

South Hams Council



Title:	Agenda																																													
Date:	Thursday, 15th December, 2016																																													
Time:	2.00 pm																																													
Venue:	Council Chamber - Follaton House																																													
Full Members:	<p style="text-align: center;">Chairman Cllr Smerdon Vice Chairman 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		
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																																													
Committee administrator:	Member.Services@swdevon.gov.uk																																													

1. Minutes

1 - 20

to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Council held on 29 September 2016 and the Special Council meeting held on 27 October 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 Hodgson to Cllr Hicks, lead Executive Member for the Joint Local Plan

'Can the controversial proposed development site T3 in the centre of Totnes be removed from the Joint Local Plan with the provision that Totnes Neighbourhood Plan group is allowed to propose how appropriate areas or zones of this site should be redeveloped.'

(b) From Cllr Baldry to Cllr Hicks, lead Executive Member for the Joint Local Plan

'You are quoted in the Press as saying "Sherford is about building local homes for local people". Is this an accurate report? If it is in what legal way do you see it possible to enforce that Sherford dwellings are occupied/owned by local people?'

(Please note: the following statement issued by Cllr Hicks, in reply to questions raised at a recent Overview and Scrutiny Panel meeting, stated the following and is to be read in conjunction with questions (c), (d), (e) and (f)):

"Because it has been included in various iterations of the Local Plan for some years, the planning judgement is that removing T3 from the allocated sites will leave it vulnerable to approach by any developer"

(c) From Cllr Birch to Cllr Hicks, lead Executive Member for the Joint Local Plan

'What situation is envisaged whereby the T3 Area becomes 'vulnerable to approach by any developer' bearing in mind the fact that the area is owned by SHDC?'

(d) From Cllr Birch to Cllr Hicks, lead Executive Member for the Joint Local Plan

'Has the District Council's officers held any discussions with developers and/or their agents concerning:

the possible future development of the T3 area or any parts of it? and

the possible future sale of the T3 area or parts of it?

(e) From Cllr Birch to Cllr Hicks, lead Executive Member for the Joint Local Plan

'Has the District Council's officers held any discussions

with commercial property agents and/or residential estate agents concerning:

the possible future sale of the T3 area or any parts of it?
and

the valuation of the T3 area or parts of it?’

(f) From Cllr Birch to Cllr Hicks, lead Executive Member for the Joint Local Plan

‘Are there any internal council reports prepared by officers dealing with the possible future sale of the T3 area or part of it?’

9. Notices of Motions

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

(a) By Cllrs Green and Hodgson

“In response to rising concerns regarding the role of the Local Enterprise Partnership in participating in the bid for public funding to finance the HOSW Devolution bid, this Council calls for LEP Board Members to be bound by the same code of conduct as Publicly Elected Representatives.”

(b) By Cllrs Hodgson and Green

“In the light of the proposed NHS cuts and the likely impact on local care services, the HOSW Devolution Bid should include a request for funding to secure a health service which looks after the needs of all those living in Devon and Somerset.”

(c) By Cllrs Green and Hodgson

“The Council will consider allowing Neighbourhood Plan groups to decide to develop recommendations for specific sites and remove these sites from the JLP on condition that the estimated number of dwellings included in the JLP for that Neighbourhood Plan area is not reduced.”

(d) By Cllrs Vint and Birch

“That this Council:

notes the ruling of the High Court (Case No: CO/2241/2016) in support of a housing policy known as

'H2. Full Time Principal Residence Requirement' as set out in St Ives Area Neighbourhood Development Plan and which provides that: 'New second homes and holiday lets will not be permitted at any time..' and

supports and **encourages** Town and Parish Councils within the South Hams District to adopt similar policies in their own Neighbourhood Development Plans."

(e) By Cllrs Ward and Holway

"The Council develops a plan to become more dementia aware, particularly for customer facing staff and to support the development of dementia awareness in the community.'

(f) By Cllrs Rowe and Holway

"We propose that the area known as T3 should be removed from the Joint Local Plan."

(g) By Cllrs Hodgson and Green

"In the event that SHDC approves the Local Authority Controlled Company to deliver services on behalf of this Council, then a local referendum to ascertain public support would be held. (This could be held as part of the proposed referendum next March on a Combined Authority of Devon and Somerset)."

10. Appointment of Salcombe Harbour Board Co-Opted Member 21 - 24

11. Reports of Bodies

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

* Indicates minutes containing recommendations to Council.

- | | |
|---|----------------|
| (a) Salcombe Harbour Board - 26 September 2016* | 25 - 34 |
| (b) Overview & Scrutiny Panel - 6 October 2016 | 35 - 46 |
| (c) Executive - 20 October 2016* | 47 - 54 |
| (d) Development Management Committee - 26 October 2016 | 55 - 60 |

(e) Overview & Scrutiny Panel - 3 November 2016	61 - 74
(f) Salcombe Harbour Board - 21 November 2016*	75 - 80
(g) Development Management Committee - 23 November 2016*	81 - 90
(h) Overview & Scrutiny Panel 24 November 2016	91 - 102
(i) Licensing Committee - 24 November 2016*	103 - 108
(j) Executive - 1 December 2016*	109 - 114

Agenda Item 1

MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 29 SEPTEMBER 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); Deputy Monitoring Officer; Section 151 Officer; and Senior Specialist – Democratic Services

37/16 **FEDERATION OF SMALL BUSINESSES AWARD**

The Chairman advised that the Council, as a partner authority in the Better Business for All scheme, had recently won an award from the Federation of Small Businesses.

The Chairman proceeded to invite the Deputy Leader of Council to step forward and formally present him with this Award.

38/16 **APPOINTMENT OF VICE-CHAIRMAN**

In light of the Vice-Chairman having sent her apologies to this meeting, nominations were invited to serve as Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

That Cllr B F Cane be appointed Vice-Chairman for the duration of this meeting.

39/16

MINUTES

The minutes of the meeting of Annual Council held on 19 May 2016 and the Special Council meetings held on 30 June 2016 and 28 July 2016 were each confirmed as a correct record and signed by the Chairman.

40/16

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 N A Hopwood and J M Hodgson both declared a personal interest in Item 9: 'Notices of Motion' (Minute 42/16 below refers) by virtue of being personally affected by the proposals outlined in the motion. Upon the advice of the Deputy Monitoring Officer, both Members remained in the meeting and took part in the debate and vote thereon; and

Cllrs P C Smerdon and R J Foss also both declared a personal interest in Item 9: 'Notices of Motion' (Minute 42/16 below refers) by virtue of their wives being affected by the proposals outlined in the motion. Both Members remained in the meeting and took part in the debate and vote thereon.

41/16

QUESTIONS

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

From Cllr Birch to Cllr Tucker, Leader of the Council

(a) *'Ref. the LACC proposal, has any other local authority established a similar operating model? If so, please provide its name.'*

In reply, Cllr Tucker advised that 2020 Vision, a company that was owned by West Oxon, Cotswolds and Forest of Dean was due to operate and deliver all of its services from April 2017. Furthermore, various other Councils had established Local Authority Controlled Companies (LACCs) for particular services (e.g. Cormac and Norse Group). Other Councils had joined with partner Councils for single services or groups of services (a local example being the Strata IT Company for East Devon, Exeter and Teignbridge Councils). Finally, Cllr Tucker informed that other joint ventures with non-local authority partners had also been established (e.g. Delt that was a joint venture between Plymouth City Council and a local Health provider).

In reply to a supplementary question, Cllr Tucker acknowledged that the comments in the PriceWaterhouseCoopers (PWC) business case into the LACC that highlighted that there was no 'precedent of other local authorities establishing a LACC for a similar operating model were incorrect. However, Cllr Tucker did also advise that this was a particularly fast moving area and some months had now elapsed since the business case had been produced.

From Cllr Birch to Cllr Tucker, Leader of the Council

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

In reply, Cllr Tucker advised that control would be exercised through the contract between the Councils and the LACC and also through the LACC's constitutional documents such as the Articles of Association and shareholder agreement. In addition, the company would annually set out a plan for delivery of services that would need to be agreed by the Council and which would be monitored by the Overview and Scrutiny Panel.

Cllr Tucker responded to a supplementary question by stating that, since it was proposed for the LACC to be wholly owned by the Councils, the necessary control measures would still be in place and he did not foresee any differences to statutory services.

From Cllr Birch to Cllr Tucker, Leader of the Council

(c) '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?'

In response, Cllr Tucker stated that this would be the case, with performance targets being reviewed through management performance meetings and by the Overview and Scrutiny Panel (which was similar to present arrangements). Moreover, Cllr Tucker informed that there would be a requirement for improvement plans if the LACC was under performing and payments could also be withheld, deducted and penalties imposed. Finally, the ultimate sanction would be to end the contract for some or all services and either bring them back in-house or outsource.

In replying to a supplementary question, Cllr Tucker stated that the Head of Paid Service (as lead officer for the Strategy and Commissioning side of the Operating Model) would ultimately be the responsible officer for the performance monitoring aspect of the contract.

From Cllr Birch to Cllr Tucker, Leader of the Council

(d) '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?'

Cllr Tucker responded by advising that Members had previously been briefed on the role of Directors, namely to act in the best interests of the company. Members who served on the Board of Directors would have to balance this duty against their duty as Members. However, this particular matter was still to be determined by the Joint Steering Group (JSG) and it was a possibility to have a mix of Executive and Non-Executive Directors, with an independent chair. Therefore, Cllr Tucker emphasised that whilst there could be some elected Members on the Board as 'Non-Executive Directors', they would need to be very clear that they were acting in the interests of the company and declare any conflicts of interest that could arise. In the event that the Council opted to have Members on the board, training would be provided in order that those Members were clear about their roles both as Members and Directors.

Cllr Birch proceeded to ask a supplementary question in relation to the position of any Member Directors should a dispute result between the Council and the LACC. In reply, Cllr Tucker confirmed that it was his personal view that, if a Member was acting on behalf of the LACC, then (s)he would be in dispute with the Council.

From Cllr Birch to Cllr Tucker, Leader of the Council

- (e) *“Ref. the LACC proposal, when will advice be obtained in respect of a possible liability for Corporation Tax?”*

Cllr Tucker replied that this was part of the work currently being undertaken and reviewed by the JSG and a report would be made by the JSG to Members in due course.

In response to a supplementary question, Cllr Tucker advised that Corporation Tax was one of three key 'red line' (i.e. potential project ending) issues that were currently being reviewed by the JSG. For clarity, the other two key red line issues identified at this time were VAT and pension liability.

From Cllr Birch to Cllr Tucker, Leader of the Council

- (f) *‘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?’*

In response, Cllr Tucker confirmed that this was also part of the work currently being undertaken and reviewed by the JSG and a report would again be produced by the JSG on review options.

In asking a supplementary question, Cllr Birch queried why this had not been investigated earlier. Cllr Tucker replied that a formal Member steer had been required before this piece of work had been progressed.

From Cllr Birch to Cllr Tucker, Leader of the Council

- (g) *'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?'*

Cllr Tucker confirmed that this would be the case and provision could also be set out in the contract between the Council and the LACC.

In reply to a supplementary question, Cllr Tucker also stated that he could see no reason why the Council would not have full access to all relevant documents held by the LACC in the event of it wishing to carry out an investigation.

From Cllr Birch to Cllr Tucker, Leader of the Council

- (h) *'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?'*

Cllr Tucker replied stating that all of the current Senior Leadership Team had been appointed with commercial skill and experience/knowledge of alternative service delivery vehicles in mind. Furthermore, the appointment of Non-Executive Directors to the Board would take into account any skills gaps and desired capabilities.

Cllr Tucker responded to a supplementary question by confirming that, if necessary, capability and suitability assessments would include the involvement of external advisors and that this was a long established and accepted practice for the Council.

From Cllr Birch to Cllr Tucker, Leader of the Council

- (i) *'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?'*

In response, Cllr Tucker confirmed that Members views would feed into the proposed contract.

In addition, Cllr Tucker gave an assurance in his response to a supplementary question whereby the proposals would be accompanied with a legal advisory note that would outline the key strengths and weaknesses.

