

# South Hams Council



|  |  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
|--|--|-------------|-------------|--|--------------|--------------|--|------------|----------|--|---------------|-------------|--|--------------|-----------------|--|-------------|--------------|--|------------|-----------|--|-----------|--------------|--|-----------|------------|--|--------------|-------------|--|------------|-----------|--|--------------|-----------|--|------------|--------------|--|---------------|-------------|--|--------------|--|--|
| <b>Title:</b>  | <b>Agenda</b>  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| <b>Date:</b>   | <b>Thursday, 29th September, 2016</b>  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| <b>Time:</b>   | <b>2.00 pm</b>   |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| <b>Venue:</b>  | <b>Council Chamber - Follaton House</b>  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| <b>Full Members:</b>   | <p style="text-align: center;"><b>Chairman</b> Cllr Smerdon<br/><b>Vice Chairman</b> Cllr Cuthbert</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Baldry</td> <td style="width: 33%;">Cllr Holway</td> <td style="width: 33%;"></td> </tr> <tr> <td>Cllr Bastone</td> <td>Cllr Hopwood</td> <td></td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr May</td> <td></td> </tr> <tr> <td>Cllr Blackler</td> <td>Cllr Pearce</td> <td></td> </tr> <tr> <td>Cllr Bramble</td> <td>Cllr Pennington</td> <td></td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pringle</td> <td></td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Rowe</td> <td></td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Saltern</td> <td></td> </tr> <tr> <td>Cllr Foss</td> <td>Cllr Steer</td> <td></td> </tr> <tr> <td>Cllr Gilbert</td> <td>Cllr Tucker</td> <td></td> </tr> <tr> <td>Cllr Green</td> <td>Cllr Vint</td> <td></td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Ward</td> <td></td> </tr> <tr> <td>Cllr Hicks</td> <td>Cllr Wingate</td> <td></td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Wright</td> <td></td> </tr> <tr> <td>Cllr Hodgson</td> <td></td> <td></td> </tr> </table> | Cllr Baldry | Cllr Holway |  | Cllr Bastone | Cllr Hopwood |  | Cllr Birch | Cllr May |  | Cllr Blackler | Cllr Pearce |  | Cllr Bramble | Cllr Pennington |  | Cllr Brazil | Cllr Pringle |  | Cllr Brown | Cllr Rowe |  | Cllr Cane | Cllr Saltern |  | Cllr Foss | Cllr Steer |  | Cllr Gilbert | Cllr Tucker |  | Cllr Green | Cllr Vint |  | Cllr Hawkins | Cllr Ward |  | Cllr Hicks | Cllr Wingate |  | Cllr Hitchins | Cllr Wright |  | Cllr Hodgson |  |  |
| Cllr Baldry  | Cllr Holway  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Bastone   | Cllr Hopwood   |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Birch   | Cllr May   |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Blackler  | Cllr Pearce  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Bramble   | Cllr Pennington  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Brazil  | Cllr Pringle   |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Brown   | Cllr Rowe  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Cane  | Cllr Saltern   |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Foss  | Cllr Steer   |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Gilbert   | Cllr Tucker  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Green   | Cllr Vint  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Hawkins   | Cllr Ward  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Hicks   | Cllr Wingate   |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Hitchins  | Cllr Wright  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| Cllr Hodgson   |  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| <b>Interests – Declaration and Restriction on Participation:</b> | 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.  |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |
| <b>Committee administrator:</b>                                  | Member.Services@swdevon.gov.uk   |             |             |  |              |              |  |            |          |  |               |             |  |              |                 |  |             |              |  |            |           |  |           |              |  |           |            |  |              |             |  |            |           |  |              |           |  |            |              |  |               |             |  |              |  |  |

**1. Minutes**

**1 - 42**

to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Annual Council held on 19 May 2016 and the Special Council meetings held on 30 June 2016 and 28 July 2016

**2. 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 7 below);

**3. Confidential Business**

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

**4. 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;

**5. 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;

**6. Chairman's Engagements**

**7. Business Brought Forward by the Chairman**

to consider business (if any) brought forward by the Chairman as reported under item 2 above;

**8. Questions**

to consider the following question(s) received in accordance with Council Procedure Rule 8.

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

'Ref. the LACC proposal, has any other local authority

established a similar operating model? If so, please provide its name.'

**(b) From Cllr Birch to Cllr Tucker, Leader of the Council**

'How will SHDC exercise control over the performance of the statutory services by the LACC?'

**(c) From Cllr Birch to Cllr Tucker, Leader of the Council**

'Will the contract between SHDC and the LACC contain performance targets in respect of the services it provides? If so, what will be the sanctions in respect of non-performance?'

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

'As the LACC will require a Board of Directors, will selected members of both councils be appointed as directors? If so, will this not give rise to a conflict of interest?'

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

'Ref. the LACC proposal, when will advice be obtained in respect of a possible liability for Corporation Tax?'

**(f) From Cllr Birch to Cllr Tucker, Leader of the Council**

'When will a confirmation/guarantee be obtained from LGPS in respect of the current pension deficit and how it should be treated in the event of the formation of the LACC?'

**(g) From Cllr Birch to Cllr Tucker, Leader of the Council**

'Will there be provision within the agreement between SHDC and the LACC that provides for the disclosure of documents and information relevant to the provision and performance of the statutory services?'

**(h) From Cllr Birch to Cllr Tucker, Leader of the Council**

'Has there been any assessment carried out in respect of the current skills and capacity of the proposed management team or their ability to deliver a successful LACC? What steps will be taken if, in carrying out the assessment, it is shown there is a need for additional skills and capacity?'

**(i) From Cllr Birch to Cllr Tucker, Leader of the Council**

'Will the Members be shown and given the opportunity to comment on any proposed contract to be entered into

between SHDC and the LACC before its formation?’

**(j) From Cllr Birch to Cllr Tucker, Leader of the Council**

‘What steps will be taken to consult with the Town and Parish Councils on the proposed transfer of services to the LACC?’

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

‘We have been given the names of the eight project team members with responsibility for the LACC. Some are full time on the project. Others do it in addition to their other duties. Will the Leader tell us how much time each of the non-full time members are spending on the Project?’

**(l) From Cllr Steer to Cllr Ward, Deputy Leader of the Council**

‘With the ‘Stay Connected’ initiative currently being rolled out on our website, could Cllr Ward inform Members of how this has been received, how it will operate in the future and indicate the number of residents now registered?’

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

‘What is this Local Authority doing to meet its obligations regarding addressing Climate Change?’

**9. Notices of Motion**

to consider the following motion received in accordance with Council Procedure Rule 10.1:

**(a) By Cllrs Hopwood and Foss**

“There are 49 female members of staff at South Hams District Council born between 1950 and 1969 which will be adversely affected by the government changes made to the Pensions Act. With this in mind and the wider South Hams female population the Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements."

- 10. Exclusion of Public and Press**
- 11. Future of Devon Building Control Partnership 43 - 56**
- 12. Re-admittance of Public and Press**
- 13. Reports of Bodies 57 - 98**

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

| <b>Council Body</b> |                                    | <b>Date of Meeting</b> |
|---------------------|------------------------------------|------------------------|
| a                   | Audit Committee *                  | 28 July 2016           |
| b                   | Development Management Committee * | 3 August 2016          |
| c                   | Overview & Scrutiny Panel          | 4 August 2016          |
| d                   | Development Management Committee   | 7 September 2016       |
| e                   | Executive *                        | 15 September 2016      |

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



# Agenda Item 1

## MINUTES OF THE ANNUAL MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 19 MAY 2016

### MEMBERS

\* Cllr I Bramble – Chairman

\* Cllr P C Smerdon – Vice-Chairman

|                       |                       |
|-----------------------|-----------------------|
| * Cllr K J Baldry     | * Cllr T R Holway     |
| * 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 N A Hopwood    | * Cllr S A E Wright   |
| * Cllr J M Hodgson    |                       |

\* 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, Senior Specialist – Democratic Services and Senior Specialist – Environmental Health and Licensing

#### 01/16 **ELECTION OF THE CHAIRMAN OF COUNCIL**

##### **RESOLVED**

That Cllr P C Smerdon be elected Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2017.

Cllr Smerdon subsequently declared and signed his acceptance of office.

#### 02/16 **ADDRESS BY THE NEW CHAIRMAN OF COUNCIL**

In addressing the Council, Cllr Smerdon expressed his honour at being elected as Chairman of the Council and wished to thank his fellow Members for their vote of confidence. In particular, he proceeded to pay a personal tribute to the Leader of Council, who he felt provided outstanding commitment and vision to the Council.

In his address, Cllr Smerdon also made specific reference to:-

- his belief that the Council was in a strong position due to sound financial management and forward thinking. As a result, the Chairman felt that the Council could move forward confidently and continue to deliver good service to its residents;
- the major work areas for the upcoming year. The Chairman made the point that the year ahead would be another busy one for the Council and drew particular attention to: Our Plan; the Local Authority Controlled Company proposals; the Devolution Bid and the Health and Wellbeing agenda;
- his personal commitment to help villages provide rural housing across the South Hams. Furthermore, it was his intention for a rural theme to run throughout his year of office. For example, his Civic Service would coincide with the Harvest Festival during early October 2016;
- the excellent support he received from his wife; and
- his chosen charity for the year being South Brent Caring.

03/16

#### **VOTE OF THANKS TO RETIRING CHAIRMAN**

##### **RESOLVED**

That the thanks of the Council be extended to Cllr Bramble for the manner in which he performed his duties during his term of office as Chairman of the Council.

04/16

#### **RESPONSE OF THE RETIRING CHAIRMAN**

Cllr Bramble addressed the Council and highlighted what an enjoyable year in office it had been. In so doing, particular reference was made to:-

- his honour and privilege at being elected the Chairman of South Hams District Council. Having attended a number of official engagements, it was his impression that the Council was generally held in high esteem;
- the support of fellow Members during his year of office;
- the work undertaken by officers, for whom he wished to personally thank, applaud and pay tribute; and
- just over £1,500 having been raised for his chosen charity: Devon Air Ambulance.

05/16

#### **APPOINTMENT OF VICE CHAIRMAN OF COUNCIL**

##### **RESOLVED**

That Cllr P K Cuthbert be appointed Vice Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2017.



Cllr Cuthbert subsequently declared and signed her acceptance of office.

06/16 **MINUTES**

The minutes of the meetings of Council held on 11 February 2016, 25 February 2016 and 7 April 2016 were each confirmed as a correct record and signed by the Chairman.

07/16 **REPRESENTATION ON POLITICAL GROUPS**

The Chairman advised Members that a review of the representation of the political groups on the Council's Bodies had been carried out in consultation with the Leaders of the two Political Groups.

It was then:

**RESOLVED**

1. That it be noted that the Political Composition of the Council is as follows:-
  - A Conservative Group of 25 Members; and
  - An Opposition Group of 6 Members.
2. That the overall political balance of Council Bodies, as reflected in the paper tabled to the meeting, be approved.

08/16 **APPOINTMENT OF MEMBERS OF THE BODIES OF THE COUNCIL**

The Council subsequently received nominations from the Group Leaders for the membership of the Bodies of the Council.

It was then:

**RESOLVED**

That, for the 2016/17 Municipal Year, Members be appointed to the Bodies of the Council as set out in Appendix A to these minutes.

09/16 **ELECTION OF CHAIRMEN AND VICE CHAIRMEN OF THE BODIES OF THE COUNCIL**

The Council received nominations from its Group Leaders for the positions of Chairmen and Vice Chairmen of the Bodies of the Council.

Two nominations (Cllrs K J Baldry and M F Saltern) had been received to the position of Chairman of the Overview and Scrutiny Panel.

When put to the vote, it was declared **CARRIED** that Cllr M F Saltern be appointed to the role of Overview and Scrutiny Panel Chairman.

It was then:

### **RESOLVED**

That the Chairmen and Vice Chairmen of the Bodies of the Council for the 2016 / 2017 Municipal Year be as indicated below:-

| <b>Body</b>                      | <b>Chairman</b>    | <b>Vice Chairman</b> |
|----------------------------------|--------------------|----------------------|
| Audit Committee                  | Cllr K R H Wingate | Cllr J T Pennington  |
| Development Management Committee | Cllr R C Steer     | Cllr R J Foss        |
| Licensing Committee              | Cllr D W May       | Cllr T R Holway      |
| Overview and Scrutiny Panel      | Cllr M F Saltern   | Cllr K R H Wingate   |
| Salcombe Harbour Board           | Cllr J Brazil      | Co-opted Member      |

10/16

### **APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES**

A report was considered which set out details of those Outside Bodies to which the Council appointed representatives and included a list of nominations for representation on these Outside Bodies.

In discussion, particular reference was made to the Devon and Cornwall Housing (DCH) Community Interest Company (CIC). As an update, the Head of Paid Service advised that he had met recently with Mr Paul Crawford (DCH Chief Executive) following the organisation's governance review. In terms of working with the Council, Mr Crawford had confirmed that DCH would continue to both invest in affordable housing provision in the South Hams and fund Disabled Facilities Grants. As an indicator, DCH it was noted that DCH would be investing over £50 million in the next five years to deliver in excess of 350 affordable homes of various tenures in the South Hams.

In addition, Mr Crawford would continue to report annually to the Overview and Scrutiny Panel and would meet with the Head of Paid Service on a quarterly basis. In welcoming this dialogue, a Member also hoped that similar discussions would take place between the Council and other registered social housing providers.

To partly offset the loss of Member representation on the CIC, it was noted that the Council was still negotiating with DCH to ensure it received additional monies to support Disabled Facilities Grant requests in the South Hams.

Three nominations (Cllrs D Brown, J P Green and N A Hopwood) had been received for the two positions on the South Devon AONB Partnership Committee.

In line with the Council Constitution, it was necessary for these vacancies to be filled by virtue of a ballot. Upon completion of the ballot, it was subsequently declared **CARRIED** that Cllrs D Brown and N A Hopwood be appointed to serve on the South Devon AONB Partnership Committee.

