodgson and Saltern
Item 16	E.79/15	Cllrs Rowe, Saltern and Vint
Also in attendance and not participating		
Cllrs Blackler, Bramble, Brown, Cane, Hitchins, Holway and Steer		

Officers in attendance and participating		
All items		Executive Director Strategy and Commissioning (S&C) (SJ), Executive Director Service Delivery and Commercial Development (SD&CD) (SH) and Senior Case Manager (KT)
Item 7	E.70/15	COP Lead Finance (LB) and Finance Business Partner (PH)
Item 8	E.71/15	COP Lead Finance (LB) and Finance Business Partner (PH)
Item 9	E.72/15	COP Lead Finance (LB) and Finance Business Partner (PH)
Item 10	E.73/15	Lead Specialist – Place and Strategy (RK)
Item 11	E.74/15	Lead Specialist – Place and Strategy (RK)
Item 13	E.76/15	COP Lead – Housing, Revenue and Benefits (IB)
Item 14	E.77/15	COP Lead – Housing, Revenue and Benefits (IB)
Item 15	E.78/15	Lead Specialist Waste Strategy
Item 16	E.79/15	Lead Specialist – Communications and Media

E.67/15 MINUTES

The minutes of the Executive meeting held on 4 February 2016 were confirmed as a true record and signed off by the Chairman.

E.68/15 **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 none were made.

E.69/15 **PUBLIC QUESTION TIME**

It was noted that the following question had been tabled in line with Executive Procedure Rules:

Question from Cllr Keith Wingate to Cllr Gilbert:

Why is the wall in Eastern Backway, Kingsbridge taking so long to be resolved?

In response, Cllr Gilbert stated:

“The wall was identified as a dangerous structure by the Devon Building Control Partnership (DBCP) in May 2015. SHDC was requested to close off the pathway to pedestrians in August 2015 pending a decision as to how to remove the danger.

Following a meeting with DBCP in early September 2015, it was agreed that they would obtain a method statement from their structural engineer to enable SHDC to undertake works to remove the danger. This was received mid-October.

In order for the work to be undertaken by SHDC, we would have to proceed under the direction of DBCP acting as client. Subsequently, following consideration of the engineers report and a discussion with the DBCP manager, it was agreed that it would be more appropriate for a contractor with relevant experience to be instructed to undertake the work as specified.

DBCP approached South West Highways (SWH), met their representative on site mid-November, received and subsequently agreed the submitted quotation.

Work was scheduled to commence 4 January 2016. Unfortunately work did not proceed because SWH Health and Safety Manager identified that appropriate Construction Design and Management (CDM) documentation was not in place and furthermore maintained that they had only quoted for removing the wall, expecting reduced levels of the retained ground to have been completed before they commenced.

I am advised that DBCP have now appointed an alternative engineer who will also assist with CDM compliance. A revised commencement date for all works to commence has now been agreed for 2 May 2016.

Recognising that this is further undue delay our staff will discuss with DBCP to identify if there is anything further that we could do to assist moving the date forward for work to commence.”

E.70/15 **T18 BUDGET MONITORING REPORT TO END OF FEB 2016**

The Executive considered a report that set out the latest position and progress to date with the T18 Transformation Programme.

Before he introduced the report, the Leader made reference to the iESE Council of the Year awards that the Council had recently won. He commended Members on the brave decisions that they had taken to undertake the Transformation Programme, and recognised the work of the Executive Directors and staff. He then introduced the report, and in doing so he responded to questions previously submitted by another Member.

During discussion, the following points were raised:

- (a) Members had questions about the relationship with Civica, and wanted to know if the Council would benefit if the systems being trialled here were developed to sell to other authorities. In response, the Executive Director (S&C) confirmed that the contract included intellectual rights. It was also stated that weekly progress meetings now took place with Members of the Senior Leadership Team and Civica, to ensure progress and monitor slippage;
- (b) One Member stated that she would prefer to see an overspend on the budget and know that Town and Parish Councils were not struggling. The Council should be able to tell its story with confidence and this was not the case currently. The Leader responded that people would have different views on whether the timeline of the programme had been undertaken in the right order but it was heading in the right direction;
- (c) The Chairman of the Overview and Scrutiny Panel stated that the assessment process had highlighted the weaknesses in the performance management and appraisal system. The Executive Director SD&CD advised that a new system was in place and agreed to present it to a future meeting of the Overview and Scrutiny Panel.

It was then:

RESOLVED

That progress to date on the T18 Transformation Programme be noted.

E.71/15 **TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 16/17**

Members were asked to consider a report that sought approval of the Prudential Indicators, the Treasury Management Strategy and the Investment Strategy, as set out in the presented agenda report.

The Portfolio Holder for Support Services introduced the report and took Members through the key areas.

The s151 Officer responded to questions specifically regarding interest rates and the rules regarding investment and Treasury Management Practice.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to approve:

1. The prudential indicators and limits for 2016/17 to 2018/19 contained within Appendix A of the presented agenda report;
2. The Treasury Management Strategy 2016/17 and the treasury prudential indicators 2016/17 to 2018/19 contained within Appendix B of the presented agenda report; and
3. The Investment Strategy 2016/17 Appendix C and the detailed criteria included in Appendix D of the presented agenda report.

E.72/15 REVENUE BUDGET MONITORING 2015/2016

Members were asked to consider a report that updated them on the forecast income and expenditure variations for the 2015/16 financial year.

The Portfolio Holder for Support Services introduced the report.