From Cllr Birch to Cllr Tucker, Leader of the Council

- (j) *'What steps will be taken to consult with the Town and Parish Councils on the proposed transfer of services to the LACC?'*

Cllr Tucker responded that town and parish councils would be briefed on proposals and would be kept updated as, when and if the project progressed. Regular updates had been given to Town Clerks and Mayors throughout 2016 and meetings were scheduled with all town and parish council clerks during week commencing Monday, 3 October 2016, with the LACC proposals being an agenda item for these sessions.

In reply to a supplementary question, Cllr Tucker gave an assurance that regular updates on the LACC proposals would be given to town and parish councils.

From Cllr Baldry to Cllr Tucker, Leader of the Council

(k) '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?'

In reply, Cllr Tucker advised that the percentages for the eight project team members were as follows:

Neil Hawke (Project Manager): 40%;
Dai Antill (Project Support Specialist): 100%;
Catherine Bowen (Legal): 5%;
Andrew Ogalo (Legal): 40%;
Andy Wilson (HR): 5%;
John Bougeard (Business Plan): 10%;
Lesley Crocker (Communication): 5%; and
Lisa Buckle (Finance): 10%.

In his supplementary question, Cllr Baldry queried whether the Leader agreed that the public would be benefiting more if each of these officers were working on their 'normal duties'. In response, Cllr Tucker advised that he did not agree and stated that the work of the project team members on the LACC may ultimately be to the benefit of the public in the future.

From Cllr Steer to Cllr Ward, Deputy Leader of Council

(l) '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?'

In reply, Cllr Ward made reference to:

- the Council signing up to the initiative for a year;
- the initiative being a key part of the Council's drive to increase digital engagement across the South Hams;

- 4,500 email addresses already being signed up for the initiative, with the most popular topics being the Joint Local Plan (for which 1,609 registered users had opened this email) and the Business Support Update (for which 878 users had opened this update). In addition, Cllr Ward informed that these figures had been collated before the most recent press release in this respect was published;
- the initiative creating the ability to produce newsletters from a template. As a consequence, it was noted that this reduced the work burden on the Council's Design Team and could lead to newsletters being produced in a couple of hours;
- the future. Moving forward, Cllr Ward stated that officers would be considering methods of refining and monitoring its newsletters and putting in place closer links with Facebook and Twitter to ensure that the number of registered residents continued to increase.

From Cllr Hodgson to Cllr Tucker, Leader of Council

(m) 'What is this Local Authority doing to meet its obligations regarding addressing Climate Change?'

Cllr Tucker replied that he felt that the Council had made good progress in respect of the climate change agenda and cited some examples as being the: excellent recycling rates; agile working agenda; and promoting car sharing initiatives. Having said that, Cllr Tucker was of the view that the Council still had more to do in respect of addressing climate change.

In response to a supplementary question, Cllr Tucker confirmed that he had sympathy for a number of points raised by Cllr Hodgson. Whilst studies had indicated that the installation of solar panels on Council Car Parks was not viable, Cllr Tucker felt that there was a golden opportunity for the Council to more greatly exploit solar and wind energy. In addition, Cllr Tucker advised that it was his personal opinion that all new build housing should have solar panels installed, but that this would obviously require a change in national legislation.

42/16

NOTICES OF MOTION

It was noted that one motion had been 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."

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

- the motion highlighting an important issue that affected Council employees and the wider South Hams population;
- her wish to applaud the efforts of the WASPI (Women Against State Pension Inequality) Devon campaign group;
- a particular case that she was aware of in her constituency that underlined just how severe the financial implications of the pension changes would be to women;
- the reforms potentially affecting 2.6 million women in the UK, who had received just two years notice of a six year increase in their state pension age;
- over 193,000 people having signed an e-petition calling for more fairer transitional arrangements to be put into place;
- the knock-on effect to both the local economy and health and wellbeing agenda.

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

- (a) An amendment that was **PROPOSED** and **SECONDED** was subsequently accepted by the proposer and seconder of the original motion and was therefore incorporated into the substantive motion. The amendment read as follows:

'And that the support of the local MPs be sought and that their responses be reported back to the Council.'

- (b) Every Member who took part in the debate expressed their support for the motion and echoed their gratitude for the work being undertaken by WASPI Devon;
- (c) In terms of the job market, a Member highlighted that there would a consequent impact by virtue of those women who would be affected having to work for more years and therefore reducing the job opportunities for the younger generation.

It was then:

RESOLVED

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.

And that the support of the local MPs be sought and that their responses be reported back to the Council.

43/16

EXCLUSION OF PUBLIC AND PRESS

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

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

44/16

FUTURE OF DEVON BUILDING CONTROL PARTNERSHIP

Members considered an exempt report that advised of a series of recommendations that had been made by the Devon Building Control Partnership at its most recent meeting on 13 September 2016.

In discussion, the following points were raised:

- (a) A number of Members expressed their support for the proposals contained within the presented agenda report and felt that the end result would be a more resilient building control service. Furthermore, it was noted that the Member representatives on the Building Control Partnership Committee were unanimously supportive of the proposals;
- (b) Some Members expressed their previously raised concerns in respect of the quality of the business case that had been produced by PWC into the merits of the Council establishing a Local Authority Controlled Company.

It was then:

RESOLVED

1. That the Devon Building Control Partnership move to an operating model fully hosted by Teignbridge District Council;
2. That South Hams District Council staff that are currently seconded to Teignbridge District Council, be transferred to the host Council (Teignbridge District Council);
3. That the necessary amendments be made to the Devon Building Control Partnership agreement to reflect the changes as outlined in section 3.2 of the presented agenda report;
4. That the Partnership reserves be transferred to the host authority (as per the current agreement); and

5. That detailed discussions be entered into with a further local authority about the possibility of providing services via a Service Level Agreement.

45/16 **RE-ADMITTANCE OF PUBLIC AND PRESS**

It was then:

RESOLVED

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

46/16 **REPORTS OF BODIES**

(a) Audit Committee – 28 July 2016

(b) Development Management Committee – 3 August 2016

DM.15/16: Urgent Business

With regard to the recent Judgement and Order that had been handed down on the Brimhay Bungalows Judicial Review, officers confirmed that they would forward to Members the amount that the Council had paid by virtue of the claimants' legal costs.

DM.21/16: Planning Peer Challenge Action Plan 2016/17

RESOLVED

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.

(c) Overview & Scrutiny Panel – 4 August 2016

(d) Development Management Committee – 7 September 2016

(e) Executive – 15 September 2016

E.24/16: Medium Term Financial Strategy for the Five Year Period 2017/18 to 2021/22

RESOLVED

1. That the four year financial settlement being offered by the Government be accepted (as set out in Section 2 of the agenda report presented to the Executive);
2. 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 Section151 Officer (COP Lead Finance); and

3. That Town and Parish Councils be informed of 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 to the Executive meeting.

(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 27 OCTOBER
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; Deputy Monitoring Officer; Locality Manager; and Senior Specialist – Democratic Services

47/16 APPOINTMENT OF VICE-CHAIRMAN

In light of the Vice-Chairman having sent her apologies to this meeting, nominations were invited to serve as Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

That Cllr B F Cane be appointed Vice-Chairman for the duration of this meeting.

48/16 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:

Cllr M F Saltern declared a personal interest in Item 5: 'Report of Political Structures Working Group' (Minute 50/16 below refers) and specifically the part relating to the Community Governance Review by virtue of being a member of the Ivybridge Neighbourhood Planning Steering Group and left the meeting during consideration of this part of the agenda item; and

Cllr T R Holway also declared a personal interest in Item 5: 'Report of Political Structures Working Group' (Minute 50/16 below refers) and specifically the part relating to the Community Governance Review by virtue of being a member of the Ugborough and Ivybridge Neighbourhood Planning Steering Groups and Ugborough Parish Council. Having sought the advice of the Monitoring Officer, Cllr Holway remained in the meeting and took part in the debate and vote thereon.

49/16

NOTICES OF MOTION

It was noted that one motion had been received in accordance with Council Procedure Rule 10.1.

At this point and, in accordance with Council Procedure Rule 12.12 a Member wished to raise a Point Of Order in respect of a question and motions that she had submitted not being on the published agenda. In response, it was noted that the submissions had been ruled as being received out of time.

As a consequence, it was agreed that these issues could be given informal consideration during the upcoming Member workshops on the Joint Local Plan.

(a) By Cllrs Baldry and Brazil

"This Council notes:

1. *That the Bus Services Bill currently passing through Parliament includes Clause 21 that will effectively "prohibit a local authority from forming a company for the purposes of providing a local bus service".*
2. *That the Localism Act (2011) provides general powers of competence to local authorities.*
3. *The Devon Youth Parliament has transport as one of its top priorities.*
4. *People in South Hams, especially the rural areas, have seen a serious decline in their bus services.*

This Council believes:

1. *Clause 21 contradicts the general powers of competence and the spirit of the Localism Act 2011.*
2. *If there is a need and a demand from their public, then Councils should be able to provide their own bus services*
3. *Clause 21 should be omitted from the Bus Services Bill.*

This Council resolves:

1. *To write to Lord Ahmad and to call on the Department for Transport to omit Clause 21 from the final legislation*
2. *To write to Sarah Wollaston and Gary Streeter our MPs to ask them to oppose clause 21 when the Bus Services Bill reaches the House of Commons and ask them to write to Lord Ahmad and the Department of Transport to raise concerns about Clause 21.”*

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

- the motion having the support of the Local Government Association;
- the Bill being wholly contrary to the Devolution agenda. Whilst not necessarily advocating taking on responsibility for bus services, the proposer was of the view that a Council should have the legal right to do so (if it so wished).

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

- (a) As a matter of principle, a Member commented that, if central government was committed to devolving powers, then councils should have the ability to make such decisions;
- (b) When looking at the importance of the economy priority and retaining home grown talent in the district, a quality, integrated and sustainable public transport system (that was well used) was emphasised as being essential;
- (c) The seconder of the motion questioned the purpose of the legislation and felt that it was being used to support private bus services, with the end result being to the detriment of local communities.

It was then:

RESOLVED

This Council notes:

1. That the Bus Services Bill currently passing through Parliament includes Clause 21 that will effectively “prohibit a local authority from forming a company for the purposes of providing a local bus service”.
2. That the Localism Act (2011) provides general powers of competence to local authorities.
3. The Devon Youth Parliament has transport as one of its top priorities.
4. People in South Hams, especially the rural areas, have seen a serious decline in their bus services.

This Council believes:

1. Clause 21 contradicts the general powers of competence and the spirit of the Localism Act 2011.
2. If there is a need and a demand from their public, then Councils should be able to provide their own bus services
3. Clause 21 should be omitted from the Bus Services Bill.

This Council resolves:

1. To write to Lord Ahmad and to call on the Department for Transport to omit Clause 21 from the final legislation
2. To write to Sarah Wollaston and Gary Streeter our MPs to ask them to oppose clause 21 when the Bus Services Bill reaches the House of Commons and ask them to write to Lord Ahmad and the Department of Transport to raise concerns about Clause 21.

50/16

REPORT OF THE POLITICAL STRUCTURES WORKING GROUP

The Council considered a report that informed of the recommendations of the Political Structures Working Group in respect of:-

- the final recommendations on the Community Governance Review 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;
- the merits of re-establishing the Personnel Panel; and
- the involvement of Development Management Committee Members in the annual draft budget setting process.

In discussion on the Community Governance Review, the following points were raised:-

- (a) In his introduction, the Chairman of the Working Group highlighted that the review had been extensive and all evidence that had been submitted during the last twelve months had been discussed and considered in great detail. In particular, the Chairman informed that the Working Group had given serious consideration to the quality of the evidence presented and he had therefore been convinced that the area should remain within the parish of Ugborough. As a consequence, he **PROPOSED** the following motion:

'That the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) remain within the parish of Ugborough; and

That maintaining the status quo be the right decision for community cohesion in the light of views expressed in the second round of consultation either against or with significant concerns about the proposal.'

This motion was subsequently **SECONDED**.