It was then:

### **RESOLVED**

1. That the Council should be represented on the list of Outside Bodies as presented to the meeting;
2. That the Members named in Appendix B to these minutes be appointed as the Council's representatives 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;
3. That Members appointed to Outside Bodies provide regular feedback and consultation on the issues affecting the Bodies concerned.

11/16

### **APPOINTMENT OF OTHER GROUPS**

Members proceeded to confirm the appointment for the 2016/2017 Municipal Year of the:-

- (a) Beach Management Working Group;
- (b) Council Tax Setting Panel;
- (c) Devon Building Control Partnership;
- (d) Discretionary Business Rate Relief Decision Panel;
- (e) Joint SH/WD Economic Development Working Group
- (f) Joint SH/WD Leisure Board;
- (g) Joint SH/WD/Plymouth Local Plan Steering Group;
- (h) Political Structures Working Group;
- (i) Public Spaces Working Group;
- (j) Slapton Line Steering Group;
- (k) Strategic Planning Working Group;
- (l) Youth Engagement Working Group.

Council then considered the appointments to the above bodies.

**RESOLVED**

That the appointment of the Other Groups of the Council for the 2016/2017 Municipal Year be approved, as shown in Appendix C to these minutes.

12/16

**URGENT BUSINESS**

The Chairman informed that he had agreed for one urgent item to be raised at this meeting that related to an update being provided on the ongoing fire at Cockwells Nursery, Harberton. The Chairman confirmed that it was his intention for this update to be given immediately.

**(a) Update on the Ongoing Fire at Cockwells Nursery, Harberton**

The Senior Specialist (Environmental Health and Licensing) read the following statement:

*'The out of hours Environmental Health Officer received a call on Monday 16 May to inform the Council of a large scale waste wood fire at Cockwells Nursery, Harberton. The call from the fire brigade was asking for Public Health advice in regards to the smoke from the fire, as the intention of the fire officer on site was to allow the fire to burn out on its own accord.*

*Advice was provided to the fire officer advising that they should inform nearby residents to keep doors and windows closed, and the plan of leaving the fire to burn out was agreed. This was due to the close proximity of a number of watercourses which could be impacted by fire water, and the fact the smoke was going straight up and having limited impact.*

*The Council did send a crew of 4 chainsaw operatives down to aid with creating a fire break on Monday afternoon, as there was some concern that the fire may spread into a belt of adjoining trees.*

*The fire brigade have been in attendance at all times since the fire started, monitoring the spread and trying to minimise the length of burn, however the waste area originally was approximately the same size as a football pitch but has now reduced to about a fifth of the size. The area remaining is very deep (about 15 foot) and consists of various pieces of wood including treated wood. It is giving off a large smoke plume that at times has drifted across the B road between Avonwick and Totnes. The fire brigade has been in touch with Highways regarding the road and it is currently still open.*

*There are traffic lights in place and they have a hose across the road from a hydrant. The quantity of Smoke across the road is being monitored.*

*In consultation with the Environment Agency yesterday and following ongoing concerns over the amount of smoke, it was agreed to actively tackle the fire using water on the remaining wood pile.*

*The fire is likely to continue to burn for a few more days so the continuing advice to any complainants is to keep windows and doors closed if the smoke is blowing in their direction. We have asked if this advice can be given out as part of any Radio Devon traffic announcement.'*

In the subsequent discussion, it was confirmed that this statement would also be published on the Council website later today and officers were thanked for their work in this regard and for keeping Members regularly updated.

## 13/16 **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 these were recorded as follows:-

Having sought the advice of the Monitoring Officer, Cllrs J D Hawkins and R J Vint both declared a Personal Interest in Item 19(c): 'Notice of Motions' (Minute 16/16(c) below refers) by virtue of being Members of the Devon County Council Development Management Committee. In declaring these interests, both Members confirmed that they would abstain from taking part in the discussion and the subsequent vote on this motion.

## 14/16 **CHAIRMAN'S ANNOUNCEMENTS**

The previous Chairman wished to make specific reference to his attendance at a visit to the Dartmoor Search and Rescue Team. During this visit, the level of commitment and dedication of the Team were in evidence and were considered to be absolutely extraordinary.

## 15/16 **QUESTIONS**

It was noted that five questions had been received in accordance with Council Procedure Rule 8.

### **From Cllr Baldry to Cllr Tucker, Leader of the Council**

(a) *'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?'*

In reply, Cllr Tucker advised that he saw no reason to change the Constitution of the Council at this time. Currently, all Members of the Council had the ability to take part at the Panel Budget meeting. In addition, all Members had a vote at the full Council meeting when the Budget was ultimately approved.

In asking a supplementary question, Cllr Baldry was of the view that there was a democratic deficit in the current decision-making process and urged a re-think. In response, the Leader informed that he would ensure that this matter is considered by the Political Structures Working Group.

**From Cllr Baldry to Cllr Wright, lead Executive Member for Support Services**

(b) *'As you know, the Government has set all public sector employers an annual target of apprentices making 2.3% of the workforce. What percentage of SHDC employees are apprentices?'*

In response, Cllr Wright informed that:

- the proposed 2.3% (from April 2017) would, based upon the current head count of Council staff, result in the need for 9 apprentices to be employed by the Council;
- the Council currently employed 3 apprentices. However, subject to Council approval, it was hoped that an additional 13 apprentices would be taken on before the end of 2016. In the future, Cllr Wright hoped that the number of employed apprentices would be maintained at this level and work was ongoing with local schools and colleges in an attempt to build up relationships. In support of this point, Cllr Wright presented some photographs that illustrated how the Council had recently been represented at a careers event at Exeter University.

**From Cllr Baldry to Cllr Wright, lead Executive Member for Support Services**

(c) *'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?'*

In response, Cllr Wright advised that the Band D definition was recognised as being the 'average' in line with the criteria set out in the Local Government Finance Act 1992.

In replying to a supplementary question, Cllr Wright stated that any wish to change this definition would require the lobbying of central government.

**From Cllr Hodgson to Cllr Tucker, Leader of the Council**

(d) *"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?"*

In light of there being no requirement to formally consult on the Devolution Bid at this time, Cllr Tucker responded that there were no plans at this time to follow this course of action. This view was expressed in light of it being considered very difficult to consult until it was known what was being proposed by Central Government. However, the Council would release relevant information to the Bid on its website and via social media as and when it became available.

In response to a supplementary question, Cllr Tucker stated that, in light of the time delay, he did not see any merit in responding to the Parliamentary Committee with regard to its views expressed on 25 January 2016.

### **From Cllr Hodgson to Cllr Tucker, Leader of the Council**

- (e) *“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?”*

Cllr Tucker replied that the Council remained committed to taking refugees and was still working with Devon County Council in this respect. The Council remained committed and a report was due to be considered by the Executive at its meeting on 16 June 2016. This report would ultimately seek Council approval to participate in the national Syrian Vulnerable Persons Relocation Scheme.

With regard to the 3,000 unaccompanied children, it was the responsibility of Devon County Council (who were responsible for Children’s Services and Education) and the district council would not get consulted in this regard.

In his supplementary question, Cllr Tucker reinforced the point that the Council’s approach to the resettlement programme was undertaken in partnership with the county council.

It was noted that five motions had been received 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.”*

In light of emerging information that had become apparent since this motion had been submitted, the proposer and seconder confirmed that it was their wish to formally withdraw it from being considered at this meeting.

**(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.”*

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

- the potential for this tax to raise in the region of £20 billion per year;
- this proposal having the support of a number of local authorities; and
- the motion seeking approval to write a letter to central government outlining our support for these proposals.

During the ensuing debate, some Members highlighted the widespread support amongst world leaders and the UK population for these proposals.

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

**(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.”*

The proposer introduced the motion and informed that it reflected local concerns over fracking and the consequent need to develop a policy.



In discussion, there was a brief debate on the suitability of fracking in the South Hams and whether or not the geology of the district lent itself to shale gas.

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

**(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.”*

In introducing her motion, the proposer made particular reference to:-

- her realising that the correct spelling of the herbicide was in fact ‘glyphosate’;
- scientific evidence indicating that glyphosate probably caused cancer. In addition, the proposer wished to highlight that this herbicide was found in water and air where it had been sprayed;
- the motion being brought in light of concerns being raised with the proposer by residents who lived in Totnes, Dartington and Staverton;
- the view that a decision to ban the use of glyphosate on Council owned land would set a good example and that there were alternative options in existence that should be used instead;

In discussion, reference was made to:-

- (a) the need for Members to listen and adhere to international guidance in this respect;
- (b) particular concerns being raised in relation to the potential health implications for young people who were exposed to glyphosate which was being used on play areas.

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

**(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 safe, cheaper and more reliable to avoid any spread of Bovine TB.”*

The proposer introduced her motion and made reference to:-

- a ban on Council owned land would set a good example and illustrate that there were alternative means of vaccination;
- the cost of every Bovine TB outbreak costing in the region of £34,000;
- the offers made by George Eustace MP to help Bovine TB from spreading should be taken up.

In support of the motion, other Members made the following points:-

- (a) the average cost of the vaccination programme being only £30 per badger. In addition, vaccination was considered to be a far more effective and efficient method than simply culling badgers;
- (b) the cull being supported by less than one-third of the UK population.

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

17/16

## **COMMUNITY GOVERNANCE REVIEW**

A report was considered that provided an update on the current Community Governance Review 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. The report also sought approval to progress the Review to the next consultation phase.

In discussion, the following points were raised:-

- (a) Some Members stressed the importance of Ugborough Parish Council responding during the next consultation phase;
- (b) In highlighting the precepting implications for those affected residents, a Member was unsupportive of the Review proceeding to the next stage. In reply, other Members felt that the process underpinning the Review should be allowed to run its course;
- (c) A local Member made reference to the extent of the future development planned in the affected area and the fact that these sites would be reliant upon Ivybridge based services.

It was then:

### **RESOLVED**

1. That the main points arising from the initial submissions (paragraph 3.2 of the presented agenda report refers) be noted;

2. That 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. 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; and
4. That, 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).

18/16

### **CALENDAR OF MEETINGS 2016/17**

The Council considered a report that sought Member approval of the Calendar of Meetings for the 2016/17 Municipal Year.

In discussion, reference was made to:-

- (a) the complexities of drafting the Calendar of Meetings. Members recognised the difficulties associated with setting the Calendar and wished to pay tribute to the lead officer;
- (b) meetings held during August. Some Members reiterated their previously raised concerns that the Calendar was proposing meetings during the month of August. In particular, these Members were unhappy at the proposed Development Management Committee meeting on 3 August 2016;
- (c) some minor amendments to the draft Calendar. In proposing its adoption, the following amendments were included:
  - o That an additional Overview and Scrutiny Panel meeting be added to the Calendar to be held on Wednesday, 29 June 2016; and
  - o That the Annual Council meeting in 2017 be brought forward by a week to 11 May 2017.

It was then:

### **RESOLVED**

That the Calendar of Meetings for the 2016/17 Municipal Year be adopted (as per Appendix D to these minutes).

19/16

## **SALCOMBE HARBOUR BOARD – APPOINTMENT OF CO-OPTED BOARD MEMBERS**

A report was considered that sought approval of the appointment of Co-opted Members to the Salcombe Harbour Board, following the recommendations of the Independent Panel.

In presenting the report, the Harbour Board Chairman emphasised the strength of the applications received.

It was then:

### **RESOLVED**

That with immediate effect:-

1. 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 in May 2019; and
2. the appointments process in respect of Co-opted Members be amended as outlined in paragraph 3.5 of the presented agenda report.

20/16

## **REPORTS OF BODIES**

### **RESOLVED**

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

- |     |                                  |                  |
|-----|----------------------------------|------------------|
| (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    |

### **E.71/15: Treasury Management and Annual Investment Strategy for 2016/17**

### **RESOLVED**

1. That the prudential indicators and limits for 2016/17 to 2018/19 (as contained within Appendix A of the presented agenda report to the Executive) be approved;

2. That the Treasury Management Strategy 2016/17 and the treasury prudential indicators 2016/17 to 2018/19 (as contained within Appendix B of the presented agenda report to the Executive) be approved; and
3. That the Investment Strategy 2016/17 (Appendix C of the presented agenda report to the Executive refers) and the detailed criteria included in Appendix D of the presented agenda report to the Executive be approved.

#### **E.75/15: Implementation of the Devon Districts Procurement Strategy**

##### **RESOLVED**

That the Devon Districts Procurement Strategy 2015-18 be formally adopted, with its contents implemented.

#### **E.76/15: Corporate Debt Recovery Policy**

##### **RESOLVED**

That the Joint Corporate Debt Recovery Policy be adopted.

#### **E.78/15: The Future of the Devon Authorities Waste Reduction and Recycling Committee (DAWRRC)**

##### **RESOLVED**

1. That the proposal to wind up the Devon Authorities Waste Reduction and Recycling Committee be supported;
2. That the establishment of the joint Devon Authorities Strategic Waste Committee be agreed on the draft terms of reference set out in the Operating Rules (as attached at Appendix 1 of the presented agenda report) and that any significant changes to the terms of reference be brought back to Council for further approval;
3. That agreement be given to any minor changes considered necessary to the terms as highlighted being delegated to the Lead Specialist Waste Strategy (Strategy and Commissioning) in consultation with the lead Executive Member for Commercial Services.

#### **E.79/15: Communications Protocols and Policies**

##### **RESOLVED**

1. That the joint Communications and Social Media Policies (as attached at Appendix A of the presented agenda report) be adopted; and

2. That the protocols in the revised Communications protocol 2016 be acknowledged and adopted.

- (f) Development Management Committee 16 March 2016
- (g) Audit Committee 24 March 2016

### **A.36/15: Review of the Council's Constitution**

In response to a request, it was agreed that all Members would be sent a copy of the draft Constitution that outlined (via track changes) the recommended amendments.

#### **RESOLVED**

1. That the amendments to the Council Constitution be approved (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. That the need for an imminent review into both the Contract and Financial Procedure Rules be acknowledged.