A number of questions were asked regarding notes specific to Environment Services and the Portfolio Holder for Environment Services and the Group Manager for Commercial Services responded to those questions. Within her response, the Group Manager advised that the Council had been affected by market changes in respect of recycling credits, and that the issue of manual workers salary costs would be addressed through the recruitment of a lower number of agency staff. One Member noted that the waste review had taken the longer term view and whilst the Council may be losing currently in respect of recycling income, in the longer term this would balance out.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2015/16 financial year and the overall projected overspend of £45,000 (0.5% of the total budget £8.839 million) be noted.

E.73/15 OUR PLAN – PROGRESS MONITORING AND OUR PLAN 2016/17

Members were asked to consider a report that set out progress in relation to Our Plan: South Hams.

The Leader introduced the report and advised that Our Plan: South Hams would also be an agenda item at the forthcoming Overview and Scrutiny Panel meeting.

Members raised queries regarding Neighbourhood Plans, however, this was not the subject of this agenda item. The Lead Specialist Place and Strategy agreed to see those Members separately regarding Neighbourhood Plans. He also assured Members that future reports would be clearer in respect of their purpose.

It was then:

RESOLVED

That progress in relation to Our Plan: South Hams be noted.

E.74/15 COMMUNITY REINVESTMENT PROJECTS FUND 2015/16 GRANT ALLOCATIONS

Members were presented with a report that sought approval of five grant applications totalling £112,900 from the 2015/16 Community Reinvestment Project Fund.

The Portfolio Holder for Commercial Services introduced the report and outlined the background to the scheme.

Members briefly discussed this item, and all agreed that this was a good news story for the Council. Members from the wards that would benefit from the grant allocations expressed their thanks for the funding.

It was then:

RESOLVED

That the five grant applications totalling £112,900 from the 2015/16 Community Reinvestment Project Fund be approved.

E.75/15 **IMPLEMENTATION OF THE DEVON DISTRICTS PROCUREMENT STRATEGY 2015-2018**

Members were asked to consider a report that sought approval of the Devon Districts Procurement Strategy 2015-2018.

The Portfolio Holder for Support Services introduced the report. One Member asked if the Dartmoor National Park Authority had been invited to be part of the Group. In response to another question, the Leader confirmed that each participating Council would be asked to appoint a Member Champion.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to formally adopt the Devon Districts Procurement Strategy 2015-2018 and implement the contents.

E.76/15 **CORPORATE DEBT RECOVERY POLICY**

Members were presented with a report that sought adoption of a Joint Corporate Debt Recovery Policy.

The Portfolio Holder for Commercial Services introduced the report. One Member commented that, as an external document, care should be taken with how it was presented.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to adopt the Joint Corporate Debt Recovery Policy.

E.77/15 WRITE OFF REPORT

Members were asked to consider a report that informed them of the debt written off for revenue streams within Revenue and Benefits. Debts up to the value of £5,000 were written off by the s151 Officer under delegated authority. Permission was sought to write off individual debts with a value of more than £5,000.

The Portfolio Holder introduced the report. The Finance Business Partner responded to a small number of queries in respect of the debts to be written off.

It was then:

RESOLVED

1. That, in accordance with Financial Regulations, the s151 Officer had authorised the write off of individual debts totalling £33,524.52 as detailed in presented Tables 1 and 2 of the agenda report; and
2. That the write off of individual debts in excess of £5,000 totalling £5,566.63, as detailed in Table 3 of the presented report, be approved.

E.78/15 THE FUTURE OF THE DEVON AUTHORITIES WASTE REDUCTION AND RECYCLING COMMITTEE (DAWRRC)

Members were asked to consider a report that outlined proposals to wind up the Devon Authorities Waste Reduction and Recycling Committee and replace it with a new joint Devon Authorities Strategic Waste Committee.

The Portfolio Holder introduced the report. One Member expressed the view that he hoped that this would lead to a Devonwide waste collection service as this would be the most efficient way forward. Other Members were concerned to hear this view. The Lead Specialist explained that the group would look at making savings where they could, for instance in procurement matters, and where they could share knowledge, and work towards economies of scale. One of the significant issues preventing a joined up waste collection service was the fact that different authorities had different contract end dates.

The Chairman of the Overview and Scrutiny Panel requested that the Operating Rules and Terms of Reference be amended to include the wording 'which does not undermine each individual authority'. This was agreed.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to:

1. support the proposal to wind up the Devon Authorities Waste Reduction and Recycling Committee
2. agree to the establishment of the joint Devon Authorities Strategic Waste Committee on the draft terms of reference set out in the Operating Rules attached at Appendix 1. and that any significant changes to the terms of reference be brought back to Council for further approval
3. agree that the Portfolio Holder for Waste be appointed as the South Hams Member of the Devon Authorities Strategic Waste Committee, and that a named substitute, with full voting rights, will attend in the absence of the Portfolio Holder;
4. agree that any minor changes considered necessary to the terms as highlighted be delegated to the Lead Specialist Waste Strategy (Strategy & Commissioning) in consultation with the Portfolio Holder for Waste.

E.79/15

COMMUNICATIONS PROTOCOLS AND POLICIES

Members were asked to consider a report that sought approval of the joint Communications and social media Policies and the protocols in the Revised Communications protocol.

The Deputy Leader introduced the report, and also took the opportunity to introduce the Communications Team.