- (b) A number of Members expressed their concerns and disappointment at the tone and content of a letter that had been received from Ivybridge Town Council on 26 October 2016. These views could be summarised as follows:
- the letter was considered to be threatening and coercive;
 - there was a lack of reference in the letter to which meeting of the town council this had arisen from. As a consequence, a Member questioned the role played by (and authority that had been given to) the Clerk in this respect;
 - the allegation that the Council simply rubber stamped recommendations from Working Groups and Committees was seen as being disrespectful and deeply offensive; and
 - the letter having led a Member to change his view and he was now intending to vote in favour of the motion.
- (c) Having been in attendance during the most recent meeting of the Political Structures Working Group, a Member highlighted the emphatic comments that had been expressed by the local Ward Member who represented Ugborough parish. Such was the strength of views amongst the parish council, the Member stated that he would be hard pressed to vote against the motion.

During the discussion relating to the Personnel Panel, some disappointment was expressed at the recommendation whereby the Panel should not be resurrected. Such was the levels of related expenditure and in light of the recent staff survey results, some Members were of the view that the Panel should be resurrected. In contrast, other Members acknowledged that all members of staff were now shared between the Council and West Devon Borough Council and this was a major stumbling block to re-establishing a Panel. Furthermore, HR legislation was continually changing and becoming increasingly specialised and, as a consequence, a number of local authorities were in fact in the process of disbanding their Panels.

In discussion on the annual draft budget setting process, a Member of the Development Management Committee expressed his support for the recommendation and advised that he had felt somewhat isolated during the draft Budget Setting Process last year.

It was then:

RESOLVED

- 1(a) That the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) remain within the parish of Ugborough;
- 1(b) That maintaining the status quo be the right decision for community cohesion in the light of views expressed in the second round of consultation either against or with significant concerns about the proposal;

- 2(a) That the Personnel Panel be not resurrected;
 - 2(b) That future annual reports on the Pay Policy Statement also include reference to a separate Pay Reward Strategy;
 - 2(c) That it be re-affirmed that Cllr Saltern be the Member involved in the Employment Appeals process and that this position be included as part of the list of appointments that require the formal approval of Annual Council each year; and
- 3 That, with effect from 19 January 2017, a joint meeting of the Overview and Scrutiny Panel and the Development Management Committee be convened each year, with the sole purpose of considering the annual draft budget proposals, with the meeting being chaired by the Chairman of the Overview and Scrutiny Panel.

51/16

BT PAYPHONE REMOVAL CONSULTATION

Members considered a report that informed of a British Telecom (BT) proposal to remove 58 public payphones in the South Hams District. In line with Ofcom guidelines, the report highlighted that the Council had been asked to initiate a consultation exercise to canvas the views of the local community.

In discussion, reference was made to:-

- (a) levels of usage. In accepting that there was a massive drop in general usage, a Member requested that interested Members be in receipt of data relating to the number of emergency calls made and the number of night calls made from each public payphone;
- (b) the option of town and parish councils adopting their local heritage payphone(s). A Member strongly encouraged town and parish councils to adopt the payphones within their locality and either sell them or adapt them for an alternative use (e.g. storing a defibrillator). In expanding this view, a Member welcomed the information that had been sent from the Locality Team to all clerks that included advice on potential alternative uses for kiosks;
- (c) it being a BT proposal. Whilst the Council was responsible for the consultation, Members stressed that all correspondence sent to town and parish councils should make it absolutely clear that this was a BT (and not Council) proposal.

It was then:

RESOLVED

1. That the Council does not adopt any of the affected payphones, leaving the adoption to local communities if they so wish; and
2. That the draft and final decision for each payphone be delegated to the 'Chief Planning Officer' (the Development Management Community Of Practice Lead), who will consider community feedback, in consultation with the relevant local Ward Member(s).

52/16

REPORTS OF BODIES

(a) Audit Committee – 22 September 2016

A.20/16: Strategic Risk Assessment – Regular Update

It was confirmed that a Risk Register workshop for Members had now been scheduled to take place at 10.00am on Thursday, 8 December 2016.

A Member highlighted her view that the recent South West Audit Partnership Member event held at Buckfast Abbey had been an excellent session.

(b) Development Management Committee – 28 September 2016

(Meeting commenced at 10.00 am and concluded at 11.10 am)

Chairman

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Report to: **Council**

Date: **15 December 2016**

Title: **APPOINTMENT OF SALCOMBE HARBOUR BOARD CO-OPTED MEMBER**

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

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

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

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

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

Author: **Kathryn Trant** Specialist – Democratic Services
Adam Parnell Salcombe Harbour Master

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

RECOMMENDATION

That the Council RESOLVES that, with immediate effect, Ali Jones be appointed to the Salcombe Harbour Board as a Co-opted Member for the period to the date of the Annual Council meeting in May 2020.

1. Executive summary

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

2. Background

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

- 2.2 As part of the reconstitution, Members approved the establishment of a 'fit for purpose' Board consisting of up to ten members, of which up to six could be co-opted and four made up by nominated District Councillors. A recruitment process was agreed with appointments being based upon a range of technical skills demonstrated by applicants together with other relevant criteria which would make them suitable Board Members. This applied to both co-opted members and Council nominees.
- 2.3 To provide sufficient continuity, the appointment of co-opted Members has been staggered. The appointment process allows for successful co-opted Members to serve an initial three year term. Following the first three years, and with the agreement of the Chairman of Salcombe Harbour Board, co-opted Members are entitled to serve a further three year term without the need to submit to an interview process.
- 2.4 One co-opted Member, Dr Kit Harling CBE, was successfully reappointed in May 2016 following an interview process. However, Dr Harling has now tendered his resignation from the Board citing time demands of his PhD project.
- 2.5 Following the last recruitment process, Council agreed that 'if a casual vacancy arose before the next scheduled recruitment process, the person who was felt during the recruitment process to be the next most 'fit for purpose' to serve on the Board shall be recommended for appointment' (Minute 19/16 refers).

3. Outcomes/outputs

- 3.1 A recruitment process was previously undertaken and co-opted Members appointed at the Annual Meeting of Council on 19 May 2016.
- 3.2 As a result of the interview process, Mr Hugh Marriage, Dr Kit Harling CBE and Mr Mark Long were assessed by the Panel as the three most suitable applicants for appointment (when judged against the criteria), and were appointed to the vacant positions on the Board.
- 3.3 The appointment process was amended to allow the next most 'fit for purpose' candidate to serve on the Board should a casual vacancy arise. Following receipt of Dr Harling's resignation, Ali Jones has been informally approached as the next most 'fit for purpose' candidate from the latest recruitment process. Ms Jones has indicated that, subject to Council approval, she would be very happy to be appointed as a co-opted Member to the Salcombe Harbour Board.

3.4 Co-opted Members are usually appointed for a three year term. In this instance, it is recommended to appoint Ms Jones for slightly more than a three year term until the Annual Meeting of Council in May 2020. The reason for this is to ensure some level of continuity, as three of the existing co-opted Members will be due to complete their terms in May 2019.

4. Options available and consideration of risk

4.1 The Constitution sets out the number of co-opted Members who should sit on the Salcombe Harbour Board and the terms under which they are appointed. It is therefore a requirement that a recruitment process is undertaken.

4.2 There are potential risks in failing to appoint a 'fit for purpose' Board Member. The robust recruitment process which judges applications against set criteria has mitigated this risk.

4.3 There is a risk that the Board could lose four co-opted Members during May 2019. This would be a significant loss of experience and knowledge. Appointing Ms Jones until May 2020 will provide continuity and help to mitigate this risk.

5. Proposed Way Forward

5.1 The proposed way forward is to appoint a co-opted Member in line with the previous recommendations of the Interview Panel and the Constitution.

6. Implications

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

Background Papers

Council Constitution

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

The Municipal Ports Review

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY, 26 SEPTEMBER 2016**

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

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Executive Director (Service Delivery and Commercial Development (SD&CD)), Salcombe Harbour Master, Finance Business Partner and Senior Case Manager
	SH.16/16	Support Services Specialist Manager

SH.11/16 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 11 July 2016 were confirmed as a correct record and signed by the Chairman.

SH.12/16 URGENT BUSINESS

The Chairman agreed to allow this agenda item to be utilised to remind Board Members of the forthcoming 100 year anniversary of the Salcombe Lifeboat Disaster. The Harbour Master was aware of the plans to commemorate the date on Thursday, 27 October 2016.

SH.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 the following were made:

Cllrs Wingate and Wright and Mr Marriage and Mr Taylor all declared a disclosable pecuniary interest in all related agenda items by virtue of having moorings or paying harbour dues to the Council. As a result of the Solicitor granting each Board Member a dispensation, they were all able to take part in the debate and vote on any related matters (Minute SH.05/16 refers).

SH.14/16 PUBLIC QUESTION TIME

In accordance with the Public Question Time procedure rules, Mr Richard Smith addressed the Board and raised the issue of buckets over outboard motors. The use of buckets was not compulsory and some boat owners had said this was an issue. Whilst it was accepted that use of buckets was not a requirement, the Harbour Master was asked to encourage the practice. The Harbour Master responded that he would do so, and the Chairman thanked Mr Smith for addressing the Board on behalf of the Kingsbridge Estuary Boat Club.

SH.15/16 FEEDBACK FROM HARBOUR COMMUNITY FORUMS

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

Salcombe Kingsbridge Estuary Association (SKEA)

The representative was not in attendance at the meeting

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

The representative advised that the Forum would be meeting the following day.

South Devon & Channel Shellfishermen

The representative advised that there was an issue with lorries at the Fish Quay in Dartmouth that might drive boats to Salcombe.

Kingsbridge and Salcombe Marine Business Forum

The representative advised that there were no issues to raise.

Kingsbridge Estuary Boat Club (KEBC)

The issue of buckets on motors had been raised under Public Question Time (Minute SH.14/16 refers). The representative went on to state that a number of berths on the pontoon were underused and he wondered if there was a way of allowing them to be used. He had advised the Forum that he would liaise with the Harbour Master and he hoped a solution could be found.

SH.16/16 UPDATE ON THE LOCAL AUTHORITY CONTROLLED COMPANY

The Executive Director (SD&CD) introduced the Support Services Specialist Manager who was responsible for leading the project team appointed to work through the detail required by Members ahead of a final decision on whether to go ahead with the proposal to form a Local Authority Controlled Company (LACC).

The Support Services Specialist Manager then updated Board Members on the latest position. Members of the Board were pleased that issues such as staff matters were being addressed.

During discussion, Members raised issues that were specific to the Harbour Board and it was agreed that it would be useful for a small Working Group of Board Members to meet with the LACC Joint Steering Group (JSG) to further discuss the options for Salcombe Harbour Board to consider.

It was then:

RESOLVED

That Cllrs Brazil, Pearce and Wright, and Messrs Long, Marriage and Taylor form a Working Group to meet with the LACC JSG to discuss matters relating to the LACC that were pertinent to the Board in more detail.

SH.17/16 **STRATEGIC BUSINESS PLAN 2017-2022**

A report was presented that sought approval of the adoption of the Harbour's Strategic Business Plan 2017-2022.

Members expressed their views on the Plan and confirmed that it was a good document. Members then discussed in more detail the desire to 'support a thriving local economy' and the strategies listed within the Plan to achieve that such as enhancing the ferry routes around the Harbour and establishing Kingsbridge as a destination.

Finally, Members noted that the Plan emphasised the role of the staff in making the Plan a success and that they were professional, business like and courteous.

It was then:

RESOLVED

That Council be **RECOMMENDED** to adopt Salcombe Harbour Board's Strategic Business Plan 2017-2022.

SH.18/16 **2017/18 BUDGET**

The Harbour Master presented a report that proposed the 2017/18 budget for Salcombe Harbour Authority and provided a forecast for 2016/17. He took Members through the key details and both he and the Finance Business Partner responded to questions.

During discussion, the following points were discussed:

- Whether the Authority should pass on to customers the card handling fee for payments made by credit and debit cards. The Harbour Master agreed to investigate what other Harbours do;
- It was requested that an update on assets should be included as a future agenda item. It was agreed that future budget reports would incorporate the potential liability of maintaining Council

assets;

- How best to deal with transactions between the Authority and the Council and what the options were. It was agreed that a further report regarding the potential to repay the outstanding loans be presented to the next meeting of the Board.

Finally, the Finance Business Partner was thanked for all her hard work in respect of the preparation of the budget and ongoing budget monitoring.