Upon the conclusion of the presentation of these minutes, the Chairman (on behalf of the Council) wished to thank Cllr Pennington for all of his hard work and efforts during his time as Chairman of the Audit Committee.

- (h) Overview and Scrutiny Panel 7 April 2016
- (i) Executive 7 April 2016

### **E.83/15: Dartmouth Park and Ride Site – Out Of Season Arrangements**

#### **RESOLVED**

That approval be given to the elimination of parking charges at Dartmouth Park and Ride site during the closed season.

### **E.84/15: Amendment to the Air Quality Management Area for Totnes**

#### **RESOLVED**

1. That, having considered the two options, the Air Quality Management Area Order made by the Council on 28 May 2009 be amended to reflect preferred Option One (paragraph 4 of the presented agenda report refers); and

2. That the Air Quality Action Plan for Ivybridge be reviewed and a Briefing Note be produced dealing all Air Quality Management Areas and Air Quality Action Plans and any associated costs in revisiting them.

(j) Development Management Committee 7 April 2016

**DM.70/15: Review of Planning Scheme of Delegation**

**RESOLVED**

1. That the revised Planning Scheme of Delegation (as outlined at Appendix A of the presented agenda report) be adopted; and
2. That authority to make any minor amendments prior to adoption be delegated to the Community Of Practice Lead Specialist Development Management, in consultation with the Chairman of the Development Management Committee.

(k) Overview and Scrutiny Panel 21 April 2016

(Meeting commenced at 2.00 pm and concluded at 4.10 pm)

---

Chairman

**Membership of Council Bodies 2016/17****Appendix A****A. Audit Committee**

Cllr I Bramble  
 Cllr J Brazil  
 Cllr J A Pearce  
 Cllr J T Pennington  
 Cllr K R H Wingate

**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

**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

**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 D Hopwood  
 Cllr D W May  
 Cllr K Pringle  
 Cllr R Rowe

**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 N A Hopwood  
 Cllr D Horsburgh  
 Cllr D W May  
 Cllr J T Pennington  
 Cllr K Pringle  
 Cllr M F Saltern  
 Cllr P C Smerdon  
 Cllr K R H Wingate



**Representation on Outside Bodies 2016 / 2017****Appendix B**

|     | <b>ORGANISATION</b>   | <b>Nominee(s)</b>                                  |
|-----|---|--|
| 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   | Cllr R D Gilbert<br>(Substitute: Cllr N A Hopwood) |
| 5.  | Devon County/South Hams Highways and Traffic Orders Committee   | Cllrs D Horsburgh and<br>J T Pennington            |
| 6.  | Devon Districts Forum have made the following appointment:-<br>The Investment and Pension Fund Committee -  | Cllr M J Hicks (in substitute<br>capacity)         |
| 7.  | Devon Economic Partnership  | Cllr M J Hicks                                     |
| 8.  | Governance Board (South Devon Healthcare NHS Foundation Trust)  | Cllr S A E Wright                                  |
| 9.  | Greater Dartmoor Local Enterprise Action Fund   | Cllr P W Hitchins                                  |
| 10. | Hope Harbour  | Cllr S A E Wright                                  |
| 11. | iESE Transformation Limited   | Cllr M J Hicks                                     |
| 12. | Joint Advisory Committee (JAC) on Housing for Local Needs in the Dartmoor National Park   | Cllrs J I G Blackler and J Brazil                  |
| 13. | Langage Local Liaison Committee   | Cllrs J I G Blackler and D<br>Brown                |
| 14. | Local Government Association:-<br>(i) General Assembly - Cllr L A H Ward<br>(ii) South West Branch – Leader<br>(iii) Rural Commission - Leader or Deputy Leader<br>(iv) LGA Committee, Panel, etc appointments<br>(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). |  |
| 15. | PATROL – Parking and Traffic Regulations Outside London   | Cllr K J Baldry                                    |
| 16. | Plymouth and Peninsula City Deal  | Leader of Council                                  |

- |     |   |   |
|-----|---|---|
| 17. | Police & Crime Commissioners Scrutiny Panel                       | Cllr M F Saltern  |
| 18. | River Yealm Harbour Authority                                     | Cllr T R Holway   |
| 19. | Salcombe-Kingsbridge Estuary Conservation Forum                   | Cllr S A E Wright and<br>Chairman of Salcombe<br>Harbour Board (or nominee) |
| 20. | South Devon AONB Partnership Committee                            | Cllrs D Brown and N A Hopwood   |
| 21. | South Devon Coastal Local Action Group                            | Cllr M J Hicks  |
| 22. | South Devon and Dartmoor Community Safety Partnership             | Cllr S A E Wright   |
| 23. | South Hams Citizens' Advice Bureau                                | Cllr L A H Ward   |
| 24. | South Hams Community and Voluntary Services - Executive Committee | Cllrs K Pringle and<br>P C Smerdon  |
| 25. | South West Councils   | Cllr R J Tucker   |
| 26. | SPARSE Rural and Rural Services Network                           | Cllr M J Hicks  |
| 27. | Tamar Estuary Consultative Forum                                  | Cllr P W Hitchins   |
| 28. | Totnes and District Swimming Pool Association                     | Cllrs P C Smerdon and R J Vint  |
| 29. | Yealm Estuary Forum   | Cllr K J Baldry   |

**Appointment of Other Groups 2016/2017****Appendix C**

- (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

**Calendar of Meetings 2016/17****Appendix D****May 2016**

- 03 Site Inspections
- 11 Development Management Committee
- 19 ANNUAL COUNCIL
- 31 Site Inspections

**June 2016**

- 02 Overview and Scrutiny
- 08 Development Management Committee
- 16 Executive
- 27 Site Inspections
- 29 Overview and Scrutiny
- 30 Audit Committee
- 30 Special Council

**July 2016**

- 06 Development Management Committee
- 11 Salcombe Harbour Annual Inspection
- 21 Executive
- 25 Site Inspections
- 28 Special Council (am)
- 28 Audit Committee (pm)

**August 2016**

- 03 Development Management Committee
- 04 Overview and Scrutiny Panel
- 30 Site Inspections

**September 2016**

- 07 Development Management Committee
- 15 Executive
- 19 Site Inspections
- 22 Audit Committee

- 26 Salcombe Harbour Board
- 28 Development Management Committee
- 29 Council

**October 2016**

- 06 Overview and Scrutiny Panel
- 13 Licensing Committee
- 17 Site Inspections
- 20 Executive
- 26 Development Management Committee

**November 2016**

- 03 Overview and Scrutiny Panel
- 14 Site Inspections
- 21 Salcombe Harbour Board
- 23 Development Management Committee
- 24 Overview and Scrutiny Panel

**December 2016**

- 01 Executive
- 15 Council

**January 2017**

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

**February 2017**

- 02 Executive
- 06 Site Inspections
- 09 Council
- 15 Development Management Committee
- 20 Salcombe Harbour Board
- 23 Overview and Scrutiny Panel

**23 Council Tax Setting Panel**

**March 2017**

- 06 Site Inspections**
- 09 Executive**
- 15 Development Management Committee**
- 23 Audit Committee**

**April 2017**

- 03 Site Inspections**
- 06 Overview and Scrutiny Panel**
- 12 Development Management Committee**
- 20 Executive**

**May 2017**

- 02 Site Inspections**
- 04 Overview and Scrutiny Panel**
- 10 Development Management Committee**
- 11 Annual Council**
- 31 Site Inspections**

**June 2017**

- 07 Development Management Committee**
- 26 Site Inspections**
- 29 Executive**
- 29 Audit Committee**

**July 2017**

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

**August 2017**

- 02          Development Management Committee**
- 21          Site Inspections**
- 30          Development Management Committee**

**September 2017**

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



**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT  
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 30 JUNE 2016**

**MEMBERS**

\* Cllr P C Smerdon – Chairman

∅ Cllr P K Cuthbert – Vice-Chairman

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

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

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

21/16      **BRIDGET GREEN**

Since this was the first Council meeting since Bridget Green (Strategic Planning Specialist) sadly passed away, the Chairman paid tribute to her.

As a mark of respect, the Council then proceeded to stand and observe a moment's reflection.

22/16      **APPOINTMENT OF VICE-CHAIRMAN**

In light of the Vice-Chairman representing the Council at Bridget's funeral, nominations were invited to serve as Vice-Chairman for the duration of this meeting.

It was then:

**RESOLVED**

That Cllr D Brown be appointed Vice-Chairman for the duration of this meeting.

23/16

**CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised of the following updates:

1. A diary change for the Audit Committee and Special Council meetings to be held on Thursday, 28 July 2016 had been agreed. The start times of these meeting had been swapped and the Special Council meeting would now start at 10.00am on this day, with the Audit Committee meeting starting at 2.00pm; and
2. Following the recent EU Referendum result, the Chairman called upon the Leader of Council to read a short statement (as outlined below):

*"It is too early to say what the impact of the recent EU Referendum result will have on the operation of this Council, including future funding, as there is much to consider by the government.*

*We are already in contact with colleagues from the Local Government Association, who have recently issued a statement regarding the 'Leave' vote.*

*We will however monitor developments over the coming months and advise members of any significant changes to government policy if they are likely to affect the business of the Council, including any changes to the Devolution agenda.*

*It is however important that we continue with our current strategy of focusing on improving services and creating financial sustainability so that we can continue to deliver those services that we know are important to our communities".*

3. The Council noted that the consultation on the Joint Local Plan was to be launched on Friday, 1 July 2016. During this consultation phase, an awareness campaign and public roadshows would be held. The deadline for responses would expire on 12 August 2016 and, as part of this process, Members were asked to encourage local residents and stakeholders to make their representations.

24/16

**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.

25/16

**TRANSITIONAL RESOURCES REPORT**

A report was considered that provided Members with the rationale for temporary, fixed term transitional resources to improve customer satisfaction and public perception of the Council.

In discussion, reference was made to:-

- (a) the role of Executive Members during the Transformation Programme. Whilst supportive of these temporary measures, a Member expressed his deep concerns that the Executive had let the situation escalate to such an extent that drastic remedial measures were now necessary;
- (b) the need for a review of the Programme to be undertaken. An additional recommendation was **PROPOSED** and **SECONDED** as follows:-

*'That a full review of the Transformation Programme be undertaken before the end of Quarter 1 2017 (March 2017).'*

In discussion on the addition, the proposer and seconder felt that a review would be useful in order to consider how the Programme had evolved to date and whether or not some tweaks were now required. In contrast, other Members highlighted that a review had prompted this agenda item and questioned the need for a further review at this time. Regardless of this request, the Chairman of the Overview and Scrutiny Panel commented that there was every likelihood that the Panel would, at the appropriate point, request a review when setting its own future work programme.

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

- (c) the proposals reflecting the concerns raised by the Overview and Scrutiny Panel. Some Members were of the view that these proposals had been raised at a number of Panel meetings and could have been brought forward sooner. However, other Members acknowledged that, in reality, the detailed evidence based work carried out by officers to develop these proposals was very time consuming and the timescales were therefore not unreasonable;
- (d) the annual budget setting process. A Member was unhappy that such decisions were being taken outside of the annual budget setting process and was of the view that all Members needed to be more rigorous in considering how the Council spent its monies;
- (e) the current pressures on Council staff. A number of Members made reference to the staff survey findings and the consequent need to approve these proposals in order to relieve some of the work pressures on staff.

It was then:

### **RESOLVED**

1. That the use of transitional resources to improve service levels and customer satisfaction be approved;
2. That the use of funding of £267,000 (as per paragraph 5.4 of the presented agenda report) be approved from the New Homes Bonus funding which was originally earmarked for Disabled Facilities Grants, to fund the transitional resources as set out in Appendix A of the presented agenda report;

3. That the re-investment of £278,972 be approved from the 2016/17 Budget Surplus Contingency Earmarked Reserve of £767,995 (the 2016/17 budget surplus was generated by T18 savings), to fund the transitional resources as set out in Appendix A of the presented agenda report; and
4. That the capital budget allocation for 2016/17 for Disabled Facilities Grants be revised to £750,000 (as set out in paragraph 5.3 of the presented agenda report), to be funded by £552,000 allocation from the Better Care Fund and £198,000 from New Homes Bonus funding.

Upon the conclusion of this agenda item, the Head of Paid Service acknowledged the concerns raised by Members and advised that officers recognised the need for demonstrable improvements and gave an assurance that these would be made.

26/16

## **REVIEW OF GROUP MANAGER SALARIES**

A report was considered that sought to recommend increasing the salaries of the Group Managers for Commercial Services and Support Services, initially on an interim basis, to reflect the additional responsibilities taken on since the departure of the Group Manager for Customer First.

In discussion, the following points were raised:-

- (a) A number of Members put on record their belief that the two officers in question did an excellent job and worked tirelessly for the Council. In the ensuing debate, this view was also extended to include the amounts of work undertaken by the two Executive Directors.

In acknowledging staff workloads, there were some concerns raised over the duty of care for the wellbeing of these officers. The Head of Paid Service replied and assured the Council that he recognised the importance of staff welfare;

- (b) When considering workloads, a Member was of the strong view that the Group Manager for Customer First should be replaced. In reply, the Head of Paid Service advised that the decision ultimately rested with the Executive Directors, however the review would be based upon operational need;
- (c) A Member advised that Local Government Association best practice recommended the establishment of a Remuneration Committee and he proceeded to express his regret that the Council did not currently have one such Committee. In response, the Head of Paid Service confirmed that he would look into this further and report back to Members in due course.

It was then:

**RESOLVED**

That the new salary levels for the Group Managers for Commercial Services and Support Services be approved on the terms as outlined at paragraph 3.1 of the presented agenda report.

27/16

**REPORTS OF BODIES**

**(a) Overview and Scrutiny Panel – 2 June 2016**

**(b) Executive – 16 June 2016**

**E.04/16: Syrian Vulnerable Persons Scheme**

**RESOLVED**

1. That agreement be given to the Council participating in the national Syrian Vulnerable Person's Relocation Scheme (SVRPS);
2. That the existing Private Sector Lease scheme and the existing Council Direct Lets scheme be used for the purposes of resettlement, in accordance with the SVRPS; and
3. That any specific details for the scheme be delegated to the COP Lead for Housing, Revenues and Benefits, in consultation with the Leader of Council and the Customer First Portfolio Holder.