Members did raise a concern over the advice that Members should always contact the Press Office prior to speaking to the Press. The Leader clarified that this related purely to the occasions when Members were speaking on behalf of the Council. In response to a query from an Opposition Group Member, the Leader also clarified that Members needed to ensure their message was factually correct, but they were of course able to express their views as to whether or not they agreed. The Lead Specialist Communication and Media confirmed the importance of ensuring that the message was accurate.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that:

1. the joint Communications and Social Media Policies (as attached at Appendix A) be adopted for South Hams District Council; and
2. the protocols in the revised Communications protocol January 2016 be acknowledged and adopted.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.71/15, E.75/15, E.76./15, E.78/15, E.79/15, WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 19 MAY 2016, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 21 MARCH 2016 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 12.50 pm)

Chairman

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
16 MARCH 2016**

Members in attendance

Cllr I Bramble	Cllr J M Hodgson
Cllr J Brazil	Cllr T R Holway
Cllr B F Cane	Cllr J A Pearce
Cllr P K Cuthbert	Cllr R Rowe
Cllr R J Foss (Vice Chairman)	Cllr R C Steer (Chairman)
Cllr P W Hitchins	Cllr R J Vint

Other Members in attendance

Cllr Saltern

Officers in attendance and participating

Item No:	Application No:	Officers:
All agenda items		Development Management COP Lead, Planning Specialists, Landscape Officer, DCC Highways Officer, Solicitor and Lead Specialist – Democratic Services

DM.60/15 MINUTES

The minutes of the meeting of the Committee held on 17 February 2016 were confirmed as a correct record and signed by the Chairman.

DM.61/15 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr Brazil declared a disclosable pecuniary interest in application **27/1859/15/F**: Erection of 77 dwellings, including all associated public space, landscaping and all other associated external works – Proposed development site at SX 6203 5630, Woodland Road, Ivybridge, by virtue of comments he had made during the site inspection for this application that had been held on 11 January 2016 and left the meeting for the duration of the debate and discussion on this item;

Whilst not in attendance at the last meeting held on 17 February 2016, Cllr Foss declared a disclosable pecuniary interest in application **48/2450/15/F**: Alterations, conversion and change of use of traditional stone barn to a two bedroom dwelling with detached home office – Proposed development site at SX 773 400, Prowse Barn, South Pool, Kingsbridge by virtue of knowing the applicants and a number of individuals who had made representations

on the proposals and left the meeting for the duration of the debate and discussion on this item.

Cllr Cane declared a personal interest in application **48/2450/15/F**: Alterations, conversion and change of use of traditional stone barn to a two bedroom dwelling with detached home office – Proposed development site at SX 773 400, Prowse Barn, South Pool, Kingsbridge by virtue of being a Council representative on the South Devon AONB Partnership Committee within which the application was sited and remained in the meeting and took part in the debate and vote on this application.

DM.62/15 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public who had registered their wish to speak at the meeting had been circulated.

DM.63/15 **PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

48/2450/15/F **Proposed development site at SX 773 400,
Prowse Barn, South Pool, Kingsbridge**

Parish: South Pool

**Alterations, conversion and change of use of traditional stone
barn to a two bedroom dwelling with detached home office**

Case Officer Update:

- Since the site inspection had been held, revised plans had been submitted illustrating small scale amendments to the proposed parking and turning area. It was confirmed that the Conservation Officer was content with these revisions;
- In light of the health and safety concerns raised by the parish council, it was reiterated that the applicant would need to conform with Health and Safety regulations;
- An indicative landscape plan had been received that illustrated the proposals to plant an orchard. Members were informed that this could be controlled by a landscaping condition and the Landscape Officer had raised no objections.

Speakers included: Objector – Mrs Elizabeth Bennett; Supporter – Mr Mark Evans; Ward Member – Cllr Brazil

Recommendation: Conditional Approval
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In discussion, some concerns were raised in relation to the proposals having a detrimental impact on both the Conservation Area and the Area of Outstanding Natural Beauty. However, the majority of Members were content to support the case officer recommendation, subject to inclusion of:

- An additional condition whereby cars could only park to the northern side of the public right of way; and
- An existing proposed condition being amended to include reference to the details of track surfacing being required.

Committee Decision: Conditional Approval

Conditions:

1. Time limit for commencement;
2. In accordance with plans;
3. Details of materials (to include track surfacing);
4. Submission of landscape scheme;
5. Implementation of tree protection in accordance with Arboricultural Impact Assessment;
6. Submission of Arboricultural Method Statement for Track;
7. Permitted Development restrictions;
8. Sewage treatment plan to be sited at least 30 metres from the Salcombe to Kingsbridge Estuary Site of Special Scientific Interest;
9. Unsuspected Contamination;
10. Notwithstanding submitted plans, details of three bat and six bird boxes to be submitted;
11. Works to be timed outside of bird nesting season, unless the site has been checked and young birds have fledged; and
12. Cars to only park to the northern side of the public right of way.

27/1859/15/F SX 6203 5630, Woodland Road, Ivybridge

Parish: Ivybridge

Erection of 77 dwellings including all associated public space, landscaping and all other associated external works

Case Officer Update:

- Since the initial decision to defer the application at the Committee meeting on 20 January 2016 (Minute DM.53/15 refers), additional documents had been received that were all highlighted and referred to in the presented agenda report;
- An additional condition was suggested in relation to the need for detailed plans to be submitted relating to bin storage;
- The town council had made further representations reiterating its previous raised objections.

Speakers included: Ward Member – Cllr Saltern

In discussion, a number of Members expressed their extreme frustrations that the reasons for the initial deferral (namely layout and design) had still not been adequately addressed. Furthermore, the Highways Officer expressed his surprise that a revised parking plan (that he had informally agreed with the applicants following the Committee meeting on 20 January 2016) had not been presented to the Committee in time for this meeting.

In light of these concerns, a motion to refuse the application was **PROPOSED** and **SECONDED**.