It was then:

RESOLVED

That Council be **RECOMMENDED** that the proposed 2017/18 budget as set out in the presented report be approved.

SH.19/16 **PROPOSED CHARGES 2017/18**

Members were presented with a report that set out proposed fees and charges to be levied to ensure that the Harbour achieved a break even position in order that it remain financial sustainable.

The Harbour Master presented the report and responded to questions of clarity.

It was then:

RESOLVED

That Council be **RECOMMENDED** that the proposed charges as set out in the presented report be approved for implementation from 1 April 2017.

SH.20/16 **1ST QUARTER PERFORMANCE INDICATORS**

The Harbour Master presented a report that summarised Salcombe Harbour's performance indicators (PIs) for the period 1 April 2016 to 30 June 2016.

He updated Members on an increase in thefts that had taken place and explained how the staff were working closely with the Police Authority.

It was then:

RESOLVED

That the Harbour Board had noted the latest PIs.

SH.21/16 **HARBOUR MASTER'S REPORT**

The Harbour Master presented a report on topical harbour issues that could be of interest to the Board or affected the Harbour.

Of particular concern was the update in relation to the secondary coastguard VHF aerial at Scoble and the Harbour Master agreed to keep this item on his report for the following meeting.

It was then:

RESOLVED

That the Harbour Board note the report.

(Meeting commenced at 2.30 pm and concluded at 4.30 pm)

Chairman

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APPENDIX A - SALCOMBE HARBOUR - PROPOSED CHARGES FOR 2017/2018 (excluding VAT)

DETAIL	2016/17 NET RATE £	Calculated 2017/18 increases based on proposed % increase					Proposed Charges for 2017/18					
		Proposed Increase %	Increase £	NET RATE £	VAT 20% £	Gross Charge £	ROUNDED NET RATE £	VAT 20% £	Gross Charge £	Actual Increase %		
Section A												
Canoes, kayaks, sailboards, Stand Up Paddle Boards, rowing boats & rowing gigs	£9.00	-7.50%	-0.68	8.32	1.66	£9.98	£10.00	8.33	1.67	10.00	-7.44%	
Sailing dinghies & vessels without engines up to 4.5 metres in length	£18.00	0.00%	0.00	18.00	3.60	£21.60	£21.60	18.00	3.60	21.60	0.00%	
All other vessels with engines < 40HP												
up to 4.5 m	A	£26.33	3.00%	0.79	27.12	5.42	£32.54	£32.55	27.13	5.43	32.56	3.04%
every m thereafter	B	£20.00	3.00%	0.60	20.60	4.12	£24.72	£24.70	20.58	4.12	24.70	2.90%
Vessels with engines > 40 HP												
up to 4.5 m	=Ax1.5	£39.50	3.00%	1.18	40.68	8.14	£48.82	£48.80	40.67	8.13	48.80	2.98%
every m thereafter (to a max of 9m)	=Bx1.5	£30.00	3.00%	0.90	30.90	6.18	£37.08	£37.10	30.92	6.18	37.10	3.07%
Daily Charge (Maximum 7 days) All craft without engine or engine under 40hp		£4.29	3.00%	0.13	4.42	0.88	£5.30	£5.30	4.42	0.88	5.30	3.03%
Daily Charge (Maximum 7 days) All craft with engines over 40HP		£8.58	3.00%	0.26	8.84	1.77	£10.61	£10.60	8.83	1.77	10.60	2.91%
Daily dues		£0.77	3.00%	0.02	0.79	0.16	£0.95	£0.95	0.79	0.16	0.95	2.60%
Daily mooring and dues	Y	£1.54	0.00%	0.00	1.54	0.31	£1.85	£1.85	1.54	0.31	1.85	0.00%
Weekly dues		£3.82	3.00%	0.11	3.93	0.79	£4.72	£4.75	3.96	0.79	4.75	3.66%
Weekly mooring and dues	=Yx5	£7.71	0.00%	0.00	7.71	1.54	£9.25	£9.25	7.71	1.54	9.25	0.00%
Part Day		£4.58	0.00%	0.00	4.58	0.92	£5.50	£5.50	4.58	0.92	5.50	0.00%
Whitestrand and Normandy Town Landing + 50%	=Yx1.5	£2.31	0.00%	0.00	2.31	0.46	£2.77	£2.80	2.33	0.47	2.80	0.87%
SECTION B Commercial Passenger Vessels - visiting												
per metre		£0.88	3.00%	0.03	0.91	0.18	£1.09	£1.09	0.91	0.18	1.09	3.41%
plus per passenger landed		£0.56	3.00%	0.02	0.58	0.12	£0.70	£0.70	0.58	0.12	0.70	3.57%
SECTION C												
Merchant Vessels under 100 tons		£0.49	3.00%	0.01	0.50	0.10	£0.60	£0.60	0.50	0.10	0.60	2.04%
Of 100 tons or over		£0.57	3.00%	0.02	0.59	0.12	£0.71	£0.71	0.59	0.12	0.71	3.51%
SECTION D												
Houseboats up to 4.5 metres	=Ax2	£52.66	3.00%	1.58	54.24	10.85	£65.09	£65.10	54.25	10.85	65.10	3.02%
Over 4.5 metres	=bx2	£40.00	3.00%	1.20	41.20	8.24	£49.44	£49.40	41.17	8.23	49.40	2.93%
SECTION E												
Tugs		£24.60	3.00%	0.74	25.34	5.07	£30.41	£30.41	25.34	5.07	30.41	3.01%
SECTION G												
Goods shipped		£1.47	3.00%	0.04	1.51	0.30	£1.81	£1.81	1.51	0.30	1.81	2.72%
SECTION H												
Foreshore mooring licence		£6.14	0.00%	0.00	6.14	1.23	£7.37	£7.37	6.14	1.23	7.37	0.00%
(Minimum charge payable)	x6	£36.83	0.00%	0.00	36.83	7.37	£44.20	£44.20	36.83	7.37	44.20	0.00%
Boatyard Mooring Charge/metre		£9.19	0.00%	0.00	9.19	1.84	£11.03	£11.03	9.19	1.84	11.03	0.00%
(Minimum charge payable)	x6	£55.14	0.00%	0.00	55.14	11.03	£66.17	£66.17	55.14	11.03	66.17	0.00%
Deep Water mooring licence		£10.20	0.00%	0.00	10.20	2.04	£12.24	£12.24	10.20	2.04	12.24	0.00%
(Minimum charge payable)	x6	£61.20	0.00%	0.00	61.20	12.24	£73.44	£73.44	61.20	12.24	73.44	0.00%
Boatyard Mooring Charge/metre		£12.80	0.00%	0.00	12.80	2.56	£15.36	£15.36	12.80	2.56	15.36	0.00%
(Minimum charge payable)	x6	£76.80	0.00%	0.00	76.80	15.36	£92.16	£92.16	76.80	15.36	92.16	0.00%

Page 37

APPENDIX A - SALCOMBE HARBOUR - PROPOSED CHARGES FOR 2017/2018 (excluding VAT)

DETAIL	2016/17 NET RATE £	Calculated 2017/18 increases based on proposed % increase					Proposed Charges for 2017/18				
		Proposed Increase %	Increase £	NET RATE £	VAT 20% £	Gross Charge £	ROUNDED	NET RATE £	VAT 20% £	Gross Charge £	Actual Increase %
SECTION I											
Laying up private vessels	£10.64	0.00%	0.00	10.64	2.13	£12.77	£12.77	10.64	2.13	12.77	0.00%
SECTION J - Crime Prevention charges											
Category 1	£4.94	53.00%	2.62	7.56	1.51	£9.07	£9.07	7.56	1.51	9.07	53.04%
Category 2	£32.42	53.00%	17.18	49.60	9.92	£59.52	£59.52	49.60	9.92	59.52	52.99%
Category 3	£13.74	53.00%	7.28	21.02	4.20	£25.22	£25.22	21.02	4.20	25.22	52.98%
SECTION K - Whitestrand & Kingsbridge Pontoon Licence (Resident Commercial)											
Category A	£222.35	0.00%	0.00	222.35	44.47	£266.82	£266.82	222.35	44.47	266.82	0.00%
Category A1	£444.68	0.00%	0.00	444.68	88.94	£533.62	£533.62	444.68	88.94	533.62	0.00%
Category A2	£1,778.68	0.00%	0.00	1,778.68	355.74	£2,134.42	£2,134.42	1,778.68	355.74	2,134.42	0.00%
Category B	£444.68	0.00%	0.00	444.68	88.94	£533.62	£533.62	444.68	88.94	533.62	0.00%
Category B1	£889.34	0.00%	0.00	889.34	177.87	£1,067.21	£1,067.21	889.34	177.87	1,067.21	0.00%
Category B2	£3,557.36	0.00%	0.00	3,557.36	711.47	£4,268.83	£4,268.83	3,557.36	711.47	4,268.83	0.00%
Category C	£889.34	0.00%	0.00	889.34	177.87	£1,067.21	£1,067.21	889.34	177.87	1,067.21	0.00%
Category C1	£1,778.68	0.00%	0.00	1,778.68	355.74	£2,134.42	£2,134.42	1,778.68	355.74	2,134.42	0.00%
SECTION L											
Machine Advertising Boards at Whitestrand	£51.47	0.00%	0.00	51.47	0.00	£51.47	£51.47	51.47	0.00	51.47	0.00%
<u>Mooring Hire Deep Water</u>											
Above Tosnos	£55.98	0.00%	0.00	55.98	11.20	£67.18	£67.18	55.98	11.20	67.18	0.00%
(Minimum charge payable)	=Cx7.5	0.00%	0.00	419.85	83.97	£503.82	£503.82	419.85	83.97	503.82	0.00%
Boatyard Above Tosnos	£83.97	0.00%	0.00	83.97	16.79	£100.76	£100.76	83.97	16.79	100.76	0.00%
(Minimum charge payable)	=Dx7.5	0.00%	0.00	629.80	125.96	£755.76	£755.76	629.80	125.96	755.76	0.00%
All other areas including pontoons	£66.61	0.00%	0.00	66.61	13.32	£79.93	£79.93	66.61	13.32	79.93	0.00%
(Minimum charge payable)	=Ex7.5	0.00%	0.00	499.60	99.92	£599.52	£599.52	499.60	99.92	599.52	0.00%
Boatyard Mooring	£99.92	0.00%	0.00	99.92	19.98	£119.90	£119.90	99.92	19.98	119.90	0.00%
(Minimum charge payable)	=Fx7.5	0.00%	0.00	749.40	149.88	£899.28	£899.28	749.40	149.88	899.28	0.00%
<u>Mooring Hire Foreshore</u>											
Visitors per day	£11.42		0.00	11.42	2.28	£13.70	£13.70	11.42	2.28	13.70	0.00%
Visitors per week	£62.71		0.00	62.71	12.54	£75.25	£75.25	62.71	12.54	75.25	0.00%
Resident	£40.14	0.00%	0.00	40.14	8.03	£48.17	£48.17	40.14	8.03	48.17	0.00%
(Minimum charge payable)	=Gx4.5	0.00%	0.00	180.62	36.12	£216.74	£216.74	180.62	36.12	216.74	0.00%
Boatyard Mooring	£60.22	0.00%	0.00	60.22	12.04	£72.26	£72.26	60.22	12.04	72.26	0.00%
(Minimum charge payable)	=Hx4.5	0.00%	0.00	270.99	54.20	£325.19	£325.19	270.99	54.20	325.19	0.00%
Batson & Victoria Quay Pontoon (per season)											
Single Category max 2.0 metre wide berth	£252.89	0.00%	0.00	252.89	50.58	£303.47	£303.47	252.89	50.58	303.47	0.00%
Category 4 - 2.3 metre wide berth (Batson Only)	£322.70	0.00%	0.00	322.70	64.54	£387.24	£387.24	322.70	64.54	387.24	0.00%
Boatyard Mooring - 2.0 metre wide berth	£379.33	0.00%	0.00	379.33	75.87	£455.20	£455.20	379.33	75.87	455.20	0.00%
Boatyard Mooring - 2.3 metre wide berth	£484.06	0.00%	0.00	484.06	96.81	£580.87	£580.87	484.06	96.81	580.87	0.00%