**E.05/16: Admiral Court, Dartmouth Phase 4 – Business Case**

**RESOLVED**

That expenditure of up to £600,000 be approved (as detailed in the presented agenda report to the Executive) so as to develop commercial units at Admiral Court, Dartmouth.

**E.06/16: K2 Masterplan, Kingsbridge**

**RESOLVED**

That expenditure of £76,000 be approved from the Land and Development Earmarked Reserve to enable the appointment of a Lead Consultant to develop a comprehensive Masterplan for Kingsbridge Quay and environs (known as K2).

**E.09/16: Reports of Other Bodies**

**(a) (i) O&S.6/16 Dartmouth Lower Ferry – Tariff Review**

**RESOLVED**

That the proposed charges (as detailed in Appendix A of the presented agenda report to the Overview and Scrutiny Panel) be approved, subject to incorporation of the following amendment:

- That the child single tariff, proposed to increase to 60p, remain at 50p.

(Meeting commenced at 2.00 pm and concluded at 3.20 pm)

---

Chairman

**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT  
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 28 JULY 2016**

**MEMBERS**

\* Cllr P C Smerdon – Chairman

\* Cllr P K Cuthbert – Vice-Chairman

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

\* 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; Section 151 Officer; and Senior Specialist – Democratic Services

28/16      **MR JOHN SQUIRE**

Since this was the first Council meeting since Mr John Squire (Council Member from 1979 to 2015) sadly passed away, the Chairman paid tribute to him.

As a mark of respect, the Council then proceeded to stand and observe a moment's reflection.

29/16      **WELCOME**

On behalf of all Members, the Chairman welcomed Cllr J P Birch to his first Council meeting since recently being elected on to the Council.

**URGENT BUSINESS**

The Chairman informed that he had agreed for two items of urgent business to be raised at this meeting. Both of these items were considered to be urgent in light of the time constraints associated with them.

**(a) Visit South Devon – Member Representative**

In introducing this urgent matter, the Chairman advised that the Council had been made aware by Visit South Devon that it was necessary to appoint an elected Member representative as a Director of the company for a limited period.

In light of the preparations being made for a merger between Visit South Devon and the Heart of Devon Tourism Partnership, the Council noted that there was a legal requirement for a Council Member to be re-appointed on to the Board during the merger to ensure full compliance with the Articles Of Association (AOA). Once the new AOA were in place, the appointed Member would then be asked to resign (which was anticipated to be by 31 October 2016).

Prior to this meeting, Group Leaders had been invited to submit their nominations for this position and Cllr Bastone had been put forward to serve on this Outside Body.

With no other nominations being forthcoming, it was then:

**RESOLVED**

That Cllr H D Bastone be appointed as the Council's representative on the Visit South Devon Board until 31 October 2016.

**(b) Appointment to Council Bodies / Other Groups and Outside Bodies**

An urgent report was considered that sought to fill the vacancies arising from the recent resignation of Mr David Horsburgh from the Council.

Both Group Leaders had been invited to put forward their respective nominations for each of the three vacant positions. In so doing, it was noted that two nominations had been received for the HATOC vacancy. Since, one of the nominees was the Chairman, he deferred the chairmanship for this matter to the Vice-Chairman.

When put to the vote, it was declared **CARRIED** that: 'Cllr P C Smerdon be appointed to serve on the HATOC Committee for the remainder of the 2016/17 Municipal Year'.



It was then:

### **RESOLVED**

That, with immediate effect and for the remainder of the 2016/17 Municipal Year:

1. Cllr J P Birch be appointed to serve on the Overview and Scrutiny Panel;
2. Cllr T R Holway be appointed to serve on the Political Structures Working Group; and
3. Cllr P C Smerdon be appointed to serve on the HATOC Committee.

31/16

### **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:

Cllrs P C Smerdon and R J Vint both declared a personal interest in Item 5: 'Health and Wellbeing Procurement Outcome' (Minute 33/16 below refers) by virtue of being the Council's representatives on the Totnes and District Swimming Pool Association and remained in the meeting and took part in the debate and vote on this matter.

32/16

### **LOCAL AUTHORITY CONTROLLED COMPANY BUSINESS CASE**

A report was considered that set out and commented on the findings of a detailed business case that had been prepared by PriceWaterhouseCoopers (PWC) at the request of Members on the merits of establishing a Local Authority Controlled Company (LACC).

In introducing this agenda item, the Leader advised that it was his intention to propose a revised set of recommendations in light of a number of discussions that had taken place since the agenda report had been published. It was hoped that these revised recommendations would satisfy a number of Member concerns that had been recently raised.

The Leader proceeded to make reference to the letter that Members had received from Unison. As a consequence of its content, the Leader had asked the Executive Directors to discuss this matter with each of the unions and report back to Members in due course.

In discussion, reference was made to:-

- (a) the composition of the proposed Joint Steering Group (JSG). The Leader gave an assurance that it was intended that the minority group would be represented on the JSG;

- (b) an amendment being tabled to the meeting. The following amendment was **PROPOSED** and **SECONDED**:

*‘That in view of the many financial risks to be considered on the possible establishment of a LACC, the financial risks should receive independent consideration by the Council’s Audit Committee for an opinion prior to further consideration by any other Council body or the full Council.’*

The proposer expressed a number of concerns over the principle of establishing a LACC and felt it was therefore appropriate for the Audit Committee to undertake an independent detailed review before any further resources were invested in this proposal.

During the debate on this amendment, some Members expressed their sympathy with its intention. However, these Members were also comforted that the Leader’s revised recommendations would ensure that the Audit Committee was sufficiently involved in this process.

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

- (c) staff morale. In light of concerns raised, a Member advised that he was intending to submit a Scrutiny Proposal Form which would ask that the Overview and Scrutiny Panel received, at a future Panel meeting, an update on staff morale;
- (d) general support for the revised recommendations. A number of Members were of the view that the Leader’s revised recommendations would ensure that matters relating to key issues (including pension, legal and taxation advice) could be clarified before a final (and more informed) decision was then made by the Council. As a general point, the Leader confirmed that, if it became apparent that any of these identified key issues could not be satisfactorily addressed, then the work on this project would be stopped immediately.

Furthermore, Members made the point that these recommendations would also enable the Senior Leadership Team to focus at this time on the current performance issues arising from the Transformation Programme;

- (e) a number of concerns expressed by Members. In their respective addresses, some Members highlighted their concerns that could be summarised as follows:
- Disappointment that the outstanding matters (e.g. pension advice) had not yet been addressed;
  - The loss of democratic process that would arise from a LACC;
  - There being no support amongst the electorate for establishing a LACC;
  - A fully tested business case was still awaited;
  - There was considered to be alternative methods of income generation (e.g. by investing in the Council’s own assets);
  - The PWC Business Case document was not of a sufficient quality or standard to enable Members to make a decision;

- The proposal for the Council and West Devon Borough Council to be equal partners in a LACC;
- Council services were currently not at a performance level whereby they could be sold to other parties; and
- The outcome of the Leisure procurement exercise reducing the budget gap in future years.

In response, a number of Members emphasised the significant future budget gap facing the Council and there being no indications that the reductions in grant funding from central government were to be reversed. In addition, it was reiterated that the recommendations, if approved, only sought to progress this initiative to the next stage and no final decisions on establishing a LACC were to be made at this meeting;

- (f) recommendation 5. Some Members questioned the need for this part of the recommendation and stated that they were fundamentally opposed to more public money being spent on this project at this time. In reply, the Leader gave an assurance that the drawdown of any of the £126,750 would require the agreement of the JSG.

In accordance with Council Procedure Rule 15.5, a recorded vote was then undertaken on parts 1, 2, 3 and 4 of the motion. The voting on these parts was recorded as follows:-

For the motion (22): Cllrs Bastone, Blackler, Brown, Cane, Cuthbert, Foss, Gilbert, Hicks, Hitchins, Holway, Hopwood, May, Pearce, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Ward, Wingate and Wright.

Against the motion (7): Cllrs Baldry, Birch, Brazil, Green, Hodgson, Pennington and Vint.

Abstentions (1): Cllr Bramble.

Absent (1): Cllr Hawkins.

In accordance with Council Procedure Rule 15.5, a recorded vote was then undertaken on part 5 of the motion. The voting on this part was recorded as follows:-

For the motion (20): Cllrs Bastone, Blackler, Brown, Cane, Cuthbert, Foss, Gilbert, Hicks, Hitchins, Holway, Hopwood, May, Pringle, Rowe, Smerdon, Steer, Tucker, Ward, Wingate and Wright.

Against the motion (8): Cllrs Baldry, Birch, Brazil, Green, Hodgson, Pearce, Pennington and Vint.

Abstentions (2): Cllrs Bramble and Saltern.

Absent (1): Cllr Hawkins.

It was then:

### **RESOLVED**

1. That the Council proceed with the work which enables a more considered decision to be made with regard to the implementation of a Local Authority Controlled Company (LACC) jointly owned with West Devon Borough Council, subject to there being a satisfactory outcome to the outstanding pension, tax and governance questions and actions as set out in paragraph 5.4 of the presented agenda report;
2. That a Joint Steering Group (JSG) with West Devon Borough Council be established to deal with matters concerning the implementation of the LACC (as detailed in paragraph 5.5 of the presented agenda report) and the draft terms of reference (at Appendix B of the presented agenda report). Such terms of reference to be finalised by the Executive Director (Strategy and Commissioning), in consultation with the Leader of the Council, with the JSG reporting its recommendations to the first Council meetings of both local authorities in 2017;
3. That the Audit Committee be tasked to consider the Joint Steering Group's recommendations regarding risk and governance;
4. That the date of transfer of staff to the Company and the Commencement of the contract between the Council and the LACC is to be decided by the Council on the recommendation of the Joint Steering Group; and
5. That the Council approves the use of up to £126,750 of the 2016/17 Budget Surplus Contingency earmarked Reserve for the set-up costs of the LACC (as detailed in paragraph 5.8 of the presented agenda report) specifically drawn down with the agreement of the Joint Steering Group.

33/16

### **HEALTH AND WELLBEING PROCUREMENT OUTCOME**

Members considered a report that informed of the outcome of the leisure procurement exercise for a new leisure contract for the next 25 years.

In discussion, the following points were raised:-

- (a) A number of Members congratulated the lead officers and Board Members for their involvement in what had proven to be such a successful procurement exercise;
- (b) Having sought clarification, it was noted that the risk of overspends on refurbishment costs would sit with the contractor;

- (c) Being of the view that local authorities should not support leisure centres, a Member confirmed that it was his intention to abstain during the vote on this matter;
- (d) Some Members commented that these sites presented a real opportunity for renewable energy provision. As a result, these Members requested that consideration be given to, as part of the investment and asset transfer, it being a requirement for 10% of the energy on site to be provided by means of renewable energy. In reply, the lead Executive Member confirmed that this would be discussed in detail with the preferred bidder.

It was then:

### **RESOLVED**

1. That approval be given to award the Leisure Design, Build, Operate and Maintain contract, to the preferred bidder, Fusion Lifestyle;
2. That prudential borrowing of £6.337 million be undertaken as set out in Appendix 2 of the presented agenda report;
3. That an asset transfer of the Totnes Pavilion to Tadpool (by way of a 25 year, full repairing and insuring lease) be approved; and
4. That a loan facility to Tadpool of up to £1.5 million (to be funded by prudential borrowing) be approved, subject to a business case to be approved by the COP Lead for Assets and the COP Lead for Finance (Section 151 Officer), in consultation with the Monitoring Officer, the Leader of Council and the lead Executive Member, to be paid back over the lease period.

34/16

### **HEART OF THE SOUTH WEST FORMAL DEVOLUTION BID – COMBINED AUTHORITY PRINCIPLE**

A report was considered that sought approval to sign up 'in principle' to the pursuit of a Devolution Deal and the creation of a Combined Authority for the Heart of the South West sub-region to administer the powers and funding devolved through the Deal.

In discussion, reference was made to:-

- (a) the newly appointed Secretary of State. When questioned, the Leader advised that it was too early to know whether the new appointment may have an impact upon the Devolution deal;
- (b) mayoral arrangement. The Council noted that there was very little appetite amongst the partner authorities to pursue a mayoral arrangement at this time;

- (c) the lack of consultation. In particular highlighting the potential impact on town and parish councils, a Member expressed her disquiet at the general lack of consultation on the Devolution agenda. In response, other Members made the point that it was an integral role of being a local Ward Member to communicate the workings of the council to the local town and parish councils;
- (d) the Combined Authority. Having sought assurances, the Leader confirmed that any decision to formally establish a Combined Authority would be taken in the future.

It was then:

### **RESOLVED**

1. That the Leader's current approach to Devolution be endorsed and agreement be given to sign up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area; and
2. That it be noted that giving endorsement does not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority. This would be subject to future debate and agreement by the Council and subject to negotiations with Government.

35/16

### **ANNUAL REPORT**

A report was considered that presented the Council's draft Annual Report for approval.

In discussion, the following points were raised:-

- (a) In the future, it was confirmed that the Annual Report would be presented to the Annual Council meeting each May;
- (b) It was felt that the report was not wholly reflective of the difficult year that the Council had endured. As a consequence, it was felt that the emphasis of the report should be more conciliatory and less focused on obtaining awards. In acknowledging the point, the Leader confirmed that he was happy to include a supplementary note along these lines at the time that the Annual Report was formally published;
- (c) The drive to grow small starter businesses was welcomed by a number of Members.

It was then:

**RESOLVED**

That the Annual Report (as outlined at Appendix A of the presented agenda report) be adopted.