As the debate progressed, other Members felt that they could not support the application as it was currently presented. However, and in making reference to the awaited revised parking plan, these Members felt that that, whilst regrettable, it would be more appropriate for the Committee to again defer the application to a future meeting for further consideration. A motion to defer consideration of the application was then **PROPOSED** and **SECONDED**.

In line with Council Procedure Rules, the Chairman ruled that the motion to defer would be voted upon first and, when put to the vote, it was declared **CARRIED**.

Recommendation: Conditional Approval

Committee Decision: That the application be again deferred to allow the applicant a further opportunity to address the concerns of the Committee specifically relating to layout and design.

**2659/15/FUL Crooked Spire Inn, The Square, Ermington
PL21 9LP**

Parish: Ermington

Conversion of part of redundant premises to form two new dwellings

Case Officer Update: None since presented agenda report publication.

Speakers included: Objector – Mr Grant Elliott; Supporter – Mr Eric Cahill; Parish Council – Cllr John Kerslake; Ward Member – Cllr Holway

Recommendation: That authority be delegated to the Development Management COP Lead to approve, subject to inclusion of the conditions outlined in the presented agenda report and the prior satisfactory completion of a Section 106 Agreement.

Committee Decision: Site Inspection

DM.64/15 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

(Meeting commenced at 2.00pm and concluded at 4.25 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 16 March 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
48/2450/15/F	Proposed Development Site at SX 773 400, Prowse Barn, South Pool, Kingsbridge	Conditional Approval	Cllrs Bramble, Cane, Cuthbert, Hitchins, Hodgson, Holway, Rowe, Steer and Vint (9)	Cllrs Brazil and Pearce (2)	None	Cllr Foss (by virtue of declaring a DPI (1))
27/1859/15/F	Proposed Development Site at SX 6203 5630, Woodland Road, Ivybridge	Deferral	Cllrs Bramble, Foss, Hitchins, Hodgson, Holway, Pearce, Rowe and Vint (8)	Cllrs Cuthbert and Steer (2)	Cllr Cane (by virtue of not being in attendance at the Committee meeting on 20 January 2016 (1))	Cllr Brazil (by virtue of declaring a DPI (1))
2659/15/FUL	Crooked Spire Inn, The Square, Ermington PL21 9LP	Site Inspection	Cllrs Bramble, Brazil, Cane, Cuthbert, Foss, Hitchins, Hodgson, Holway, Pearce, Rowe, Steer and Vint (12)	None	None	None

**MINUTES OF A MEETING OF THE AUDIT COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 24 MARCH 2016**

Members in attendance * Denotes attendance ∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J T Pennington (Chairman)
∅	Cllr J Brazil	*	Cllr K R H Wingate (Vice-Chairman)
*	Cllr R J Foss		

Members also in attendance:
Cllrs M J Hicks, N A Hopwood and S A E Wright

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Head of Paid Service, Executive Director (Service Delivery and Commercial Development), Monitoring Officer, Group Manager – Business Development, Section 151 Officer, Deputy Section 151 Officer, Representatives from the Devon Audit Partnership and KPMG and Senior Specialist – Democratic Services

A.31/15 MINUTES

The minutes of the meeting held on 7 January 2016 were confirmed as a correct record and signed by the Chairman.

A.32/15 DECLARATIONS OF INTEREST

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

A.33/15 LOCAL GOVERNMENT BUDGET SURVEY – KPMG REPORT

A report was presented that had been produced by KPMG with the purpose of enabling the Council to consider the budget information it required to help address the financial challenges it faced.

In discussion, reference was made to:-

- (a) the Council Budget book. Members were informed that the Budget book was currently being re-designed to reflect the new Operating Model arising from the Transformation Programme. To support the re-design, it was **PROPOSED** and **SECONDED**:-

'That the Leader of Council be asked to nominate a small informal working group of Members with the remit of re-designing the Council's Budget Book to reflect the new organisational structure and ways of working.'

When put to the vote, the recommendation was declared **CARRIED**.

Members were also of the view that the working group should give consideration to the merits of establishing a brief summary document that outlined high level financial information (which was regularly updated) for the reference of Members;

- (b) levels of reserves. When questioned, officers confirmed that they were content with the current level of unearmarked reserves and felt that the minimum level of £1.5 million was appropriate. With regard to the earmarked reserves, it was confirmed that they currently stood at £3 million.

It was then:

RESOLVED

1. That the report be noted; and
2. That the Leader of Council be asked to nominate a small working group of Members with the remit of re-designing the Council's Budget Book to reflect the new organisational structure and ways of working.

A.34/15

EXTERNAL AUDIT PLAN – KPMG REPORT

The Committee considered a report from KPMG that presented their External Audit Plan for the Council.

In discussion, the following points were raised:-

- (a) The Committee noted that the Council would be required before the middle of October to make a decision on whether or not to accept the four year funding settlement being offered by central government. Members noted the need for further information to be gleaned on the merits of the settlement before a decision was taken and that it was due to be discussed in detail at a meeting of the Devon Treasurers Group in April 2016. Officers also gave an assurance that the Audit Committee would consider this issue before it was presented to full Council for a decision;
- (b) In terms of the resource implications arising from the elector challenge, officers confirmed that the Council had received one request last year that had amounted to two hours of officer time;

- (c) Officers advised that the main driver for the change in revenue accruals de-minimis policy was to help with the process of closing down the accounts more quickly;
- (d) The KPMG representative informed the Committee that the organisation had recently completed its first on-site external audit. It was noted that this visit had been successful and that no significant issues had arisen. The representative also wished to put on record his gratitude for the support and enthusiasm that KPMG had received from the finance team.

It was then:

RESOLVED

That the External Audit Plan be noted.