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DETAIL	2016/17 NET RATE £	Calculated 2017/18 increases based on proposed % increase					Proposed Charges for 2017/18				
		Proposed Increase %	Increase £	NET RATE £	VAT 20% £	Gross Charge £	ROUNDED	NET RATE £	VAT 20% £	Gross Charge £	Actual Increase %
<u>Shadycombe pontoons (annual)</u>											
Category 3 (2.0m wide berth)	£252.89	0.00%	0.00	252.89	50.58	£303.47	£303.47	252.89	50.58	303.47	0.00%
Category 4 (2.3m wide berth)	£322.70	0.00%	0.00	322.70	64.54	£387.24	£387.24	322.70	64.54	387.24	0.00%
Boatyard Category 3	£379.33	0.00%	0.00	379.33	75.87	£455.20	£455.20	379.33	75.87	455.20	0.00%
Boatyard Category 4	£484.06	0.00%	0.00	484.06	96.81	£580.87	£580.87	484.06	96.81	580.87	0.00%
<u>Kingsbridge Pontoon</u>											
Berth Charge	£252.89	0.00%	0.00	252.89	50.58	£303.47	£303.47	252.89	50.58	303.47	0.00%
Boatyard Charge	£379.33	0.00%	0.00	379.33	75.87	£455.20	£455.20	379.33	75.87	455.20	0.00%
<u>Storebox Mooring Rental</u>											
Storebox Registration Fee	£10.30	0.00%	0.00	10.30	2.06	£12.36	£12.36	10.30	2.06	12.36	0.00%
<u>Fish Quay Pontoon</u>											
Whitestrand Boat Park	£136.92	0.00%	0.00	136.92	27.38	£164.30	£164.30	136.92	27.38	164.30	0.00%
<u>Water Taxi Charges</u>											
Chris fare from any point	£0.50	0.00%	0.00	0.50	0.10	£0.60	£0.60	0.50	0.10	0.60	0.00%
<u>Adult Fares</u>											
Off Town	£1.50	0.00%	0.00	1.50	0.30	£1.80	£1.80	1.50	0.30	1.80	0.00%
The Bag	£2.00	0.00%	0.00	2.00	0.40	£2.40	£2.40	2.00	0.40	2.40	0.00%
Trips to and from areas above Tosnos Point	£3.00	0.00%	0.00	3.00	0.60	£3.60	£3.60	3.00	0.60	3.60	0.00%
<u>Discount 20x Water Taxi Tickets</u>											
Off Town	£20.00	0.00%	0.00	20.00	4.00	£24.00	£24.00	20.00	4.00	24.00	0.00%
The Bag	£30.00	0.00%	0.00	30.00	6.00	£36.00	£36.00	30.00	6.00	36.00	0.00%
Trips to and from areas above Tosnos Point	£40.00	0.00%	0.00	40.00	8.00	£48.00	£48.00	40.00	8.00	48.00	0.00%
<u>Whitestrand Pontoon Charge July & August</u>											
Residents & Visitors Per Month	£28.90	0.00%	0.00	28.90	5.78	£34.68	£35.00	29.17	5.83	35.00	0.93%

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		Proposed Increase %	Increase £	NET RATE £	VAT 20% £	Gross Charge £	ROUNDED	NET RATE £	VAT 20% £	Gross Charge £	Actual Increase %
Harbour Authority Services charges											
Barge Hire Minimum 4 hours	£558.21	0.00%	0.00	558.21	111.64	669.85	669.85	558.21	111.64	669.85	0.00%
Barge Hire Per Day	£1,116.40	0.00%	0.00	1,116.40	223.28	1,339.68	1,339.68	1,116.40	223.28	1,339.68	0.00%
Barge Hire per week	£5,582.04	0.00%	0.00	5,582.04	1,116.41	6,698.45	6,698.45	5,582.04	1,116.41	6,698.45	0.00%
Launch hire minimum 1 hour	£69.77	0.00%	0.00	69.77	13.95	83.72	83.72	69.77	13.95	83.72	0.00%
Launch Hire per day	£558.21	0.00%	0.00	558.21	111.64	669.85	669.85	558.21	111.64	669.85	0.00%
Launch Hire per week	£2,791.01	0.00%	0.00	2,791.01	558.20	3,349.21	3,349.21	2,791.01	558.20	3,349.21	0.00%
Launch routine towage (less than 30 mins)	£26.80	0.00%	0.00	26.80	5.36	32.16	32.16	26.80	5.36	32.16	0.00%
FLT hire minimum 1 hour	£69.77	0.00%	0.00	69.77	13.95	83.72	83.72	69.77	13.95	83.72	0.00%
FLT Hire per day	£558.21	0.00%	0.00	558.21	111.64	669.85	669.85	558.21	111.64	669.85	0.00%
FLT Hire per week	£2,791.01	0.00%	0.00	2,791.01	558.20	3,349.21	3,349.21	2,791.01	558.20	3,349.21	0.00%
FLT Small task (less than 30 mins)	£26.80	0.00%	0.00	26.80	5.36	32.16	32.16	26.80	5.36	32.16	0.00%
Crane Hire minimum 1 Hours	£94.96	0.00%	0.00	94.96	18.99	113.95	113.95	94.96	18.99	113.95	0.00%
Crane Hire per day	£759.71	0.00%	0.00	759.71	151.94	911.65	911.65	759.71	151.94	911.65	0.00%
Crane hire per week	£3,798.53	0.00%	0.00	3,798.53	759.71	4,558.24	4,558.24	3,798.53	759.71	4,558.24	0.00%
Hourly rate for additional member of staff	£25.91	0.00%	0.00	25.91	5.18	31.09	31.09	25.91	5.18	31.09	0.00%
Salcombe Town Landings - Electricity	£2.68	0.00%	0.00	2.68	0.54	3.22	3.22	2.68	0.54	3.22	0.00%
Winter Storage Afloat 1 Oct to 31 March											
			Annual Dues + 50% Annual Mooring								

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 6 OCTOBER 2016**

Panel Members in attendance:			
* 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		

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

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services.
3	O&S.24/16	IT Community Of Practice Lead and Contact Centre Manager
8	O&S.27/16	Development Management Officer
11 and 12	O&S.30/16 and O&S.31/16	Group Manager – Commercial Services

O&S.21/16 WELCOME

On behalf of the Panel, the Chairman welcomed Cllr J P Birch to his first Panel meeting.

O&S.22/16 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 4 August 2016 were confirmed as a correct record and signed by the Chairman.

O&S.23/16 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 12(d): 'Task and Finish Group Updates – Events Policy' (Minute O&S.31/16(d) below refers) by virtue of being a member of the Dartmouth Regatta Committee but had left the meeting before the debate and vote on this agenda item;

Cllr P C Smerdon declared a personal interest in agenda item 12(b): 'Task and Finish Group Updates – Partnerships' (Minute O&S.31/16(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; and

Cllr M F Saltern declared a personal interest in Item 8: 'Sherford Development: Update on Proposals and Vision and Consideration of the Economic Benefits' (Minute O&S.27/16 below refers) by virtue of being the Vice-Chairman of the Ivybridge Academy Trust that was to include Sherford Primary School within its area.

O&S.24/16 **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 lead Executive Member for Support Services entitled: '*Telephone System Update*'. This urgent item had been brought forward to this meeting in light of the recent (and ongoing) problems with the Council's telephone system.

(a) Telephone System Update

The Executive Member for Support Services introduced this urgent item and specifically highlighted that:

- the fault was the responsibility of BT and the Council had developed a workaround solution;
- the implementation of the new fibre telephony system would lead to an increase in lines into the Council from 43 to 200, with the potential for this to increase further up to a maximum of 1,000;
- BT had now been in receipt of formal notice of the Council's intention to terminate its current contract. It was further confirmed that there was a 17 day notice period;
- in the interim, all telephone calls had been redirected to West Devon Borough Council and then forwarded on to the Council. However, the Member did acknowledge that the current automated message was unfortunate and should be revisited;
- realistically, the new telephony system would be fully operational by the second week in November;
- the new system would result in a financial saving to the Council.
- during the testing phase, officers were finding that the new system was much improved for both the user and the customer;

- despite the recent system problems, the Council had still received just over 25,000 telephone calls during September 2016. Whilst a more detailed performance report would be presented to a future Panel meeting, it was noted that performance was steadily improving.

In welcoming the update, a Member wished to thank the IT Specialist Officer who had been working over a number of weekends to rectify the problem. This view was subsequently endorsed by the Panel.

O&S.25/16 **PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, the following questions had been received for consideration during this agenda item:

(a) Questions from Georgina Allen:

- (i) *Could we please be informed of the precise steps that would need to be taken to remove T3 from the Joint Plan?*
- (ii) *Could you explain why it is necessary for an area to be in the Joint Plan for it to be enhanced? Surely it is possible to improve an area without it being in a document intended to explain where development will go?*
- (iii) *What covenants and charters cover the land in T3?*
- (iv) *Would the Council accept the outcome of a full referendum regarding whether or not T3 should be in the Joint Plan if the town council carried one out?*
- (v) *Seeing as the land in T3 is held in trust by SHDC, could the council explain how it can justify selling assets against the wishes of a community?*
- (vi) *Could the council please explain why they told a meeting of the market traders that none of the square would be built on, when they have plans for commercial units on the front and 20 houses on the back?*
- (vii) *Can T3 be taken out of the Joint Plan without it affecting the five year supply cover?*
- (viii) *How can T3 be left in the Joint Plan if it means the Neighbourhood Plan will fail its referendum if T3 is left in?*

(b) Question from Richard Szczepura:

The T3 area of Totnes in the Joint Local Plan is identified as a target for the building of some 70 houses. There are quite a number of recent and proposed developments in Totnes, such as the two new houses next to the Nursery car park, the submitted application for two affordable houses in Paige Adams Road and the proposed housing included in the outline plans for the Brunel site next to the railway station. Can account been taken of these houses, and future proposals, as an alternative to building in the T3 area?

(c) Question from Lyn Szczepura:

The T3 area of Totnes in the Joint Local Plan is identified as a target for the building of some 70 houses. If the identified car parks were to be built on, up 180 parking places would be lost in the centre of the town. A large number of residents living in central Totnes do not have private parking facilities and rely on these car parks. People in employment often need convenient access to their vehicles if they have to travel to work, without this their livelihoods could be affected. If these existing car parking facilities are removed, what plans are in place to provide essential accessible parking for residents?

In the order that they were presented, Cllr Hicks (lead Executive Member) provided the following responses:

Response to Question (a)(i):

“The decision as to which proposals were included in the final plan sat with the individual Councils which made up the Joint Plan. The current plan (with a small p) was to finalise the preparation of the Plan sometime in early 2017 and we would not know until then what would, or would not, be included.”

Response to Question (a)(ii):

“The preparatory work which was completed before any proposal was included in the Plan, enabled a number of processes in the normal planning system to be partially completed. I believe the question included a misunderstanding about what a Local Plan was all about. It was a plan for an area for the future and included many aspects not just development. The aspiration of this Council had always been to support the furthering of the town centre amenity and operation subject to the necessary funding. Indeed, the development of the Town Centre over the last twenty years or so had been facilitated by this Council in conjunction with local organisations and the Town Council.”

Response to Question (a)(iii):

“I am not able to answer this question at this moment but we have our relevant legal officers working on it. As a matter of interest they have just completed a similar exercise for a site in Kingsbridge.”

Combined Response to Questions (a)(iv), (v) and (viii):

“The Local Plan process, which was now in its second year, was underpinned by the Neighbourhood Plan (NP) process. It was important to note (and N.P.Groups know this) that a Neighbourhood Plan had to accord with the Local Plan and this was a safeguard to limit the chance of either plan being found “unsound” by the Inspector.

There was no requirement for the Local Plan to be submitted to a referendum. This was, however, the requirement for Neighbourhood Plans. We believe the Neighbourhood Plan would not fail in Totnes.

The members of the group were responsible residents of Totnes and I am sure they would represent their findings accurately to the Town.

South Hams District Council was a legally constituted body with a formal constitution. We do not hold our assets “in trust” in the true sense of the phrase but our Constitution required that decisions about selling assets and, indeed, buying assets are made within a series of controlled processes. One important requirement was that these decisions were made in the best interests of the whole South Hams area.”