36/16

**REPORTS OF BODIES****(a) Audit Committee – 30 June 2016****A.7/16: Update on Anti-Fraud, Corruption and Bribery Policy and Strategy, Anti-Money Laundering Policy and Confidential Reporting Policy****RESOLVED**

That the following reviewed policies and documents be adopted:

1. the Anti-Fraud, Corruption and Bribery Policy (as outlined at Appendix A of the presented agenda report);
2. the Anti-Fraud, Corruption and Bribery Response Plan (as outlined at Appendix B of the presented agenda report);
3. the Anti-Money Laundering Policy Procedures and Guidance for Staff (as outlined at Appendix C of the presented agenda report);
4. the Anti-Money Laundering Policy (as outlined at Appendix D of the presented agenda report);
5. the Confidential Reporting Policy (as outlined at Appendix E of the presented agenda report); and
6. the Confidential Reporting Policy Frequently Asked Questions (as outlined at Appendix F of the presented agenda report).

**(b) Development Management Committee – 6 July 2016****DM.12/16: Planning Applications**

In respect of application number 1527/16/FUL: Land adjacent to Whitestrand Car Park, Fore Street, Salcombe, a local Ward Member asked that the following sentence be deleted before the Committee minutes were agreed and signed as a true and correct record:

*'Use of new decking for A1 (retail), A3 (restaurants and cafes) and A5 (hot food takeaway) uses.'*

**(c) Salcombe Harbour Board – 11 July 2016****(d) Executive – 21 July 2016****E.17/16: Operational Amendments to the South Hams Off-Street Parking Places Order**

**RESOLVED**

1. That permit parking on the South Embankment in Dartmouth be limited to a maximum waiting time of four hours;
2. That the Council owned land on the North Embankment in Dartmouth be added to the South Hams Off-Street Parking Places Order and that loading only be permitted in this area; and
3. That the Council owned land at the Rotherfold in Totnes be added to the South Hams Off-Street Parking Places Order and that parking be permitted only with the express permission of the District Council.

(Meeting commenced at 10.00 am and concluded at 12.35 pm)

---

Chairman



Document is Restricted

**This page is intentionally left blank**

**MINUTES OF A MEETING OF THE AUDIT COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 28 JULY 2016**

|                               |                 |   |                                     |
|-------------------------------|-----------------|---|-------------------------------------|
| <b>Members in attendance</b>  |                 |   |                                     |
| * Denotes attendance          |                 |   |                                     |
| ∅ Denotes apology for absence |                 |   |                                     |
| *                             | Cllr I Bramble  | * | Cllr J T Pennington (Vice-Chairman) |
| ∅                             | Cllr J Brazil   | * | Cllr K R H Wingate (Chairman)       |
| *                             | Cllr J A Pearce |   |                                     |

|  |
|--|
| <b>Members also in attendance:</b>   |
| Cllrs H D Bastone, M J Hicks, T R Holway, P C Smerdon, R J Tucker, L A H Ward and S A E Wright |

| Item No   | Minute Ref No below refers | Officers and Visitors in attendance   |
|-----------|----------------------------|---|
| All Items |                            | Section 151 Officer, Deputy Section 151 Officer, Specialist (Accountant Business Partner) and Senior Specialist – Democratic Services |

**A.9/16 MINUTES**

The minutes of the meeting held on 30 June 2016 were confirmed as a correct record and signed by the Chairman.

**A.10/16 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.11/16 URGENT ITEMS**

The Chairman informed that he had agreed for two urgent items to be raised at this meeting. The first item related to the Council's Draft Budget Book for 2016/17 and the second matter was connected to Business Rates appeals provision. Whilst the Draft Budget Book item was to be considered immediately, the Chairman informed that it was his intention for the Business Rates appeals provision item to be considered in exempt session at the end of this meeting (Minute A.15/16 below refers).

**(a) Draft Budget Book 2016/17**

It was noted that the Draft Budget Book had been revised, in consultation with a nominated Member Working Group. The revised Budget Book had been circulated to Committee Members for their endorsement prior to its publication.

In discussion, the following points were raised:

- (a) Members were advised that the document was pulled together electronically and was a far more efficient means of producing the Budget Book;
- (b) A Member was of the view that the Budget Book was still lacking in sufficient detail to enable Members to be able to adequately monitor the Council's finances. In response, officers were able to provide assurances that the information was still contained in the Budget Book, but it was now being presented in a different format. Furthermore, it was acknowledged that part of the confusion arose from how the Budget Book was displayed electronically on Member iPads.

It was then:

**RESOLVED**

That the Draft Budget Book 2016/17 (as presented to the Committee) should be noted and endorsed for publication.

**A.12/16 DRAFT STATEMENT OF ACCOUNTS 2015/16**

A report was presented that advised that, in line with common practice in the commercial sector, local authorities were now required to approve their accounts following the completion of an audit.

The report also highlighted that an underspend of £69,000 had been generated in 2015/16, which had been transferred to the General Fund Balance (unearmarked revenue reserve).

In discussion, reference was made to:-

- (a) the tone of the foreword. In reiterating previously raised concerns, some Members felt that the tone of the foreword gave emphasis to Council success stories and, as a consequence, it should also be more conciliatory and thereby reflective of the difficult year that the Council had endured. In response, the Section 151 Officer explained that the Narrative Statement (which was a new requirement for the 2015/16 Accounts) contained a section on Performance Indicators for the year. In this section, it was explained that performance in some key areas had been below that which should be expected and also that improvement plans had been put in place;

- (b) the Waste Transfer Station. For clarity, officers informed that Torbay Transfer Station was used for those properties in the South Hams that were located in closer proximity to Torbay. It was noted that this operational decision was taken in light of costs being directly linked to the distance that waste was being transported;
- (c) the Commercial Services variations. When questioned, officers stated that the £103,000 increase in expenditure for Commercial Services was largely as a consequence of higher staffing and agency costs that had been dictated by external market forces. In expanding upon this point, a Member expressed her great concerns over the seemingly ever increasing cost pressures in relation to waste and street cleaning;
- (d) the Local Authority Controlled Company (LACC) proposals. Having been informed that Zurich Municipal had undertaken a review (for no charge to the Council) into the strategic risks relating to the LACC proposals, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that this matter be included on the Committee agenda for its next meeting on 22 September 2016;
- (e) the average end to end time target for Benefits New Claims. In expressing concerns at the current performance of this indicator, a Member felt that this should be given greater consideration and was of the view that even the prescribed target was excessively long;
- (f) planning enforcement cases. Officers confirmed that the Council decision to allocate additional resources for planning enforcement had begun to pay off and the caseload backlog was now reducing;
- (g) the Revenue Support Grant. In response to a Member lamenting the loss of the Grant, the Leader advised that both the Local Government Association (LGA) and the District Council Network (DCN) met frequently with the Secretary Of State. During their discussions, LGA and DCN representatives were regularly pressing the need for all local authorities to continue to be in need of this revenue source from Central Government;
- (h) the Marine Infrastructure Reserve. A Member highlighted that a £40,000 contribution had been made to this Reserve from Salcombe Harbour Board and made a plea that these monies were ringfenced for projects related to the Kingsbridge / Salcombe Estuary;
- (i) the reductions in Coastal Recovery Grant. When questioned, officers advised that they would provide an explanation at the next Audit Committee meeting for this reduction.

It was then:

### **RESOLVED**

That the draft Statement of Accounts for the Financial Year ended 31 March 2016 be noted.

**A.13/16 KPMG INTERIM AUDIT REPORT 2015/16: MANAGEMENT RESPONSE**

The Committee considered a report produced by KPMG that provided the management responses to the key findings arising from the interim audit work undertaken by KPMG at the Council in relation to the Authority's financial statements.

In discussion, reference was made to:-

- (a) the review of reconciliations. Whilst a Member expressed his concerns over the risks associated with digital signatures, the majority of Members felt it was right and proper for this recommendation to be explored in more detail;
- (b) allocation of shared costs. It was noted that KPMG had reviewed the Council's approach to shared cost allocations and was supportive of the methodology used;
- (c) payroll and HR Documentation. Members were informed that this risk was identified in light of KPMG representatives being unable to confirm in every instance that they had reviewed whether a starter and leaver form had been completed.

It was then:

**RESOLVED**

That the management response to the KPMG Interim Audit Report 2015/16 be noted.

**A.14/16 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 3 of Schedule 12A to the Act is involved.

**A.15/16 BUSINESS RATES APPEALS PROVISION**

As highlighted above (Minute A.11/16 refers), an exempt paper was presented to the Committee that sought its endorsement to support a specific business rate appeal provision.

Following a brief debate, Members proceeded to endorse these proposals.

It was then:

**RESOLVED**

That the business rate appeal provision (as set out in the exempt paper presented to the Committee) be endorsed.

(Meeting commenced at 2.00 pm and finished at 3.30 pm)

---

Chairman

**This page is intentionally left blank**



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

| <b>Members in attendance</b><br>* Denotes attendance<br>∅ Denotes apology for absence |                               |   |                           |
|---|-------------------------------|---|---------------------------|
| *   | 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 (pm only)   | * | Cllr R J Vint             |

**Other Members in attendance:**

Cllrs Baldry, Bastone and Wright

**Officers in attendance and participating:**

| Item No:         | Application No:        | Officers:  |
|------------------|------------------------|--|
| All agenda items |                        | Planning Specialists, Solicitors and Senior Specialist – Democratic Services |
| 6 (DM.19/16)     | 0004/16/FUL            | Devon County Council Highways Officer  |
|                  | 0579/16/FUL            | Emergency Planning Officer and Environment Agency Flood Risk Officers        |
| 8                | Minute DM.21/16 refers | Specialists Manager  |

**DM.14/16 MINUTES**

The minutes of the meeting of the Committee held on 6 July 2016 were confirmed as a correct record and signed by the Chairman, subject to deletion of the following sentence in respect of application number 1527/16/FUL: Land adjacent to Whitestrand Car Park, Fore Street, Salcombe (Minute DM.12/16 refers):

*‘Use of new decking for A1 (retail), A3 (restaurants and cafes) and A5 (hot food takeaway) uses.’*

**DM.15/16 URGENT BUSINESS**

The Chairman informed that he had agreed for one urgent item to be raised at this meeting. This item related to the recent Judgement and Order that had been handed down on the Brimhay Bungalows Judicial Review and was considered urgent in light of the announcement having been recently made.

At this point, the Chairman invited the Council Solicitors to provide an update on this matter.

In so doing, reference was made to:-

- (a) the findings of the Judge. It was noted that the Judge had concluded that insufficient reference had been given to the relevance of Council Policy DP8 (loss of open space) in the case officer report that had been considered by the Committee;
- (b) reconsideration by the Committee. Members were informed that the planning application would need to be reconsidered by the Committee as quickly as possible. An amended case officer report would be produced that would incorporate the findings of the Judge and it would then be a matter for the Committee to make a fresh decision on the merits of the planning application;
- (c) the Council being liable to pay the claimants' legal costs; and
- (d) the process followed (and findings reached) in this instance having a number of Member training implications.

#### DM.16/16 **WITHDRAWN APPLICATION – DEVON ROAD, SALCOMBE**

The Chairman informed that application **1307/16/FUL**: Resubmission of application number 0116/16/FUL being the demolition of an existing house and the building of a new dwelling and associated works – The Rough, Devon Road, Salcombe TQ8 8HJ had been withdrawn by the applicants prior to the start of this meeting.

#### DM.17/16 **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 T R Holway declared a personal interest in application **0890/16/HHO**: Householder application for a first floor extension to comprise of master bedroom and en-suite – 14 Riverside Walk, Yealmpton by virtue of knowing residents who lived within that road. He remained in the meeting for the duration of this application and took part in the debate and vote thereon;

Cllr P K Cuthbert declared a personal interest in application **0579/16/FUL**: Erection of a detached house on land previously used for WI Hall – Site of WI Hall, Ford Road, Yealmpton, PL8 2NA by virtue of knowing the agent for this application. She remained in the meeting for the duration of this application and took part in the debate and vote thereon.

**DM.18/16 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.19/16 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:

**1527/16/FUL Land Adjacent to Whitestrand Car Park, Fore Street, Salcombe TQ8 8BU**

**Parish: Salcombe**

**Construction of a new suspended deck structure over the existing slipway, remedial works to the adjacent quayside frontage and car park and removal of a small section of rear wall located in front of the showers.**

Case Officer Update:

The public consultation period had now expired and the officer recommendation had now been updated to be one of conditional approval.

It was confirmed that the only element of the scheme that required planning permission was the decking. Whilst the other elements could be undertaken through Permitted Development, all aspects were included in the application for completeness.

15 additional letters of objection had been received since the last Committee meeting. New issues raised in these letters were: proposals would interfere with current moorings and be a safety hazard when wet and the application was inconsistent with the DPD and the emerging joint local plan.

In addressing these concerns, the officer informed that the Harbour Master was supportive of the application and any safety concerns were not a material planning consideration.

Speakers included: local Ward Member – Cllr Wright

**Recommendation: Conditional Approval**

During the debate on this application, the local Ward Member in attendance and the Chairman of the Salcombe Harbour Board both highlighted that the deletion of the usage aspect of the original application (minute DM.14/16 above refers) had mitigated the overwhelming majority of objections raised. As a consequence, both Members felt that the proposed additional seating would enhance that area and were supportive of this application.

### **Committee Decision: Conditional Approval**

#### **Conditions:**

1. Time limit
2. Accord with plans
3. Construction Environmental Management Plan (incorporating comments of Estuaries Officer and Natural England)
4. Floor Notice
5. Flood Warning and Evacuation

**0004/16/FUL            11 Lower Street, Dartmouth TQ6 9AN**

**Parish: Dartmouth**

### **Proposed change of use and alterations to ground floor to create garaging, parking and ancillary storage**

Case Officer Update:

The decision had been taken at the last Committee meeting to defer this application pending further information on retail and highways issues.

Loss of a retail unit – officer had recently visited Dartmouth town centre and counted only three empty retail units in the town at that time. Whilst this indicated high demand for retail units in Dartmouth, this particular application site did not have an ordinary shop frontage and officers did not consider that the proposals would have an adverse effect on the vitality of the retail centre.