A.35/15

APPOINTMENT OF EXTERNAL AUDITORS

Members considered a report that advised the Committee of the:

- requirement for the Council to appoint its own external auditor from 2018/19;
- necessary steps that need to be taken to meet this deadline; and
- various options available.

During discussion, it became apparent that the Committee currently favoured the concept of the sector-led option. However, Members recognised the importance of more information being available on all potential future options before a decision was ultimately made.

It was then:

RESOLVED

1. That the implications of the Local Audit and Accountability Act 2014 and the requirement for the Council to appoint a local auditor by 31 December 2017 be noted; and
2. That a decision will be required as to whether South Hams either opts in to a sector-led body or decides to appoint its own local auditor (and if so, which further option is then selected).

A.36/15

REVIEW OF THE COUNCIL'S CONSTITUTION

The Committee was presented with a report that presented the annual review of the Council Constitution.

In discussion, the Committee acknowledged the need for an imminent

review into both the Contract and Financial Procedure Rules.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to:-

1. approve the amendments to the Council Constitution (as summarised in paragraph 2 of the presented agenda report and fully outlined on the Council website) and that the revised Constitution be adopted at the Annual Meeting in May 2016; and
2. acknowledge the need for an imminent review into both the Contract and Financial Procedure Rules.

A.37/15

STRATEGIC RISK ASSESSMENT – REGULAR UPDATE

Members considered a report that presented the six-monthly update to the Committee. In particular, the report included the current corporate strategic risk assessment and a summary of the management and mitigating actions to address the identified risks.

In discussion, the following points were raised:-

- (a) Since the implementation of the Local Authority Controlled Company (LACC) was identified in the Corporate Risk report, the Chairman took the opportunity to raise his concerns over the proposals and he proceeded to propose the following recommendation:-

‘That the Committee RECOMMEND to the Council that all work relating to the Local Authority Controlled Company should be halted immediately due to the large number of financial, marketing, legal and staffing risks identified in the Grant Thornton ‘Options Appraisal for Establishment of a Local Authority Controlled Company (LACC) report.’

Whilst the proposal had not been seconded, the Chairman invited officers to respond. In so doing, officers advised that:

- the identified risk would only be applicable in the event of the LACC being established;
- in the event of the commissioned independent Business Case concluding that the LACC would not be viable, then officers would not be recommending its establishment;
- the business case itself would be designed to mitigate against each of the identified risks. In addition, the Business Case would be looking at all aspects of risk, exit strategies and budgetary forecasts;
- the intention being for the business case to be considered by the Overview and Scrutiny Panel and the Executive before it was ultimately presented to full Council at the end of June 2016;

- o a series of Member Briefings and Drop-in Sessions had been put in the diary to aid Member understanding of the proposals.

Members of the Committee felt that the Chairman's proposal was somewhat pre-emptive and that it was therefore more appropriate to wait for the business case to be published. As a consequence, the Chairman's proposal was not seconded.

However, Members did confirm their sympathy with some of the concerns expressed by the Chairman and felt it to be regrettable that the membership had not raised its concerns before the decision had been taken to spend a considerable amount of money to commission a Business Case. In light of these views, the following recommendation was **PROPOSED** and **SECONDED**:-

'That, due to the large number of financial, marketing, legal and staffing risks identified in the Grant Thornton 'Options Appraisal for Establishment of a Local Authority Controlled Company (LACC)' report, the Committee wishes to make its extreme concerns regarding the LACC proposals known to the wider Council membership.'

When put to the vote, this recommendation was declared **CARRIED**.

- (b) The Committee was of the view that there was a lack of information currently available to Members in relation to recruitment and staffing levels. For example, Members felt that information on staffing numbers, agency numbers, use of consultants and the associated costs of these were of particular interest and should therefore be a regular standing agenda item for the Committee.

Members proceeded to **PROPOSE** and **SECOND** the following recommendation:-

'That information on staffing numbers, agency numbers, use of consultants and the associated costs should be a regular agenda item for the Audit Committee to consider for the foreseeable future.'

When put to the vote, the recommendation was declared **CARRIED**.

It was then:

RESOLVED

1. That, due to the large number of financial, marketing, legal and staffing risks identified in the Grant Thornton 'Options Appraisal for Establishment of a Local Authority Controlled Company (LACC)' report, the Committee wishes to make its extreme concerns regarding the LACC proposals known to the wider Council membership;

2. That information on staffing numbers, agency numbers, use of consultants and the associated costs should be a regular agenda item for the Committee to consider for the foreseeable future; and
3. That the Committee has reviewed the six-monthly strategic risk assessment.

A.38/15 **2016/17 INTERNAL AUDIT PLAN**

The Committee considered a report that provided it with the opportunity to review and comment upon the proposed internal audit plan for 2016/17.

In discussion, reference was made to:-

- (a) street cleaning. During the proposed beach and street cleaning audit and, in light of some concerns raised by the Committee, officers agreed to review how the Council responded to complaints it received in relation to street cleaning;
- (b) planning enforcement. It was noted that, as part of the proposed internal audit, officers had been tasked (at the end of quarter three) with reviewing how effective the recent Council decision to approve the planning enforcement plan had been (Minute 65/15 refers). Having been informed by the lead Executive Member, the Committee also welcomed the diarised fortnightly meetings between legal and planning officers which were intended to support the process of reducing the backlog of enforcement cases.

It was then:

RESOLVED

1. That the report be noted; and
2. That the draft Internal Audit Plan for 2016/17 (as outlined at Appendix A of the presented agenda report) be approved.