Response to Question (a)(vi):

“I am not aware of any meetings where such a broad ranging commitment had been made by this Council. However, we were supportive of the principal of a Market Square in the centre of Totnes i.e. within T3 and the questioner knew full well that there was a protection in force for this area. The difficulty came from defining the area exactly. This additional definition would be included in the Plan at Reg. 19. All those concerned could be assured that during the remaining process and any subsequent potential planning would be subject to a whole load of consultation, design etc. before any decisions were made and our interest would be enhancement – nothing less. Having plans (with a small p) did not mean a decision made. We were always considering new proposals.”

Response to Question (a)(vii):

“There was a very tenuous connection between T3 and a five year land supply. Such land supply was the result of a complicated and detailed calculation which was carried out at regular intervals throughout the life of a Local Plan and was applicable to the larger planning areas not local issues.”

Response to Question (b):

“It was wrong to assume that figures which were inserted in the Local Plan such as the 70 in T3 refers to houses per se. What we talk about when considering possible numbers on individual sites was dwellings. It was incorrect to refer to this as a target. It was just a possibility for consideration. One further factor. Because these were not targets they should not be used as sort of bargaining numbers.”

Response to Question (c):

“I would make the same comment concerning targets as in question b (above). Your question related to car parks. As the Local Planning Authority, we had given many assurances about the feared loss of car parking space in Totnes. Please accept our current assurance that car parking provision in Totnes centre would not be lost.”

In concluding this agenda item, the Chairman thanked the questioners and Cllr Hicks for his responses. Since the allocated fifteen minute time slot had expired, the Chairman advised the questioners that, if they wished to ask any supplementary questions, they should send them in writing to: member.services@swdevon.gov.uk

O&S.26/16 LATEST PUBLISHED EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan and, with no issues being raised, duly noted its contents.

O&S.27/16 SHERFORD DEVELOPMENT: UPDATE ON PROPOSALS AND VISION AND CONSIDERATION OF THE ECONOMIC BENEFITS

The Managing Director of Brookbanks Consulting Limited presented an update to the Panel that provided some background context, the current position of the project and the future proposals.

In the subsequent discussion, reference was made to:-

- (a) the positive feedback received from the recent Sherford Member Site Visit. A number of Members who had attended the visit wished for their thanks to be passed on to the Resident Engineer;
- (b) the ongoing developer commitment. The Managing Director confirmed that the three on-site developers each remained committed to the project;
- (c) housing build numbers being slightly below target (currently 250 per annum against the target of 360). The Panel was given assurances that there were no issues related to skills shortages at present, but this would continue to be closely monitored. In reply to a specific request, the Managing Director confirmed that he would let the Panel know after the meeting how many apprentices were working on-site;
- (d) affordable housing numbers. Members were informed that affordable homes were beginning to be constructed and, in light of planning permission having been granted for 20% within the first phase of development, this would equate to 550 affordable homes being built at this time. It was also agreed that the mix of affordable housing type for this project would be circulated to Members outside of the meeting. In quashing any rumours in this respect, the Managing Director stressed that there was absolutely no intention to transfer any affordable or market housing to any other local authority;
- (e) renewable energy. In light of technology advancements, the Panel was advised that there was every likelihood that more than the 50% target of energy demand on site would be met through renewable energy sources;
- (f) the on-site public realm. Whilst typically for such developments, the work on the public realm would commence once the first 700-1,000 properties had been sold, the Managing Director hoped that it may start at an earlier point for this project;

- (g) public transport provision. When questioned, it was confirmed that public transport provision would commence upon occupation of the 50th house;
- (h) highways issues. Some Members highlighted the detrimental impact from the project works on Deep Lane Junction, Elburton residents and the Plants Galore business. Whilst the disruption was felt to be both regrettable and inevitable, the Managing Director advised that he would nonetheless give further consideration to alleviating the problems and potential safety issues outside of the meeting;
- (i) the benefits of timber frame housing. A number of Members highlighted the benefits of using timber frame housing (e.g. off-site production, more environmentally friendly and faster construction);
- (j) phase two of the project. It was anticipated that a planning application for phase two of the project would be submitted within the next 12-18 months.

O&S.28/16 **NEW (NORTHERN, EASTERN, WESTERN) DEVON CLINICAL COMMISSIONING GROUP**

The Chairman introduced the Head of Commissioning and the Interim Director of Integrated Commissioning from NEW Devon CCG, who were in attendance to provide a presentation and respond to Member questions. In addition, the Head of Integration for South Devon and Torbay CCG was also in attendance in the event of any specific questions relating to that part of the South Hams.

The presentation included reference to the seven priorities of the NEW Devon CCG and how these were being delivered by the organisation. The Panel noted that the priorities were as follows:

- Urgent Care;
- Children and Young People;
- Elective Care;
- Individual High Cost Packages of Care;
- Health and Wellbeing Hubs;
- Mental Health; and
- Primary Care.

In discussion, the following points were raised:-

- (i) Some Members were of the view that the recent consultation exercise undertaken by the South Devon and Torbay CCG was very leading which brought into question the merits of the process. In reply, the representative advised that the questionnaire had been designed with a range of stakeholders being involved, however she did advised that the view of the Member had already been made on recent occasions. As a comfort, the Panel was advised that stakeholder meetings were ongoing and would help to form a set of proposals to be presented to the Governing Body during early 2017;

- (ii) With regard to the proposals specifically relating to Dartmouth, a local ward Member informed that the Riverview Care Home proposal was broadly supported. However, the Member urged the CCG to take account of the overwhelming majority of local residents and include provision for 8 dedicated hospital beds rather than the current proposal of 4, which was felt to be insufficient;
- (iii) A Member stated his view that the model to close Community Hospital Beds was a good concept. However, in reality, the concept did not work. In expanding upon the point, Members recognised that there were benefits to care at home, but emphasised that this was not always appropriate. In addition, a Member also highlighted the challenges arising from the rurality of the district and, as an example, made reference to the reluctance of a number of carers to be travelling on rural roads during the winter months;
- (iv) The representatives confirmed that the matter of some patients not being able to access services which were actually closer to their homes, but outside of the CCG geographical area of responsibility, was currently being reviewed across all CCGs;
- (v) In recognising the importance of Members being kept up to date with the workings of the CCGs, it was requested that the representatives be invited to provide a further update to the Panel at its meeting on 4 May 2017;
- (vi) A Member questioned how the CCGs could guarantee that older residents who lived on their own still received the appropriate level of care in their own homes. In response, the representatives advised that multi-disciplinary intermediate care teams had been established who met on a daily basis to ensure that care was in place and appropriate for an individuals needs.

O&S.29/16 **JOINT SH/WD ECONOMY WORKING GROUP FINDINGS AND DELIVERY PLAN**

Members were presented with a report that presented a progress update on the work of the Joint Economy Working Group.

In the subsequent discussion, reference was made to:-

- (a) continuation of support for the Growth Hub. The Panel confirmed its support for the Working Group proposal whereby £3,000 of funding should be retained in the Budget to continue with the Growth Hub initiative;
- (b) the importance of the Economy priority. A Member emphasised the importance of this corporate priority and was of the view that the proposals should have sought more resource and capability to support the Economy;

- (c) the proposal to spend £8,000 to direct tailored support for up to 100 South Hams businesses from Business Information Point. If approved, it was confirmed that this proposal would be subject to a Service Level Agreement;
- (d) such were the close linkages identified between the work of the Economy Working Group and the Joint Local Plan Steering Group, that an additional recommendation was **PROPOSED** and **SECONDED** as follows:
- “That the Economy Working Group meet with the Council’s representatives on the Joint Local Plan Steering Group to progress those issues identified in the action plan that relate directly to the Joint Local Plan Policy and Allocation. “*
- (e) the statement that ‘SH had the lowest level of economic inactivity in Devon’. In expressing his surprise at this statement in Appendix 2 of the presented agenda report, a Member asked that the figures that supported this comment be circulated to the Panel.

It was then:

RESOLVED

1. That the Executive be **RECOMMENDED** that the short term Economy Delivery Plan (as attached at Appendix 1 of the presented agenda report), including using £8,000 from the Invest to Earn earmarked allocated reserve (as discussed in paragraph 5.2 below), be adopted;
2. That the work of the Joint Economy Working Group and the economy update ahead of the budget setting process be noted; and
3. That the Economy Working Group meet with the Council’s representatives on the Joint Local Plan Steering Group to progress those issues identified in the action plan that relate directly to the Joint Local Plan Policy and Allocation.

O&S.30/16 **PARKING ARRANGEMENTS FOR VEHICLE TAX EXEMPT MOTORISTS**

Members were presented with a report that sought to consider the recommendation to maintain the current parking charge arrangement for disabled motorists, who are also vehicle tax-exempt.

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that the arrangements for disabled vehicle tax-exempt motorists remain unchanged, but that the public consultation in respect of this be repeated.

O&S.31/16 TASK AND FINISH GROUP UPDATES

(a) Dartmouth Lower Ferry

The Chairman advised that negotiations were currently ongoing with staff fully involved in the process.

(b) Partnerships – Update Report

The Chairman made reference to the Task and Finish Group currently reviewing the submitted business cases for the CAB and CVS and it was still intended that an outcome report would be presented to the Panel meeting on 24 November 2016.

(c) Waste and Recycling

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

- once 90% full, all recycling banks in the South Hams were now being emptied. Whilst the Group was still looking at service improvements in this respect, it was not deemed cost effective to empty banks whilst only half full;
- the round review was progressing well and it was anticipated that an outcome report would be ready during the Autumn;
- the Group was aiming to publish its findings on the recycling sack project before the end of December 2016.

(d) Events Policy Principles

The Panel considered a report of the Events Task and Finish Group that presented a set of guiding principles that were proposed to be used to form the basis of the new Policy.

In introducing this agenda item, the Group Chairman advised that he had been made aware of some appetite amongst some of his colleagues for the proposed guiding principles to be published for further public consultation before a decision was taken.

In discussion, it soon became apparent that there were a strong difference of views amongst Members. As a principle, some Members expressed their support for the principle whereby events that were hosted on Council owned land (that would result in a consequent loss of income to the Council) should see the authority being reimbursed accordingly.

In contrast, other Members expressed their disquiet at the guiding principles and made particular reference to:

- the proposal being particularly contentious, mean-spirited and short sighted;
- the principle being front page news in local papers throughout the South Hams;
- the proposals being contrary to the 'Big Society' agenda, which would affect the semblance of volunteerism and the tremendous wellbeing that such events brought to local communities. As a consequence, these recommendations would bring into question the actual viability of a number of local events;
- the economic benefits arising from such events. As an example, a local Ward Member highlighted that it had been conservatively estimated that the Dartmouth Regatta event generated an additional £3.5 million to the local economy;
- the disparity whereby most of the proposed charges were set at £50 per day, whereas those events in Dartmouth were proposed to be £150 per day;
- the belief that the Council should in fact be working to preserve and support the traditions of the South Hams and its wonderful array of events.

Some Members of the Task and Finish Group proceeded to express their frustrations that a number of their colleagues had not expressed their deep frustrations at an earlier time during the review.

As a way forward, the overriding need to address the current disparity was recognised and still remained and the following motion was therefore **PROPOSED** and **SECONDED**:-

“That the Task and Finish Group be reconvened with the purpose of focusing on the objective to ensure parity of fees and charges for events on SHDC land / premises.”

When put to the vote, the motion was declared **CARRIED**. In addition, the lack of town based ward Member involvement on the Group was identified as a shortcoming. It was therefore agreed that Cllr P Cuthbert be added to the membership of the Group, with the lead Executive Member for Commercial Services also taking on an increased role during the review.

It was then:

RESOLVED

That the Task and Finish Group be reconvened with the purpose of focusing on the objective to ensure parity of fees and charges for events on SHDC land / premises.

(e) Permits Review

The Panel noted that the first Group meeting had been held and the current list of permits had been initially considered. Furthermore, the next Group meeting had been scheduled to take place on Thursday, 20 October 2016.