Highways implications – the County Highways Officer was in attendance and informed that vehicle tracking information had now been provided by the agents. This information had indicated that it was possible to exit the application site whilst cars were parked on the opposite side of the road. In respect of the safety concerns raised, the officer advised that vehicle speeds were inherently low in this particular area and it was his view that reversing out at this location was possible.

Finally, the Highways Officer drew the attention of the Committee to the comments in the National Planning Policy Framework whereby such applications should not be refused unless the impact would be 'severe'. Whilst the proposals were not ideal, it had been his conclusions that the impact would not be so severe in this instance to warrant refusal of the application.

Speakers included: local Ward Members – Cllrs Bastone and Rowe

**Recommendation: Conditional Approval**

During the debate on this application, reference was made to:

- the concerns of the participating local ward Members. These concerns could be summarised as follows:
  - o the loss of retail space in a thriving town;
  - o the garage being in the narrowest part of what was a very busy street; and
  - o there was on-street parking on the opposite side of the road. In addition, reversing on to the street was likely to be both dangerous and chaotic in such a busy area.
- the application being detrimental to the Conservation Area;
- the lack of a proposed splay. Some Members lamented the lack of any splay being proposed for this application and felt that reversing out on to the highway against the flow of traffic from the lower ferry was particularly dangerous. However, if the Committee was minded to approve this application, a Member was adamant that an additional condition should be included whereby a turntable should be in situ to ensure that vehicles using the garage would not need to reverse out over a pavement and on to the highway.

**Committee Decision: Refusal**

**Reasons:**

- The design and siting of the proposals would be out of character with the Conservation Area and would result in the loss of a historic building;
- The loss of a retail unit would result in an adverse impact on the vitality and viability of the town centre; and
- The proposed development would give rise to vehicles reversing from or on to the public highway which would have an adverse effect on highways safety.

**0890/16/HHO      14 Riverside Walk, Yealmpton PL8 2LU**

**Parish: Yealmpton**

**Householder application for a first floor extension to comprise of master bedroom and en-suite**

Case Officer Update: None

Speakers included: local Ward Member – Cllr Baldry

**Recommendation: Conditional Approval**

With the aid of photographs, the participating local Ward Member highlighted two extensions that were on the opposite side of Riverside Walk. The Member commented that these photographs illustrated that no other extensions in the street scene covered the whole width of their own garages.

In discussion, some Members felt that the site visit had been particularly useful and were of the view that, whilst the extension would feel slightly oppressive, the impact would not be so significant to warrant the application being refused.

**Committee Decision: Conditional Approval**

**Conditions:**

1. Standard time limit;
2. Accord with plans;
3. Materials to match existing; and
4. No windows to side elevation.

**0579/16/FUL            Site of WI Hall, Ford Road, Yealmpton PL8 2NA**

**Parish: Yealmpton**

**Erection of a detached house on land previously used for WI Hall**

Case Officer Update:

- An extensive extract from the end of the Environment Agency's Position Statement dated 27 July 2016 was read to the Committee. The Statement made clear that the Agency maintained its objection to the proposal on flood risk grounds, whilst accepting that the Local Planning Authority was the decision-maker. In addition, if Members were minded to approve the application, the Agency wished to pledge its support in defending a refusal decision, on flood risk grounds, in a potential future appeal situation;
- A further letter of representation had been received from the neighbour at Applegarth reiterating objections in relation to overlooking, overshadowing and design, but concentrating on flood risk and potential flood displacement.

Speakers included: Objector – Mr Richard Smith: Supporter – Mr Richard Buckland and local ward Member – Cllr Keith Baldry

In addition, Environment Agency Officers (Marcus Salmon and John Pask) and the Council's Emergency Planning Officer (James Kershaw) were in attendance to respond to technical questions raised by Members in relation to flood risk.

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

1. Standard time limit;
2. Accord with plans;
3. Materials;
4. Tree protection during construction;
5. Removal of PD windows first floor south west and south east elevations;
6. No construction or vegetation growth within sight lines;
7. Updated Emergency Plan required;
8. No mud, stones, water or debris shall be deposited from the site onto the public highway at any time;
9. Removal of PD – extensions and garden structures;
10. Space under house to be kept permanently void; and
11. Prior to first occupation the applicants, or successors in title; shall have provided the Local Planning Authority with details of the flood resilient front door and secured written approval for its use. The house shall then only be built with a front door to this specification, or another specifically approved by the Local Planning Authority, and, henceforth shall only be occupied with a flood resilient door in place that equals (or better) the approved performance specification.

**1447/16/HHO            Southford Cottage, Southford Lane, Staverton  
TQ9 6NZ**

**Parish: Staverton**

**Householder application for an extension to first floor of residential outbuilding/garage**

Case Officer Update: There was a small discrepancy in the officer report between the measurements on the drawings and what was stated. The officer confirmed that this matter would be clarified with the applicant prior to the decision being issued.

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

**Conditions:**

1. Standard time limit;
2. Accord with plans;
3. Implementation of the Ecological Report; and
4. Use ancillary to main dwelling.

**1448/16/HHO            24 Parklands, Totnes TQ9 5HZ**

**Parish: Totnes**

**Householder application for a two storey extension to the side of the house and addition of front porch.**

Case Officer Update: None

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

**Conditions:**

1. Standard time limit;
2. Accord with plans;
3. Materials to match existing; and
4. Unsuspected contamination.

**DM.20/16 PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report and the Planning Senior Specialist responded to questions and provided more detail where requested.

In particular, the Committee was advised that there was an error on the list presented to the meeting and the description and location for application number 41/2536/15/F should read as follows:

Proposal: *'New two bedroom dwelling in existing car parking bay.'*

Location: *'Rockside, Cliff Road, Salcombe.'*

**DM.21/16 PLANNING PEER CHALLENGE ACTION PLAN 2016/17**

The Committee considered a report that outlined the Action Plan that had been developed to implement the recommendations contained within the report arising from the Planning Improvement Peer Challenge visit conducted between 18 and 20 April 2016.

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

- (a) Members were informed that, whilst it was recognised that there were still a number of improvements to be made, the performance of the Development Management (DM) service was now heading in the right direction;
- (b) Some Members felt it to be regrettable that the Council no longer utilised its Design and Conservation Panel or the concept of Developer Forums for major planning applications;
- (c) In light of the service being reliant on the Council's IT systems, Members requested that they receive (outside of the meeting) a further briefing paper from officers on the latest IT position;



- (d) When questioned on the matter of staff morale within the service, the Specialists Manager advised that the officers were under pressure and working incredibly hard. Whilst individual caseloads had reduced, these had recently begun to creep back up again and there was a need to embed all of the T18 processes and systems in order to reduce the pressure on officers.

In taking this point a step further, a Member queried the suitability of the Future Operating Model for the DM Service and requested that an informal meeting be held between Committee Members and DM specialist officers. In reply, the Committee Chairman agreed to consider this request;

- (e) Reference was made to a submission from Cllr Pearce (who was unable to attend this meeting) and her comments were considered and noted by the Committee.

Members then proceeded to debate the draft Action Plan, reference was made:

- (i) Action 1. The view was expressed that some of the terminology associated with the Transformation Programme was somewhat confusing. As an example, it was felt that the Case Manager role (that did not have any line management responsibility) should be re-defined as being 'Case Processers';
- (ii) Action 3. As a specific point, a Member requested that the functionality of the website include some form of colour coding system to indicate what pages had already been viewed;
- (iii) Action 4. Whilst some concerns were expressed regarding the timing of the joint Developer / Agent Forum (22 August 2016), the overriding view was that such a Forum was long overdue and swift progress needed to be made in this regard;
- (iv) Action 5. Whilst recognising the importance of facilitating engagement with town and parish councils, a Member emphasised the need for such engagement to be more creative and innovative.

The Committee also considered the need to support neighbourhood plans to be of equal importance. As a consequence, Members welcomed the news that an officer had recently been employed by the Council, who would be tasked with supporting the Neighbourhood Planning process;

- (v) Action 6. A Member expressed his concerns at the decision to delegate authority to adopt the Local Development Scheme to senior officers in consultation with lead Executive Members and queried when this decision had been taken. In reply, it was agreed that a response would be sent to the Committee outside of this meeting;

- (vi) Action 8. The need for (and importance of) ongoing Member training on planning related matters was emphasised by the Committee;
- (vii) Action 9. The Committee welcomed the recommendations whereby performance information would be reported to the Development Management Committee. With regard to the information reported, a Member hoped that consideration could be given to specific indicators being reported in relation to: wildlife protection; traffic congestion; social housing numbers; and enforcement.

With regard to the frequency of reporting performance information, a number of Members expressed their agreement with the comments submitted by Cllr Pearce whereby this should be undertaken on a quarterly (rather than a monthly) basis.

As a way forward, it was agreed that performance information would be first presented to the Committee meeting on 28 September 2016. At this meeting, the Committee would then reach a view regarding the frequency of reporting this information.

It was then:

### **RESOLVED**

1. That the content of the Planning Peer Challenge report (as outlined at Appendix 2 of the presented agenda report) be noted;
2. That the content of the Action Plan 2016/17 being implemented to improve performance within the wider Planning function (appendix 3 of the presented agenda report refers) be endorsed, subject to the comments as recorded in the minutes above being taken into account; and
3. That Council be **RECOMMENDED** that the Committee terms of reference be amended to ensure that key performance data relevant to the Action Plan can be considered by the Committee.

(Meeting commenced at 11.30 am and concluded at 4.40 pm)

---

Chairman

## Voting Analysis for Planning Applications – DM Committee 3 August 2016

| Application No: | Site Address   | Vote                 | Councillors who Voted Yes  | Councillors who Voted No            | Councillors who Voted Abstain   | Absent                        |
|-----------------|--|----------------------|--|-------------------------------------|---|-------------------------------|
| 1527/16/FUL     | Land adjacent to Whitestrand Car Park, Fore Street, Salcombe | Conditional Approval | Cllrs Bramble, Brazil, Cane, Cuthbert, Holway, Rowe and Steer (7)                | None                                | Cllrs Foss, Hodgson and Vint (by virtue of missing the debate at the last Committee meeting (3) | Cllrs Hitchins and Pearce (2) |
| 004/16/FUL      | 11 Lower Street, Dartmouth                                   | Refusal              | Cllrs Bramble, Brazil, Cane, Cuthbert, Holway and Rowe (6)                       | Cllr Steer (1)                      | Cllrs Foss, Hodgson and Vint (by virtue of missing the debate at the last Committee meeting (3) | Cllrs Hitchins and Pearce (2) |
| 0890/16/HHO     | 14 Riverside Walk, Yealmpton                                 | Conditional Approval | Cllrs Bramble, Brazil, Cane, Cuthbert, Hodgson, Holway, Rowe, Steer and Vint (9) | None                                | Cllrs Foss and Hitchins (by virtue of missing the debate at the last Committee meeting (2)      | Cllr Pearce (1)               |
| 0579/16/FUL     | Site of WI Hall, Ford Road, Yealmpton                        | Conditional Approval | Cllrs Bramble, Cane, Foss, Hitchins, Hodgson, Holway, Rowe and Steer (8)         | Cllrs Brazil, Cuthbert and Vint (3) | None  | Cllr Pearce (1)               |

|             |  |                      |   |      |      |                 |
|-------------|--|----------------------|---|------|------|-----------------|
| 1447/16/HHO | Southford Cottage, Southford Lane, Staverton TQ9 6NZ | Conditional Approval | Cllrs Bramble, Brazil, Cane, Cuthbert, Foss, Hitchins, Hodgson, Holway, Rowe, Steer and Vint (11) | None | None | Cllr Pearce (1) |
| 1448/16/HHO | 24 Parklands, Totnes TQ9 5HZ                         | Conditional Approval | Cllrs Bramble, Brazil, Cane, Cuthbert, Foss, Hitchins, Hodgson, Holway, Rowe, Steer and Vint (11) | None | None | Cllr Pearce (1) |

**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 4 AUGUST 2016**

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

| <b>Other Members also in attendance:</b>   |
|--|
| Cllrs H D Bastone, I Bramble, R F D Gilbert, M J Hicks, J M Hodgson, T R Holway, R Rowe, R J Tucker and S A E Wright |

| <b>Item No</b> | <b>Minute Ref No below refers</b> | <b>Officers in attendance and participating</b>   |
|----------------|-----------------------------------|---|
| All            |                                   | Head of Paid Service, Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services. |
| 7(a)           | O&S.14/16(a)                      | Deputy Section 151 Officer  |
| 7(b) and 7(c)  | O&S.14/16(b) & O&S.14/16(c)       | Housing, Revenue and Benefits Community Of Practice Lead  |
| 8              | O&S.15/16                         | Group Manager – Support Services and Customer First and Specialists Manager   |
| 9              | O&S.16/16                         | Specialist – Performance and Intelligence   |
| 10(a)          | O&S.17/16(a)                      | Group Manager – Commercial Services   |
| 10(b)          | O&S.17/16(b)                      | Lead Specialist – Place and Strategy and Specialist – Community Safety, Safeguarding and Partnerships                               |
| 12             | O&S.19/16                         | Operational Manager (Environment Services)  |

**O&S.10/16 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 2 June 2016 were confirmed as a correct record and signed by the Chairman.

Whilst an accurate reflection of the meeting, the Chairman did wish for his disappointment to be recorded in respect of a response given by officers at this meeting whereby there was considered to be no backlog of work in Case Management (Minute O&S.5/16 refers). This response had proven to be incorrect and the backlog of Case Management had been a key reason why the Council had taken the decision to employ some additional transitional resources at its Special Meeting on 30 June 2016 (Minute 25/16 refers). In the future, the Chairman urged officers to adopt the practice whereby, in the event of being unsure of the answer to a question, they should seek clarification outside of the meeting before then advising Members accordingly.