(Meeting commenced at 10.00 am and finished at 11.40 am)

Chairman

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 7 APRIL 2016**

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr H D Bastone	*	Cllr R J Tucker
*	Cllr R D Gilbert	∅	Cllr L A H Ward
*	Cllr M J Hicks	*	Cllr S A E Wright

Also in attendance and participating		
Item 8	E.84/15	Cllrs Brazil, Green, Hodgson, Pearce, Pennington, Rowe, Saltern and Steer
Also in attendance and not participating		
Cllrs Baldry, Blackler, Bramble, Brown, Cuthbert, Foss, Hawkins, Hitchins, Holway, Hopwood, May, Smerdon, Wingate		

Officers in attendance and participating		
All items		Executive Director Strategy and Commissioning (SJ), Executive Director Service Delivery and Commercial Development (SD&CD) (SH) and Senior Case Manager (KT)
Item 7	E.83/15	Operational Manager Environment Services (CA)
Item 8	E.84/15	Senior Specialist Environmental Health (JK)

E.80/15 MINUTES

The minutes of the Executive meeting held on 10 March 2016 were confirmed as a true record and signed off by the Chairman.

E.81/15 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 none were made.

E.82/15 PUBLIC QUESTION TIME

It was noted that no public questions had been received.

E.83/15 **DARTMOUTH PARK AND RIDE SITE – OUT OF SEASON ARRANGEMENTS**

Members were asked to consider a report that sought a recommendation to make an amendment to the South Hams Off Street Parking Places Order to support the community desire to increase footfall and encourage visitors and shoppers to the town during the closed season by elimination of parking charges during the closed season.

The Portfolio Holder introduced the report and in doing so thanked staff for making the scheme a success.

It was then:

RECOMMENDED:

That the Council be **RECOMMENDED** to approve the elimination of parking charges at Dartmouth Park and Ride site during the closed season.

(NB: Cllr Bastone abstained from the vote on this item because he is a local Ward Member)

E.84/15 **AMENDMENT TO THE AIR QUALITY MANAGEMENT AREA FOR TOTNES**

Members were asked to consider a report that sought to make a recommendation in relation to amending the Air Quality Management Area order for Totnes, as proposed on 28 May 2009.

The Portfolio Holder for Customer First introduced the report and the Senior Specialist Environmental Health responded to specific questions. He advised that central government had reissued guidance in relation to air quality management areas.

During discussion, the following points were raised:

- A number of Members stated their dissatisfaction with Devon County Council who would not engage in the process, despite the issues arising as a result of traffic congestion;
- One Member asked that Berry Pomeroy be reassessed as there were a number of concerns about the air quality in the village which followed on from the area that was being discussed under this item;
- Another Member updated the meeting following a public event held in Ivybridge the previous evening where air quality issues were discussed. Environmental Health officers had attended but representatives from Devon County Council had failed to attend. As a result of the concerns raised, it was agreed to add an additional recommendation that Ivybridge Air Quality Action Plan be revisited;

- One Member highlighted the work that had been undertaken by the group Totnes on the Move in relation to eliminating traffic congestion in Totnes. The Senior Specialist advised that he planned to contact this group as part of the communications strategy following this report.

It was then:

RESOLVED

- i) That the two options available for amending the Air Quality Management Area (AQMA) have been considered;

That Council be **RECOMMENDED** that:

- ii) That having considered the two options, that Council be recommended that the AQMA order made by the Council on 28 May 2009 be amended to reflect preferred option one (as per para 4 of the presented report); and
- iii) That the AQAP for Ivybridge be reviewed and a briefing note be produced detailing all AQMAs and AQAPs and any associated costs in revisiting them.

E.85/15

REPORTS OF OTHER BODIES

RESOLVED

That the following be received and that any recommendations contained therein be approved:

a) Overview and Scrutiny Panel – 17 March 2016

i. O&S.87/15 EXECUTIVE FORWARD PLAN

(b) Review of Corporate Complaints Policy

RESOLVED

- I. That the revised Corporate Complaints Policy (as attached at Appendix A of the presented agenda report) be adopted and reviewed again in nine months' time from its formal adoption; and
- II. That any minor amendments be delegated to the Monitoring Officer, in consultation with the Lead Executive Member for Support Services.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.83/15 and E.84/15 (PARTS (ii) and (iii) ONLY), WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 19 MAY 2016, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 18 APRIL 2016 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 11.00 am and concluded at 11.35 am)

Chairman

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 7 APRIL 2016**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr D W May
*	Cllr J I G Blackler	*	Cllr J T Pennington
*	Cllr D Brown	∅	Cllr K Pringle
*	Cllr J P Green	*	Cllr M F Saltern (Chairman)
*	Cllr J D Hawkins	*	Cllr P C Smerdon
*	Cllr N A Hopwood	*	Cllr K R H Wingate (Vice Chairman)
*	Cllr D Horsburgh		

Other Members also in attendance:
Cllrs I Bramble, J Brazil, P K Cuthbert, R J Foss, R F D Gilbert, M J Hicks, P W Hitchins, J M Hodgson, T R Holway, J A Pearce, R Rowe, R C Steer, R J Tucker and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service, Group Manager – Business Development, Monitoring Officers, Section 151 Officer, Assets Specialist and Senior Specialist – Democratic Services.

O&S.96/15 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 17 March 2016 were confirmed as a correct record and signed by the Chairman.

As a point of clarity arising from the Performance report (Minute O&S.91/15 refers), the Head of Paid Service confirmed that he would ensure that the measures used to illustrate performance in the Customer Contact Centre would be revisited.

O&S.97/15 DECLARATIONS OF INTEREST

Members and officers 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.