O&S.32/16 ACTIONS ARISING / DECISIONS LOG

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

O&S.33/16 DRAFT ANNUAL WORK PROGRAMME 2016/17

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

- (a) A further progress update on the Sherford project was requested to be added to the work programme for the Panel meeting on 6 April 2017;
- (b) Further to the request above (Minute O&S.28/16 refers), it was agreed that representatives from both of the local CCGs should be invited to attend the Panel meeting on 4 May 2017;
- (c) The Panel concluded that a briefing paper on the Street Naming and Numbering function would be useful and it was concluded that this item should be considered at a Panel meeting during early 2017;
- (d) Following a Member request for the Staff Survey Action Plan to be scheduled as a future agenda item, the majority view amongst the Panel was that this was an operational issue that was a matter for the Head of Paid Service. Officers did extend an invitation to any interested Members to meet with the Head of Paid Service and discuss the contents of the Action Plan outside of this meeting;
- (e) With regard to the 'Customer Services – Six Month Update' (scheduled for 24 November 2016 Panel meeting), Members requested that the period during which the telephony problems had arisen should be separated out from the rest of the performance data.

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

Chairman

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 20 OCTOBER 2016**

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

Also in attendance and participating		
Item 6	E.31/16	Cllrs Baldry, Hodgson & Pennington
Item 7	E.32/16	Cllr Pearce
Item 8	E.33/16	Cllr Cuthbert
Item 9	E.34/16	Cllrs Baldry, Bramble, Green, Hodgson & Saltern
Item 11	E.36/16	Cllrs Birch, Brazil, May, Hopwood, Pearce and Pennington
Also in attendance and not participating		
Cllrs Blackler, Holway and Pringle		

Officers in attendance and participating		
All items		Head of Paid Service, Section 151 Officer and Senior Specialist – Democratic Services
Items 6 and 7	E.31/16 and E.32/16	Specialist (Accountant Business Partner)
Item 8	E.33/16	Environmental Health Community Of Practice Lead
Item 11	E.36/16	Group Manager – Commercial Services and Operational Manager (Waste) – Commercial Services.

E.28/16 MINUTES

The minutes of the Executive meeting held on 15 September 2016 were confirmed as a true record and signed off by the Chairman.

E.29/16 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.30/16 PUBLIC QUESTION TIME

It was noted that no public questions had been received.

E.31/16 **QUARTER 2 REVENUE BUDGET MONITORING 2016/17**

In accordance with the Council's Financial Procedure Rules, a report was considered that enabled Members to monitor income and expenditure variations against the approved budget for 2016/17 and that provided a forecast for the year end position.

In introducing the presented agenda report, the lead Executive Member drew attention to the supplementary notes that accompanied the 2016/17 Budget Forecast and specifically highlighted:-

- the significant additional income that had been generated through boat storage in Salcombe. In commending this point, the Member wished to put on record his thanks for the commercial work that was being undertaken by the Harbour Master;
- that car parking income was predicted to be 1% above the budget. In thanking lead officers for their accurate modelling in this respect, the view was also expressed that the benefits were now being realised from the localised charging regime (e.g. charges being set on an individual town by town basis);
- that it remained his hope that central government would introduce legislation whereby local authorities could increase their planning charges to ensure that their costs were being fully recovered; and
- the importance of officers being made aware of any unforeseen budget pressures as soon as was practically possible.

In discussion, particular reference was made to:-

- (a) the Dartmouth Lower Ferry. It was recognised that the Lower Ferry Task and Finish Group was undertaking an extensive review into the service and the recommended outcomes from this piece of work were likely to have an impact on the income and expenditure for this particular budget;
- (b) employment estate units. A Member was of the view that there was scope to improve the turnaround times between a unit being vacated and then re-filled;
- (c) car parking income. In echoing the comments of the lead Executive Member, a Member questioned the proposal whereby the additional income would not be built in to the 2017/18 Budget. In response, officers advised that they would wish to look at income trends for more than one year before the Budget was adjusted;
- (d) alternative investment vehicles. A Member sought an explanation regarding the statement in the presented agenda report that the Council was investigating alternative investment vehicles. The Section 151 Officer proceeded to advise of the intention that reports relating to the Council's Investment Strategy and an Options Appraisal into different approaches to investment and risk would be presented to Members in the upcoming months. In noting this response, the Member urged the Council to exercise great care when making decisions on these reports.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2016/17 financial year and the overall projected overspend of £55,000 (0.6% of the total Budget £8.752 million) be noted.

E.32/16 CAPITAL PROGRAMME MONITORING

Consideration was given to a report that advised Members of the progress on individual schemes within the approved Capital Programme, including an assessment of their financial position.

A brief debate took place on the summary of the approved programme and allocated budget (Appendix A of the presented agenda report refers). In future versions of the summary, Members requested that its formatting be revisited and estimated completion dates be included for each listed site.

A local ward Member advised that the site at Cliff House Gardens, Salcombe was incorrectly listed in the summary as having been completed.

It was then:

RESOLVED

That the report be noted.

E.33/16 ANNUAL REVIEW OF HEALTH AND SAFETY POLICY

Members considered a report that presented the annual review of the Council's Health and Safety Policy.

In discussion, reference was made to:-

- (a) the relevance of the Policy to elected Members. Members recognised that the Policy was as applicable and relevant to them as it was to Council officers. Furthermore, the need for Members to be in receipt of related training (e.g. lone worker, agile working and mental health) was emphasised by a number of Members;
- (b) development of a Communications Plan. In striving to develop a culture of good health and safety across the Council, it was noted that a Communications Plan was currently being produced;
- (c) linkages to the staff appraisal process. The Head of Paid Service confirmed that health and safety issues were specifically referred to as part of the staff appraisal process.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to adopt the revised Health and Safety Policy before it is then signed by the Head of Paid Service and the Leader of the Council.

E.34/16 **REPORTS OF OTHER BODIES**

(a) OVERVIEW AND SCRITINY PANEL – 4 AUGUST 2016

O&S.12/16: Urgent Business

(a) Response to Member Concerns about Staff Morale

A Panel Member expressed his concern that the wider membership were unaware of the meeting that took place between some Members and the Executive Directors to further consider the issues of staff morale. The Member also stated his further disappointment that the action plan that was being developed to improve staff morale would not be presented to the Panel for formal consideration.

As a general viewpoint, some Members stated their belief that staff morale had improved in recent months.

O&S.17/16: Task and Finish Group Updates

(a) Dartmouth Lower Ferry

When questioned, officers confirmed that the meeting had taken place with the Trade Unions and progress had been made. A further meeting was scheduled on 31 October 2016 and it was ultimately intended that the Task and Finish Group would report back to the Panel during early 2017.

(b) Partnerships – Update Report

In discussion, it was emphasised that the element of the report relating to the CAB and CVS still remained unresolved and was not presented for further consideration to this meeting. As an update, the Panel Chairman advised that a further meeting of the Task and Finish Group had been arranged to further consider the business plans submitted and it was intended that the outcome of this Group meeting would be presented to the Panel on 24 November 2016.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** 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 the ongoing reviews into the partnership arrangements with the CAB and CVS;
5. 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
6. That 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.

(d) Events Policy

As an update, the Task and Finish Group Chairman advised that the re-configured Group would be holding its first meeting later on this day (20 October 2016).

E.35/16

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.

E.36/16 **FLEET REPLACEMENT**

An exempt report was considered that highlighted that the Council's current Fleet Replacement Programme ran until the end of 2016. As a consequence, a new programme needed to be introduced to ensure business continuity and to future proof the service wherever possible.

In discussion, reference was made to:

- (a) the definition of a minor amendment. In line with the Council Constitution, a minor amendment was defined as being no more than £30,000;
- (b) the Fleet Replacement Programme. As a rolling programme, it was noted that it would be kept under regular review;
- (c) the impact of the Local Authority Controlled Company (LACC) proposals. Officers confirmed that issues including responsibility for Fleet Replacement would be subject to further consideration by the LACC Joint Steering Group;
- (d) paragraph 3.9 of the presented agenda report. It was noted that the replacement cost stated at paragraph 3.9 was incorrect and Members were consequently advised of the correct figure.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that:

1. Option 3(a) be adopted as the Fleet Replacement Programme for the Council (as outlined in paragraph 4.4 of the presented agenda report);
2. the contribution to the vehicle replacement earmarked reserve be re-profiled in accordance with Option 3(a) (as shown in Table 6 of the presented agenda report) to ensure the budget is aligned to the timing of the vehicle purchases up to March 2022;
3. £35,000 be utilised from the 2016/17 Capital Programme Contingency Budget to fund the shortfall in 2016/17 (this recommendation is subject to the Option chosen and is based on Option 3(a) being recommended); and
4. minor amendments to the Fleet Replacement Programme be delegated to the Waste Manager (Operations) and the Section 151 Officer, in consultation with the lead Executive Members for Commercial Services and Support Services.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.33/16, E.34/16 and E.36/16, WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 15 DECEMBER 2016, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 31 OCTOBER 2016 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 11.25 am)

Chairman

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MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 26 OCTOBER 2016

Members in attendance			
* Denotes attendance			
∅ 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	*	Cllr R J Vint

Other Members in attendance:

Cllrs Green and Wright

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Senior Specialist (Development Management); Deputy Monitoring Officer; and Senior Specialist – Democratic Services
6 (DM.36/16 below refers)	2498/16/HHO and 1319/16/FUL	Senior Case Managers (Development Management)
8 (DM.38/16 below refers)		Specialist Manager

DM.32/16 APPOINTMENT OF VICE-CHAIRMAN

In the absence of the Chairman, the Vice-Chairman introduced the meeting and invited nominations to the position of Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

That Cllr T R Holway be appointed Vice-Chairman for the duration of this meeting.

DM.33/16 MINUTES

The minutes of the meeting of the Committee held on 28 September 2016 were confirmed as a correct record and signed by the Chairman.

Local Ward Members – Cllrs Pearce and Wright

Recommendation: Conditional Approval

Committee Decision: Refusal

During the debate, a number of Members highlighted the merits of the site inspection and, in particular, the ability to gauge the potential impact on No. 18 Meadcombe Road (the neighbouring property to the west of the application site). The majority of Members felt that the reasons that were cited for the previous refusal decision on this site (that had subsequently been endorsed on appeal) had not been sufficiently overcome to warrant this application being conditionally approved. In particular, the proposals were considered to be overbearing and dominant to No. 18 and were therefore contrary to policy DP3.

Reasons for Refusal:

The proposals would have an overbearing and dominant impact on the rear garden of No. 18 Meadcombe Road and were therefore contrary to DP3. In addition, the proposals would still have a substantial and adverse impact on the street scene that would be untypical of the Mead Estate.

**1319/16/FUL Jackmans Barn, 5 Follaton Farm Barns,
Totnes, TQ9 5NA**

Parish: Totnes

New dwelling within grounds of existing dwelling

Case Officer Update: N/A

Speakers included: Supporter – Mr Jones;
Local Ward Members – Cllrs Green and Vint; and
DCC Highways Officer – Mr Jackson

Recommendation: Refusal

Committee Decision: Conditional Approval

Conditions:

1. Standard time limit;
2. Accord with plans;
3. Unsuspected contamination;
4. Removal of Permitted Development rights;
5. Ecology; and
6. Sensitive light mitigation (ecology).

During the debate, a number of Members made the point that there was a

real need for safety improvements for pedestrians to be made along Plymouth Road and a Member specifically requested that the Totnes Transport Forum be tasked with focusing on a long-term solution for this issue. That being said, it was recognised that there were a number of properties in this area and the impact of one additional dwelling was therefore considered to have a minimal effect on road safety. Some Members also made reference to the distance of the application site from the town centre and that, in reality, the majority of residents would drive and not walk into the town. Finally, some Members also highlighted the innovative and sustainable nature of the design and that the Conservation Officer had raised no objections to this proposal.

Reasons for Conditional Approval:

The Committee felt that there was sufficient pedestrian access (albeit informal) into Totnes town centre.

Members recognised that there had been no serious or fatal accidents at this junction in the last three years and, whilst visibility was far from ideal, the development of one more property in this area was likely to have a very marginal effect on road safety.