**O&S.11/16 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 and these were recorded as follows:

Cllr J D Hawkins declared a personal interest in agenda item 10(d): 'Task and Finish Group Updates – Events Policy' (Minute O&S.17/16(d) below refers) by virtue of being a member of the Dartmouth Regatta Committee and remained in the meeting during the debate on this agenda item;

Cllr P C Smerdon declared a personal interest in agenda item 10(b): 'Task and Finish Group Updates – Partnerships' (Minute O&S.17/16(b) below refers) by virtue of being a trustee of the South Hams Community and Voluntary Service and remained in the meeting during the debate and vote on this agenda item.

**O&S.12/16 URGENT BUSINESS**

The Chairman advised the Panel that he had agreed for one urgent item to be raised at this meeting that related to a verbal report from the Head of Paid Service entitled: '*Response to Member Concerns about Staff Morale*'. This urgent item had been brought forward to this meeting in light of a Scrutiny Proposal Form having been submitted by Cllr Green and it would be considered immediately.

**(a) Response to Member Concerns about Staff Morale**

The Head of Paid Service introduced this item and acknowledged the concerns of Members. In his introduction, particular reference was made to:

- a number of concerns being prompted by the recent letter that had been sent from Unison to all Members. In terms of the content of the letter, the Head of Paid Service informed that there were no surprises. However, he was surprised at the manner in which the letter had been sent. For clarity, Members were informed that there was no correspondence received from any of the other three unions;
- the importance of staff welfare and staff morale to the organisation. It was noted that the findings of the recent staff survey had provided a sense check of staff morale;
- measures being implemented to improve staff morale. These measures included:
  - o the decision to employ additional transitional resources;
  - o the establishment of a Staff Forum. As the voice of the staff, the Forum had been tasked with tackling and improving staff morale;
  - o an action plan being developed by the Council's Extended Leadership Team;
  - o the consequent benefits of the new telephony system that was being rolled out;

- resilience workshops being held for staff;
- staff briefings being convened;
- the appraisal system being developed; and
- Human Resources officers arranging staff drop-in sessions.

The Head of Paid Service concluded by reassuring the Panel that the Senior Leadership Team recognised the importance of improving staff morale and was confident that it was now on top of the issue.

In the subsequent debate, the following points were raised:

- (a) When questioned, it was noted that Unison currently represented approximately 25% of office based staff and 15% of the total Council workforce;
- (b) To provide some balance, Member attention was drawn to some of the positive findings that had been concluded from the Staff Survey. For example, 76% of employees who had responded enjoyed their job and the agile working agenda was also deemed to be a popular initiative. However, it was also recognised that IT related issues continued to be a major barrier for staff and these problems required swift resolution;
- (c) With regard to the ‘non-office based’ staff, officers confirmed that a version of the staff survey was currently being developed for those employees;
- (d) Some Members lamented the loss of the Council’s Personnel Panel and it was **PROPOSED** and **SECONDED** that:  
  
*‘Consideration be given at the next Political Structures Working Group to the re-establishment of the Council’s Personnel Panel.’*
- (e) Some Members also felt that an informal open discussion with the Executive Directors outside of this meeting to discuss this matter further would also be useful. This suggestion was also formally **PROPOSED** and **SECONDED**;
- (f) A Member was of the view that whilst the Council was still surrounded by highly capable and excellent staff, the Transformation Programme had cut too deep and the Council was now suffering as a consequence of its staffing numbers being too low.

It was then:

### **RESOLVED**

1. That the Political Structures Working Group consider at its next meeting the merits of re-establishing the Personnel Panel; and
2. That an informal meeting be convened between interested Members and the Executive Directors to further consider the issue of staff morale.

**O&S.13/16 PUBLIC FORUM**

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

**O&S.14/16 LATEST PUBLISHED EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan. In the general discussion on the Plan, the Head of Paid Service advised that the 'Sherford Delivery Team' agenda item, currently scheduled for the Executive meeting on 15 September 2016, was concerned with future funding options for the Delivery Team. However, the Panel was reminded that a generic Sherford Development update was already on its work programme for the next meeting on 6 October 2016.

**(a) Medium Term Financial Strategy for the Five Year Period 2017/18 to 2021/22**

A report was considered that set out the process and timetable for updating and reviewing the Medium Term Financial Strategy (MTFS). The MTFS was to be drafted in the upcoming weeks and was scheduled for consideration by the Executive at its meeting on 15 September 2016.

In discussion, the following points were raised:-

- (i) The Leader warned the meeting of the potentially severe impact on all tiers of local government that could arise from the upcoming Autumn Statement;
- (ii) With regard to the proposal to set up an Innovations Fund, Members were informed that this had been a suggestion that had come forward at a previous Member workshop. The Panel was assured that this proposal would be subject to further detailed consideration;
- (iii) A Member emphasised the importance of climate change and the consequent need to invest in renewable energy. The Member proceeded to request that this issue be given greater corporate emphasis when looking at future budget setting proposals;
- (iv) Whilst a date was still to be fixed, officers confirmed that the annual budget setting Member Workshop would take place before the end of September 2016.



It was then:

### **RESOLVED**

1. That the process and timetable for the annual review of the Medium Term Financial Strategy be noted;
2. That the comments (as outlined in the contents of the minutes above) be taken into account when the Medium Term Financial Strategy is updated; and
3. That the process for the Four Year Settlement funding offer from the Government be noted.

#### **(b) Homeless Strategy**

Representatives of the Task and Finish Group advised that it was likely that there would be some slippage to the current timetable that would probably lead to the Strategy being considered by the Executive at its meeting in January 2017. This slippage had, in part, arisen due to the difficulties of establishing a date for the next Task and Finish Group meeting.

The Group had identified four key themes that should underpin the strategy. These were as follows:-

- Access to services;
- Access to housing;
- Health and wellbeing; and
- Affordability and understanding the cost of homelessness.

In response to a request to increase the size of the membership of the Task and Finish Group, the Chairman made reference to the previous Panel decision to agree its composition (which was cross party) and he therefore did not see the merits of revisiting this issue.

#### **(c) Devon Home Choice and Allocations Policy**

The Housing, Revenue and Benefits Community Of Practice Lead introduced this update and highlighted the number of national changes that were currently taking place that were likely to have a big impact on this future agenda item. In light of these anticipated changes, the officer advised that it was likely to be her recommendation to the Executive that the Council should remain in the Devon Home Choice partnership for a further twelve months.

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

(a) A number of Members stated that they had concerns with Devon Home Choice. These concerns could be summarised as:

- o the Devon Home Choice system being excessively bureaucratic;
- o there being a lack of public understanding of the current system;
- and

- o Devon Home Choice appearing to be a very distant and unaccountable organisation.

(b) The overriding view amongst the Panel Members was that alternative options should be fully explored and a future options appraisal report would be welcomed in this respect.

## O&S.15/16 **PLANNING PEER CHALLENGE REVIEW 2016/17**

The Panel considered a report that outlined the Action Plan that had been developed to implement the recommendations contained within the report arising from the Planning Improvement Peer Challenge visit conducted between 18 and 20 April 2016.

Following a brief introduction, the Chairman highlighted that this item had also been discussed at length by the Development Management Committee at its meeting on 3 August 2016 and it was his intention for the Panel to focus on the draft Action Plan.

In discussion, reference was made to:

- (a) the new Council website. The Panel noted the intention for the look and feel of the new Council website to resemble the current version whilst drastically condensing the number of pages and content held. A Member emphasised the importance of getting the new website right and urged that it be rigorously tested before it went live;
- (b) Development Forums. A Member requested that consideration be given to re-instigating the Development Forums for major planning applications;
- (c) engagement with town and parish councils. A Member asked for her concerns at the disrespect shown to the Woolwell community during the current Joint Local Plan consultation exercise to be formally recorded. In reply, officers acknowledged these concerns and gave assurances that this would not happen again;
- (d) the recent passing of Ms Bridget Green. The Panel endorsed the tributes paid by Members to Ms Green, who had sadly passed away recently;
- (e) the importance of planning training for Members. The Panel stressed the importance of planning training and welcomed adoption of this action;
- (f) the recommendations of the Economy Member Working Group. Members were informed that the findings of the Working Group would be presented to the next Panel meeting on 6 October 2016;

- (g) the current site inspection protocol. The Panel asked that the current Development Management Committee site inspection protocol be sent to all Members.

It was then:

### **RESOLVED**

1. That it be noted that the Development Management Committee has accepted the Planning Peer Challenge report (as outlined at Appendix 2 of the presented agenda report);
2. That the content of the Action Plan 2016/17 (as outlined at Appendix 3 of the presented agenda report) be noted; and
3. That the Panel receive, on a quarterly basis, key performance data as part of the Performance Indicator report.

### **O&S.16/16 Q1 2016/17 PERFORMANCE REPORT**

Members were presented with a report that outlined the performance measures for Quarter 1 for 2016/17. The report highlighted that the measures during this quarter had stayed relatively consistent with previous quarters.

In discussion, reference was made to:-

- (a) a further Member drop-in session on the dashboard data. The Panel requested that a further drop-in session be convened for Members during September;
- (b) the turnaround time for issuing parking permits. Members noted that there had been an issue with the turnaround time, however assurances were given that these had since been resolved;
- (c) the improvements made in planning enforcement. A number of Members welcomed the vast improvements in planning enforcement and welcomed the news that the Council was on target to clear the historic backlog of cases before December 2016.

It was then:

### **RESOLVED**

That the performance levels against the target communicated in the Balanced Scorecard and the performance figures supplied in the background and the exception report be noted.

### **O&S.17/16 TASK AND FINISH GROUP UPDATES**

#### **(a) Dartmouth Lower Ferry**

In the update, particular reference was made to:-

- the new tariffs having been implemented in June 2016. It was noted that, as a budget snapshot, the service was predicting an additional income of £20,000;
- a meeting was due to take place with the relevant Trade Unions in mid-August 2016. Following this meeting, it was intended that the Task and Finish Group would be reconvened;
- the Group being very productive. In expanding upon this point, the lead officers were thanked for their input into the work of this Task and Finish Group.

## **(b) Partnerships – Update Report**

A report was presented to the Panel that set out recommendations relating to:

- (i) classification of partnerships;
- (ii) adoption of an updated Partnership Policy and Guidance;
- (iii) adoption of, and arrangements for, the Register of Partnerships; and
- (iv) future management arrangements for Partnerships.

In the ensuing discussion, the following points were raised:

- It was acknowledged by the task and finish group that there were still some pieces of work related to the review that were outstanding. In addition, some Members advised that the remit of the group had soon escalated. In light of the extent of the work of the review, the view was expressed that the group had been hampered through being severely under resourced;
- Some Members expressed their disappointment at the number of small partnership arrangements and questioned how the partnership agenda would be managed and monitored in the future;
- With regard to the recommendation regarding the CVS and CAB being invited to submit a business plan, Members felt that the Task and Finish Group should be reconvened to consider their submissions before they were presented to the Panel;
- In respect of the current partnerships, individual Members advised that both the Devon Economic Partnership and the Totnes and Dartmouth Ring and Ride were now defunct and should therefore be removed from the latest version of the list.

It was then:

### **RECOMMENDED**

That the Executive **RECOMMEND** to Council that:

1. the Partnership Policy (as outlined at Appendix 1 of the presented agenda report) and Guidance (as outlined at Appendix 2 of the presented agenda report) be adopted;

2. the Partnership Register (as outlined at Appendix 3 of the presented agenda report) be adopted;
3. the review and recommendations of the Task and Finish Group (as outlined at Appendix 4 of the presented agenda report) be agreed;
4. partnerships be retained at current financial levels for 2017/18, subject to any financial modifications (as set out in Appendix 4 of the presented agenda report) and/or any changes required pursuant to point 5 below.
5. That the Panel request those significant partners identified in paragraph 3.7 of the presented agenda report (CAB and CVS) be invited to submit a business plan by the end of September 2016 setting out:
  - What they would spend the funding on;
  - How it will benefit residents;
  - Links to Council's Strategic Priorities;
  - What value for money it would provide; and
  - What success measures they would use

with these plans being considered, in the first instance by the Partnership Task and Finish Group.

6. new, or updated, Partnership agreements be established for 2017/18 onwards establishing clear outcomes relating to Our Plan themes and, where appropriate, the Locality work to ensure co-ordinated delivery for communities; and
7. alongside this, a further financial and governance review be undertaken to identify the most appropriate delivery options aligned to financial and procurement procedures once a decision on the LACC is confirmed.

### **(c) Waste and Recycling**

In providing an update, the lead Executive Member for Commercial Services informed that:

- the Group was currently considering the merits of recommending an annual delivery/allocation of recycling sacks per household;
- the apportionment of savings between the Council and Devon County Council in respect of the proposal to reduce residual waste was currently being considered by the legal departments of both councils;
- the training and fitting of the in-cab technology had now been completed and would be operational before the end of August 2016;

- the four-day round review would not be recommended for approval. This recommendation had arisen from the findings of the consultants' report that had concluded that the geographical distance in travel from the depots would result in a four-day round being uneconomical. As a consequence, the Group would, in due course, be giving its consideration to potential methods of generating efficiency savings from a five-day round.

#### **(d) Events Policy**

The Panel noted that the consultation deadline had been extended until the end of August 2016 and the Task and Finish Group would be reconvened soon after that deadline.

The Group was still intending to present its findings to the Panel meeting on 3 November 2016.

#### **O&S.18/16 ACTIONS ARISING / DECISIONS LOG**

The Panel noted the latest log of Actions Arising and Decisions.

#### **O&S.19/16 SCRUTINY PROPOSAL FORM – REVIEW OF SOUTH HAMS PERMITS**

A Scrutiny Proposal Form was considered by the Panel that sought to review the number of permits that were available from the Council.

In discussion, a number of Members confirmed their support for the proposal and felt that it had been very well presented.

In reply to a question, officers confirmed that the methodology for customers to appeal against their fines would be built into the imminent upgrade of the parking software.

It was then:

#### **RESOLVED**

That a Review of South Hams Permits Task and Finish Group be established with the Group comprising of: Cllrs Baldry, Holway, Saltern and Pringle.