O&S.98/15 EXCLUSION OF PUBLIC AND PRESS

The following resolution was **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**:

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 items of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

O&S.99/15 BID TO PURCHASE LAND TO ASSIST WITH INCOME GENERATION

An exempt report was considered that sought to gain approval to lodge an unconditional bid for the purchase of a site in the South Hams.

In discussion, the following points were raised:-

- (a) A number of Members expressed their support for the proposals, which were felt to be the first steps towards the Council becoming a more commercially minded authority;
- (b) Some Members emphasised the importance of any development sites maximising their percentage of affordable housing contributions.

It was then:

RECOMMENDED

That Special Council be **RECOMMENDED** that:-

1. Officers lodge an unconditional bid for a site on the terms as outlined in Section 3 of the presented agenda report; and
2. the associated acquisition costs (including stamp duty) be funded from the Innovation Fund.

O&S.100/15 INCOME GENERATION PROPOSALS

An exempt report was considered that provided an update on income generation proposals.

During discussion, reference was made to:-

- (a) the annual budget setting process. Disappointment was expressed that approval to add a new member of staff to the establishment was being sought so soon after the budget for 2016/17 had been approved by the Council;

(b) proposed recommendation 3. in light of some concerns over the wording of proposed recommendation 3 and the wish to recognise the importance of both local consultation and the role of Members, the following amended recommendations were **PROPOSED, SECONDED** and when put to the vote declared **CARRIED**:-

- '3. That the income generation and efficiency proposals (as set out in paragraph 3.2 of the presented agenda report) be progressed to the stage of business case sign-off; and*
- 4. That individual business cases will be subject to a consultation exercise with relevant stakeholders and these will ultimately be presented back to Members for a decision.'*

It was then:

RECOMMENDED

That Special Council be **RECOMMENDED** that:-

1. approval be given to the recruitment of a permanent level four grade specialist post, shared between South Hams and West Devon, on a 60% South Hams / 40% West Devon split at an initial cost to the Council of £26,400 per annum;
2. this resource be charged with preparing detailed business cases for the schemes identified in Figure 1 (as outlined in the presented agenda report)
3. the income generation and efficiency proposals (as set out in paragraph 3.2 of the presented agenda report) be progressed to the stage of business case sign-off; and
4. individual business cases will be subject to a consultation exercise with relevant stakeholders and these will ultimately be presented back to Members for a decision.

(Meeting started at 9.00 am and concluded at 9.55 pm).

Chairman

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**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 21 APRIL 2016**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr D W May
*	Cllr J I G Blackler	*	Cllr J T Pennington
*	Cllr D Brown	*	Cllr K Pringle
*	Cllr J P Green	*	Cllr M F Saltern (Chairman)
∅	Cllr J D Hawkins	*	Cllr P C Smerdon
*	Cllr N A Hopwood	*	Cllr K R H Wingate (Vice Chairman)
*	Cllr D Horsburgh		

Other Members also in attendance:
Cllrs H D Bastone, I Bramble, J Brazil, P K Cuthbert, R F D Gilbert, M J Hicks, T R Holway, R J Tucker, L A H Ward and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service, Group Manager – Business Development, Support Services Manager and Senior Specialist – Democratic Services.
8	O&S.106/15	Locality Commissioning Manager, South Devon and Torbay Clinical Commissioning Group

O&S.101/15 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 7 April 2016 were confirmed as a correct record and signed by the Chairman.

The Chairman proceeded to make reference to the exempt appendix that outlined a summary of the 'Cumulative Impact of Proposed Income and Efficiency Proposals on the Forecast Budget Gap to 2021' that had been considered by the Panel at its last meeting on 7 April 2016 (Minute O&S.100/15 refers).

Following some Member requests, a revised version of this appendix had since been produced by officers. This revised version attempted to clear any confusion around the cumulative effect of the budget gaps / surpluses and the effect that recurrent income would have on these. The Chairman informed that, whilst the numbers (and end result) remain unaffected, officers would be sending this revised version to all Members for their information and reference.

O&S.102/15 URGENT BUSINESS

The Chairman advised that he had one urgent item that he wished to raise at this meeting. This item related to an Update on the Leisure Procurement Exercise and was considered urgent in light of the time constraints associated with this matter. As an exempt item, the Chairman stated that this matter would be considered at the end of the agenda (Minute O&S.110/15 below refers).

O&S.103/15 DECLARATIONS OF INTEREST

Members and officers were 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 C Smerdon declared a personal interest in Item 8: 'South Devon and Torbay Clinical Commissioning Group' (Minute O&S.106/15 below refers) by virtue of being a trustee of South Hams Community and Voluntary Service and remained in the meeting and took part in the debate thereon.

Cllrs D Horsburgh and P C Smerdon both declared a disclosable pecuniary interest in the urgent item: 'Update on the Leisure Procurement Exercise' (Minute O&S.110/15 below refers). Cllr Horsburgh declared his interest by virtue of being a Totnes Town Council representatives on the Totnes and District Swimming Pool Association Outside Body. Cllr Smerdon declared his interest by virtue of being a South Hams District Council representative on the Outside Body. Both Members proceeded to leave the meeting during consideration of this matter.

O&S.104/15 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, no items were raised at this meeting.

O&S.105/15 LATEST PUBLISHED EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan. In so doing, Members acknowledged and noted the contents of the latest Plan.

O&S.106/15 SOUTH DEVON AND TORBAY CLINICAL COMMISSIONING GROUP

The Chairman introduced and welcomed Jenny Turner (Locality Commissioning Manager, South Devon and Torbay Clinical Commissioning Group (CCG)) to the meeting.