#### **O&S.20/16 DRAFT ANNUAL WORK PROGRAMME 2016/17**

In consideration of its Annual Work Programme, the following points were raised:

- (a) With regard to the Sherford Development Update, Members requested that a site visit take place before the scheduled Panel meeting on 6 October 2016;

- (b) In light of the anticipated length of the next Panel meeting agenda, it was agreed that the Locality Service update should be deferred to the meeting on 3 November 2016;
- (c) It was requested that the six-month update on Customer Services and the Development Management Service be scheduled for the Panel meeting on 24 November 2016;
- (d) The Panel was reminded that the Events Policy should be added to the Programme for the Panel meeting on 3 November 2016;
- (e) As a consequence of the discussions earlier in the meeting (Minutes O&S.14/16(a) and (b) above refer), updates on the Devon Homes Choice and Allocations Policy and the Homelessness Strategy were requested to be added to the work programme for the meeting on 24 November 2016.

(Meeting started at 10.00 am and concluded at 12.40 pm).

---

Chairman

**This page is intentionally left blank**



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

| <b>Members in attendance</b>         |                               |   |                           |
|--------------------------------------|-------------------------------|---|---------------------------|
| <b>* Denotes attendance</b>          |                               |   |                           |
| <b>∅ Denotes apology for absence</b> |                               |   |                           |
| *                                    | 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:**

Cllrs Birch, Saltern, Tucker, Ward and Wright

**Officers in attendance and participating:**

| Item No:         | Application No: | Officers:   |
|------------------|-----------------|---|
| All agenda items |                 | COP Lead Development Management, Planning Specialists, Solicitor and Senior Case Manager Strategy and Commissioning |

**DM.22/16 MINUTES**

The minutes of the meeting of the Committee held on 3 August 2016 were confirmed as a correct record and signed by the Chairman.

**DM.23/16 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 **1971/16/FUL**: Erection of 74 dwellings, including all associated public open space, landscaping and all other associated external works (resubmission of 27/1859/15/F) – Proposed development site at SX 6203 5630, Woodland Road, Ivybridge, by virtue of comments he made at the site inspection for application 27/1859/15/F. He left the room for the duration of the debate and discussion on this item;

Cllr Vint declared a personal interest in application **1618/16/VAR**: Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1 – Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming, by virtue of knowing the registered supporter. He remained in the meeting for the duration of this item and took part in the debate and vote thereon.

**DM.24/16 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.25/16 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:

**1971/16/FUL Proposed development site at SX 6203 563,  
Woodland Road, Ivybridge**

**Parish: Ivybridge West**

**Erection of 74 dwellings, including all associated public open space, landscaping and all other associated external works (resubmission of 27/1859/15/F)**

Case Officer Update: N/A

Speakers included: Objector – Mr Stephen Pitcher: Supporter – Mr Andy West: Town Council representative – Cllr Ann Laity: Local Ward Member – Cllr Saltern

**Recommendation: That authority be delegated to the COP Lead Development Management in consultation with the Chairman and Vice Chairman of Development Management Committee to approve subject to the conditions listed and the prior satisfactory completion of a Section 106 Agreement**

**Committee Decision: That authority be delegated to the COP Lead Development Management in consultation with the Chairman and Vice Chairman of Development Management Committee to approve subject to the conditions listed and the prior satisfactory completion of a Section 106 Agreement within 12 weeks, or the application will come back before the Committee**

**Conditions:**

1. Commencement within 3 years;
2. Accord with Plans, Drawings and FRA;
3. Unsuspected Contamination;
4. On-site / off-site highway works in accordance with plans / drawings;
5. Construction Management Plan;

6. Surface water drainage layout and details to be approved prior to commencement of development and completed prior to occupation;
7. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
8. Lighting Strategy to be submitted and approved prior to the commencement of development and adhered to;
9. Archaeological investigation and reporting;
10. Security Plan;
11. Landscape and Ecological Management Plan to be submitted and approved prior to commencement of development and adhered to; and
12. Adherence to measures within Ecological Appraisal, and Bat Activity Survey Report.

**0816/16/HHO            The Grange, Cliff Road, Salcombe**

**Parish: Salcombe**

**Householder application for proposed replacement summerhouse set within main private upper garden, single storey garden outbuilding set against stone retain wall backdrop**

Case Officer Update: N/A

Speakers included: Supporter – Mr Richard Atkinson: Local Ward Members – Cllrs Pearce and Wright

**Recommendation: Conditional Approval**

**Committee Decision: Site Inspection**

**1618/16/VAR            Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming**

**Parish: Stoke Fleming**

**Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1**

Case Officer Update: N/A

Speakers included: Objector – Mrs Jill Wallis: Supporter – Mrs Jean Harrop: Parish Council Representative – Cllr Hazel Smith: local ward Member (statement read on behalf of) – Cllr Michael Hicks

**Recommendation: Conditional Approval**

**Committee Decision: Site Inspection**

DM.26/16 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report and the COP Lead Development Management responded to questions and provided more detail where requested.

(Meeting commenced at 2.00 pm and concluded at 4.30 pm)

---

Chairman

## Voting Analysis for Planning Applications – DM Committee 7 September 2016

| Application No: | Site Address   | Vote                 | Councillors who Voted Yes  | Councillors who Voted No   | Councillors who Voted Abstain   | Absent                         |
|-----------------|--|----------------------|--|----------------------------|---|--------------------------------|
| 1971/16/FUL     | Proposed Development site at SX 6203 563, Woodland Road, Ivybridge | Conditional Approval | Cllrs Bramble, Cane, Holway, Hitchins, Foss, Rowe and Steer (7)                        | None                       | CllrBrazil by virtue of declaring a DPI (1) and Cllrs Pearce and Vint (2) | Cllrs Cuthbert and Hodgson (2) |
| 0816/16/HHO     | The Grange, Cliff Road, Salcombe                                   | Site Inspection      | Cllrs Pearce, Brazil, Cane, Steer, Holway, Foss, Hitchins and Rowe (8)                 | Cllrs Bramble and Vint (2) | None  | Cllrs Cuthbert and Hodgson (2) |
| 1518/16/VAR     | Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming      | Site Inspection      | Cllrs Bramble, Brazil, Cane, Holway, Rowe, Steer, Foss, Pearce, Hitchins and Vint (10) | None                       | None  | Cllrs Cuthbert and Hodgson (2) |

**This page is intentionally left blank**

**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY, 15 SEPTEMBER 2016**

| <b>Members in attendance:</b> |                  |   |                   |
|-------------------------------|------------------|---|-------------------|
| * Denotes attendance          |                  |   |                   |
| ø 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 |

| <b>Also in attendance and participating</b>   |         |  |
|---|---------|--|
| Item 6  | E.23/16 | Cllrs Baldry, Green & Hodgson            |
| Item 7  | E.24/16 | Cllrs Baldry, Green, Pearce & Pennington |
| <b>Also in attendance and not participating</b>   |         |  |
| Cllrs Blackler, Bramble, Brazil, Brown, Cane, Holway, Hopwood, Pringle, Saltern and Wingate |         |  |

| <b>Officers in attendance and participating</b> |         |  |
|---|---------|--|
| All items                                       |         | Executive Director Service Delivery and Commercial Development (SD&CD) (SH), COP Lead Finance and s151 Officer (LB) and Senior Case Manager (KT) |
| Item 7  | E.24/16 | Group Manager Business Development DA)   |

**E.20/16 MINUTES**

The minutes of the Executive meeting held on 21 July 2016 were confirmed as a true record and signed off by the Chairman.

**E.21/16 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.22/16 PUBLIC QUESTION TIME**

In accordance with Executive Procedure Rules, the following question had been submitted:

Question from Ms Caroline Moxley:

*Will SHDC executive please ask our MP:*

*The conservative party manifesto pledged to implement the referendum result, but also to protect the economy. Will you assure us that the economy and well being of the South Hams takes precedence over implementing a consultative non binding referendum?*

In responding to the question, the Leader stated that he would liaise

with both MPs but whatever resulted from Brexit, the council would have a duty to abide by. This authority considered both economy and well being as priority areas and business growth within the district outstripped the national position.

To demonstrate this, the Leader went on to advise that the Council had recently received an award from the Federation of Small Businesses in respect of 'Better Business for All'. It was an award received by all local authorities across Devon for their work in promoting businesses.

He concluded by confirming that the Council would continue to support the economy and local businesses, whatever the outcome of the Brexit fallout.

#### **E.23/16 ANNUAL TREASURY MANAGEMENT REPORT 2015/16**

Members were presented with a report that set out the income from investments and percentage return and sought authority to approve the prudential and treasury indicators as set out in the presented report.

The Executive Portfolio Holder for Support Services introduced the report. In response to questions regarding the Council investing in opportunities for higher rate returns such as social housing, the Section 151 Officer advised that it may be appropriate to ask Capita to undertake an options appraisal of a list of investment vehicles including expected return and level of risk.

The Leader concluded this item by reminding Members about the budget workshop that was scheduled to take place on 21 September 2016.

It was then:

#### **RESOLVED**

1. That the actual 2015/16 prudential and treasury indicators as set out in the presented report be approved; and
2. That the Annual Treasury Management Report for 2015/16 be noted

#### **E.24/16 MEDIUM TERM FINANCIAL STRATEGY FOR THE FIVE YEAR PERIOD 2017/18 TO 2021/22**

Members were asked to consider a report that presented an annual review of the Council's Medium Term Financial Strategy (MTFS). It was based on a financial forecast over a rolling five year timeframe to 2021/22 which would help to ensure resources were aligned to the outcomes in Our Plan. The forecast was intended to provide a framework within which decisions could be made regarding future service provision and council tax levels whilst building an approach that guaranteed the longer term viability for South Hams District Council.



The Executive Portfolio Holder for Support Services introduced the report and drew Members attention to the key elements. He explained that the elements within the first recommendation would be discussed as part of the budget workshop to be held on 21 September 2016.

During discussion, the following points were raised:

- Members discussed the growth in business rates and the s151 Officer advised that an analysis of rateable values would be carried out. In response to a question regarding business rates appeals, the s151 Officer advised that there would be a revaluation of business rates in 2017 and it was expected that more appeals may be forthcoming as a result;
- The s151 Officer advised that whilst the Council could demonstrate a broadly balanced budget until 2020/21, there was some uncertainty after that date as existing grants would be lost and rolled into one figure with business rates;
- The Group Manager Business Development responded to questions regarding potential investment opportunities;
- The Lead Executive Member for Business Development confirmed that the Local Plan was moving through housing numbers into the economy and there was some work ongoing about how they could be joined up;
- Finally, the Deputy Leader advised that an update from the Economy Working Group would be presented to the next meeting of Overview and Scrutiny Panel meeting on 6 October 2016.

It was then:

**RESOLVED:**

1. That the five year Medium Term Financial Strategy had been considered and indications given of the budget principles to be adopted, with particular reference to:
  - The level of council tax increase
  - The use of New Homes Bonus to support the revenue budget
  - Bringing forward income generation and budget savings and
  - Maintaining the current Council policy on the minimum level of unearmarked reserves being £1.5 million ( as set out in section 10 of the presented report)

That Council be **RECOMMENDED:**

2. To accept the four year financial settlement being offered by the Government as set out in Section 2 of the presented report;

3. That the approval of the Efficiency Statement (for the four year funding settlement) be delegated to the Head of Paid Service in consultation with the Leader, Executive Portfolio Holder for Support Services and the s151 Officer (COP Lead Finance); and
4. To inform Town and Parish Councils on an annual grant reduction of 9.85% for the next three years in the Local Council Tax Support Grant, as set out in Appendix E of the presented report.

#### E.25/16 **WRITE OFF REPORT Q4 2015/16**

Members considered a composite report that detailed the debts for all revenue streams within the Revenue and Benefits Service remit up to the value of £5,000, written off by the S151 Officer under delegated authority.

The Lead Executive Member for Support Services introduced the presented agenda report.

It was then:

#### **RESOLVED**

That in accordance with Financial Regulations, it be noted that the s151 Officer had authorised the write-off of individual South Hams District Council debts totalling £1,657.34 as detailed in Tables 1 and 2 of the presented agenda report.

#### E.26/16 **WRITE OFF REPORT Q1 2016/17**

Members considered a composite report that detailed the debts for all revenue streams within the Revenue and Benefits Service remit up to the value of £5,000, written off by the S151 Officer under delegated authority, and for those debts in excess of £5,000 for which permission to write off had been sought.

The Lead Executive Member for Support Services introduced the report and provided information in relation to the individual debt of over £5,000.

It was then:

#### **RESOLVED**

1. That in accordance with Financial Regulations, it be noted that the s151 Officer had authorised the write-off of individual South Hams District Council debts totalling £15,524.87 as detailed in Tables 1 and 2 of the presented agenda report.

2. That the write off of individual debts in excess of £5,000, totalling £5,394.07 as detailed in Table 3 of the presented agenda report, be agreed.

E.27/16      **CONSULTATION RESPONSE ON 'SELF SUFFICIENT LOCAL GOVERNMENT – 100% BUSINESS RATES RETENTION'**

Members were asked to consider a report that set out a proposed response to the consultation on the introduction of 100% Business Rates Retention and other reforms to the business rates regime. The consultation period was due to close on 26 September 2016.

The Portfolio Holder for Support Services introduced the report. The Leader advised that in view of the late circulation of the report, Members would have the opportunity to forward their comments to the s151 Officer over the following week. The recommendation was therefore amended to enable any comments to be taken into account or any minor amendments to be made to the response.

It was then:

**RESOLVED**

That approval of the content of the Authority's response to the Consultation document 'Self-sufficient local government: 100% Business Rates Retention' be delegated to the Head of Paid Service in consultation with the Leader, Executive Portfolio Holder for Support Services and the s151 Officer.

**(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.24/16 (parts 2, 3 and 4), and E.27/16, WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 29 SEPTEMBER 2016, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 26 SEPTEMBER 2016 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

(Meeting commenced at 10.00 am and concluded at 10.55 am)

---

Chairman

**This page is intentionally left blank**