Following the introductions, the CCG representative was invited to conduct a presentation to the Panel entitled: 'Community Services into the Future Option Development South Hams.'

In so doing, the presentation made reference to next steps and informed that:-

- the final stakeholder engagement meetings were taking place between 11 March 2016 and 20 April 2016, with this meeting being one of the final such events;
- subsequent briefings to all stakeholders would be held between 15 and 28 April 2016;
- a CCG Governing Body meeting was to be held on 28 April 2016;
- the consultation material was to be developed between 4 and 29 April 2016; and
- the consultation process was likely to take place between 14 May and 5 August 2016 (assuming approval by the Governing Body and NHS England)

In the ensuing discussion, particular reference was made to:-

- (a) the announcement earlier that day from central government regarding the additional £2.4 billion funding for GP services in England. Since it was likely that these monies would be ringfenced for GP services, the representative advised that it was highly unlikely that this announcement would relieve the budgetary pressures facing CCGs;
- (b) the relationship between the CCG and South Hams Community and Voluntary Service (CVS). When questioned, the representative confirmed that the newly proposed model of care most definitely envisaged a role for the South Hams CVS. Furthermore, the model also recognised the importance of stakeholders working more closely in partnership and, in particular, the importance of working together to achieve joint outcomes and the public health role to be played by the Council. Some Members expressed the view that there could be a role to play for the Council's Locality Officers in this regard;
- (c) the minimum bed number of 16. A Member noted the statement whereby no hospital could be effectively run with less than 16 beds and felt that this was incredibly inflexible. In reply, the representative advised that this was consistent with central government guidance. Whilst acknowledging that the proposal included closing Ashburton hospital and therefore reducing 10 beds, the Panel was informed that this was in part countered by the increase in beds at Newton Abbot hospital from 20 to 45;
- (d) focusing upon outcome based services. The representative confirmed that it was the ultimate aim of the CCG to ensure that the care needs of residents were still met despite there being a reduction in budget funding;
- (e) future population growth figures. A Member highlighted the massive build programme (and subsequent population growth) and queried whether this had been factored in to the model. In response, the representative confirmed that future population and age demographic statistics had been borne in mind. In terms of the trend whereby a vast number of individuals opt to move to the South Hams area to retire, a Member stressed that this was increasingly putting a massive pressure

on those public services relevant to elderly care and the already overstretched number of carers;

- (f) the closure of Dartmouth Hospital and Minor Injuries Unit. For absolute clarity, the representative confirmed that the proposals were seeking to close Dartmouth Hospital and Minor Injuries Unit. In reply, a local ward Member made reference to the current three week wait for an appointment at the local GP practice and questioned how the new proposals could work. The CCG representative responded by stating that through the proposals to co-locate, she was confident that patients would get an increased level of service;
- (g) the Torbay Hospital 'referral to treatment' time. It was noted that the Hospital was currently not meeting its 'referral of treatment' target time of 18 weeks and the CCG was therefore working with the Hospital in order to achieve this target;
- (h) Disabled Facilities Grant (DFG) monies. A Member was strongly of the view that, since the Council currently had no discretion over DFGs, the monies should be allocated directly to the district council and not the county council;
- (i) the Western Locality CCG area. A number of Members queried what the future proposals were for the western locality area and the Panel concluded that a representative from the area should be invited to attend a future meeting. However, in the meantime, the representative confirmed to the Panel that she would find out what the future proposals were for Kingsbridge Hospital;
- (j) the timetable for next steps as outlined in the presentation. In recognising that the consultation process would be likely to take place between 14 May and 5 August 2016, Members requested that they also be in receipt of a copy of the published proposals. Moreover, the Chairman also encouraged Members to formally respond to the consultation exercise.

In conclusion, the Chairman thanked the representative for her informative and honest responses to Member questions.

O&S.107/15 ACTIONS ARISING / DECISIONS LOG

The Panel noted the latest log and requested that future versions include an additional column under the heading of 'Target Date for Completion.'

O&S.108/15 DRAFT ANNUAL WORK PROGRAMME 2016/17

Whilst the 2016/17 Calendar of Meetings was still to be formally approved, the following additions were made to the Panel's future work programme:

- the outcome report of the Partnership Task and Finish Group would be scheduled for the Panel meeting held during August 2016;
- the Development Management Service peer challenge outcome report and action plan. Whilst recognising that the report and action plan required the ultimate approval of full Council and should also be considered by the Development Management Committee, a majority of Members also requested that the Panel had the opportunity to formally consider these items; and
- the attendance at a future Panel meeting of a representative from the western locality area CCG

O&S.109/15 **EXCLUSION OF PUBLIC AND PRESS**

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 items of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

O&S.110/15 **URGENT ITEM – LEISURE PROCUREMENT EXERCISE**

The lead Executive Member for Customer First provided the Panel with an update on the latest information in relation to the Leisure Procurement exercise.

In the subsequent discussion, reference was made to:-

- (a) the second phase of dialogue with the bidders. Members were informed that this phase was due to conclude on 2 May 2016;
- (b) a Member workshop taking place during the middle of July 2016. It was anticipated that the successful bidder would attend a Member workshop to present their proposals to Members before the matter was then considered at a Special Council meeting towards the end of July 2016;
- (c) the lack of consultation to date with local ward Members. A number of Members stated their disquiet that the previously agreed commitment to keep local Members informed and engaged had not been adhered to. In response, the lead Executive Member acknowledged these concerns and, in apologising, gave an assurance that local Members would be kept informed and engaged in the process from now on.

(Meeting started at 10.00 am and concluded at 11.40 am).

Chairman

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