DM.37/16 **PLANNING APPEALS UPDATE**

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

DM.38/16 **PERFORMANCE INDICATORS**

The Specialist Manager introduced the latest set of performance indicators related to the Development Management service.

In the ensuing debate, reference was made to:-

- (a) additional performance indicators. Members requested that future reports include additional performance information relating to the number of planning applications to be determined and specifically the current caseload for each officer;
- (b) agreed time extensions. Members repeated their continued concerns at the disappointing levels of performance for those planning applications that had not been subject to an agreed extension. In response, it was noted that these concerns were shared and acknowledged by officers;
- (c) performance measures. Members were of the view that, in future reports, it would be beneficial to illustrate certain indicators with actual numbers as opposed to percentage figures. In acknowledging that this reporting process was still in its infancy, a Member also requested that related indicators (e.g. Major applications determined in time that were

including and excluding extensions) should be superimposed onto one graph;

- (d) planning enforcement. The Committee was advised that the Council would expect between 100 and 150 enforcement cases to be live and active at any given time. Some Members made a specific urgent request for officers to address a specific enforcement case relating to a wall on Ashburton Road. In response, the Specialist Manager gave a commitment that he would progress this matter and ensure that the concerned Members were kept updated in this respect.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

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

Chairman

Voting Analysis for Planning Applications – DM Committee 26 October 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2498/16/HHO	16 Meadcombe Road, Thurlestone	Refusal	Cllrs Brazil, Bramble, Hitchins, Hodgson, Holway, Pearce, Rowe and Vint (8)	Cllrs Cane and Foss (2)	None	Cllrs Cuthbert and Steer (2)
1319/16/FUL	Jackmans Barn, 5 Follaton Farm Barns, Totnes	Conditional Approval	Cllrs Brazil, Bramble, Cane, Hitchins, Hodgson, Holway, Pearce, Rowe and Vint (9)	Cllr Foss (1)	None	Cllrs Cuthbert and Steer (2)

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 3 NOVEMBER 2016**

Panel Members in attendance:			
* 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		

Other Members also in attendance:
Cllrs H D Bastone, I Bramble, J Brazil, R D Gilbert, M J Hicks, J M Hodgson, T R Holway, R Rowe, R C Steer, R J Tucker, L A H Ward and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service, Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services
8	O&S.38/16	Senior Community Safety Officer, South Devon and Dartmoor Community Safety Partnership and Specialist: Community Safety, Safeguarding and Partnerships
9	O&S.39/16	Group Manager – Support Services / Customer First
10	O&S.40/16	Locality Manager
11	O&S.41/16	Specialist Manager
12	O&S.42/16	Group Manager – Commercial Services
13	O&S.43/16	Senior Specialist: Place and Strategy
16	O&S.46/16	Salcombe Harbour Master

O&S.34/16 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 6 October 2016 were confirmed as a correct record and signed by the Chairman.

O&S.35/16 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:

Cllr R D Gilbert declared a personal interest in agenda item 16: 'Beach and Water Safety' (Minute O&S.46/16 below refers) by virtue of owning a private beach that was not included on the list contained within Appendix 1 and remained in the meeting during the debate on this particular item.

O&S.36/16 PUBLIC FORUM

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

O&S.37/16 LATEST PUBLISHED EXECUTIVE FORWARD PLAN

The Panel was advised that an updated version of the Executive Forward Plan had been published since the Panel agenda papers had been circulated. As a consequence, the Chairman made reference to the following changes:-

- The agenda items relating to Devolution and the Sherford Delivery Team would now be considered at a later date than the initially anticipated 1 December 2016;
- The Council Tax Reduction Scheme would now be presented to the Executive meeting on 1 December 2016;
- An agenda item relating to the Dartmouth Lower Ferry had been scheduled for consideration by the Executive at its meeting on 2 February 2016; and
- A Waste Review agenda item had been added to the Forward Plan for consideration at the Executive meeting on 9 March 2016.

In the ensuing discussion, the budget setting process was outlined and all Members were encouraged to submit their views as part of this exercise. However, in so doing, it was noted that any proposals that involved additional expenditure would need to illustrate how these would be funded.

O&S.38/16 COMMUNITY SAFETY PARTNERSHIP

The Panel considered a report that provided Members with the opportunity to scrutinise the work of the Community Safety Partnership (CSP) as defined by Sections 19 and 20 of the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

In the subsequent discussion, reference was made to:-

- (a) the annual CSP forum event that had been held at Rattery Village Hall. Some Members commended the success of this event which had been attended by over 50 residents and had been particularly well received;
- (b) the success of the Partnership. A number of Members felt that the CSP was doing an excellent job, but were of the view that there was scope for the Partnership to improve the methods in which it advertised and promoted itself;
- (c) the use of illegal highs. In citing the recent tragic loss of life in Totnes, the CSP representative advised that illegal highs were far too prevalent in the community and proceeded to outline some of the measures that were being undertaken to reverse this trend;

- (d) 'learn 2 live' events. The Panel was advised that these events were targeted at young people and were focused on all aspects of road safety. The effectiveness of these events was emphasised and the representatives confirmed that they would let Members have the details of future 'learn 2 live' events;
- (e) mental health awareness. The Panel was provided with a comprehensive response on the measures that the Partnership was involved in to combat mental health. In reply, a Member proceeded to state his support for the approach being followed by the CSP and, as a general point, his belief that central government needed to allocate greater expenditure in this regard;
- (f) the impact of reduced grant funding. Whilst there was no doubt that the reduced funding was having an impact, the CSP representatives informed that it was forcing the Partnership to continually consider innovative ways of working. In reply to a question, the representatives highlighted the importance of the annual grant awarded from the Police and Crime Commissioner, who had indicated that she greatly valued and recognised the prevention work undertaken by CSPs;
- (g) the benefit of Youth Workers. A Member highlighted the good work that was being carried out by the Youth Worker that had been funded by the Town And Parish (TAP) Fund process for the Northern area of the district. Indeed, such was the extent of this positive work that the Member suggested that the Youth Worker should be invited to provide a presentation to the wider membership. In response, the Chairman of the Panel and the Leader of the Council gave a commitment to consider this request.

In concluding the agenda item, the Chairman thanked the representatives for their attendance and reminded those present that, in his capacity as the Council's appointed Member on the Police and Crime Commissioner Scrutiny Panel, he was more than happy to relay any issues to it on behalf of Members and the CSP.

RESOLVED

That the report be noted and that the comments expressed in the minutes above be taken forward.

O&S.39/16 TRANSITIONAL RESOURCES MONITORING REPORT

A report was considered that provided Members with an update on the impact on service areas of the temporary, fixed-term transitional resources that had been approved by the Council at its meeting on 30 June 2016 (minute 25/16 refers).

The Group Manager – Support Services / Customer First informed that overall performance was encouraging. However, the one area that was still giving him cause for concern was Development Management, which had seen a 12% increase in planning application numbers that had placed additional pressure on staff, who already had exceptionally high caseloads.

In discussion, the following points were raised:-

- (a) A number of Members challenged the positive nature of the report, which they felt was in contradiction to the current perception of Council performance that was held by the public, town and parish councils and Members. In combating these comments, the Executive Directors made particular reference to:
- the time lag between actual performance improvements and these being realised by Members out in their respective communities;
 - genuine demonstrable improvements are being made;
 - officers working tirelessly to make the Transformation Programme a success and the general sense of negativity amongst Members being unhelpful.

The Leader of Council supported the views expressed by the Executive Directors and emphasised the point that there was a direct correlation between Member activity in their respective local wards and the nature of the correspondence received by the Council from these areas;

- (b) With regard to the likely impact upon the Council at the end of the transitional resource period, officers confirmed that, with the exception of Development Management, they did not anticipate that there would be a need for any further resources to be allocated in any other area. Specifically regarding the potential for additional resources in Development Management, it was felt appropriate that this matter be considered during the draft budget setting discussions at the joint meeting of the Panel and the Development Management Committee on 19 January 2017;
- (c) In providing an update on the new Council website, assurances were given that all Members would have the opportunity to test and provide feedback on it in the next few weeks. Following a rigorous testing exercise, it was anticipated that the new website would go live in December/January;
- (d) Officers highlighted the recent sessions held with town and parish clerks and confirmed that these had provided some particularly constructive feedback. Having reflected on these sessions, officers were of the view that the Council needed to consider methods of standardising the ways it worked with town and parish councils;
- (e) As a general point, some Members felt that the presentation and format of the monitoring report did not easily illustrate to the reader that it was a positive news story.

RESOLVED

That the monitoring report and the progress made to date be noted.

O&S.40/16 LOCALITY SERVICE PERFORMANCE

In light of a request made by the Panel at its meeting on 17 March 2016 (minute O&S.90/15 refers), a report was considered that provided a further review into the performance of the Locality Service.

In discussion, the following points were raised:-

- (a) Whilst one of the concerns that had necessitated this review was the role of the Locality Engagement Officers, a number of Members made the point that these had now been mitigated and the role was proving to be particularly effective. Furthermore, the work undertaken by the Mobile Locality Officers was also commended by Members;
- (b) A number of Members wished to recognise the efforts of the Locality Manager in making the Locality Service such a successful and effective operation.

It was then:

RESOLVED

That the performance of the Locality Service be noted and the Locality team be congratulated on the success of the operation.

O&S.41/16 DISABLED FACILITIES GRANT: VERBAL UPDATE

The Specialist Manager provided a verbal update on Disabled Facilities Grants (DFGs) that focused on three particular elements as follows:

1. Funding – the Panel noted that, in accordance with the Better Care Fund, central government was awarding additional monies towards DFGs. Since the Council now had 1.5 full time equivalent members of staff working on the delivery of DFGs, it was now in a position to make an application to the Better Care Fund for additional funding;

2. Management and performance – the officer confirmed that performance was improving and DFGs were currently being allocated at an average of just under 100 working days. Such was the extent of the performance improvements, it was felt that the Council target (average time between 65 and 70 days) was now attainable; and
3. The future – whilst there was always uncertainties regarding whether or not the Council would receive the full allocation of monies each year, the Panel was informed that there remained a clear demand that was now appropriately resourced. With regard to maximising value for money opportunities, the officer advised that there was scope to make greater use of procurement opportunities through joint working with other local authorities.

The Panel acknowledged the positivity arising from this agenda item and thanked the officer for his update.

O&S.42/16 **TASK AND FINISH GROUP UPDATES**

(a) Dartmouth Lower Ferry

The Chairman advised that negotiations were currently ongoing with staff fully involved in the process.

(b) Partnerships

The Chairman highlighted that the next Task and Finish Group meeting was due to take place on 9 November 2016 and it was intended that the concluding report of the Group would then be presented to the next Panel meeting on 24 November 2016.

(c) Waste and Recycling

In providing an update, the lead Executive Member for Commercial Services made particular reference to the progress report that had been circulated to all Members earlier that week. In particular, the Member reminded those in attendance that the Task and Finish Group had accepted the consultants' findings and concluded that the round review would not reap the full benefits expected. Therefore, the Group had agreed that it would be more prudent to carry out a targeted review of aspects of the service that included re-balancing the current rounds.

In the ensuing debate, reference was made to:-

- (a) the ability for the Group to now move on and consider further service efficiencies. For clarity, it was confirmed that the Group was not proposing a large scale waste review, but was going to look at specific elements of the current service;

(b) the budgeting implications. A Member expressed his disappointment that the Council had built in a projected £120,000 saving from the service that had now proven to be unachievable. In accepting the point, other Members recognised the need for greater challenge (and assurance) in respect of whether a proposed saving was realistic before it was included in the budget proposals.

(d) Events Policy

The Group Chairman advised the Panel that a meeting had recently taken place and a further meeting was due to take place before the conclusions of the Group were presented to the next Panel meeting on 24 November 2016.

In light of a request, it was agreed that Members should send a list of organisations who they believe should be included in the direct consultation exercise to the Group Manager – Business Development and/or the Group Chairman.

(e) Permits Review

Members noted that two meetings had been held and the Group was intending to present its final report to the next Panel meeting on 24 November 2016.

O&S.43/16 ACTIONS ARISING / DECISIONS LOG

In presenting the latest log, the Chairman made reference to the questions related to the T3 area of Totnes in the Joint Local Plan (Minute O&S.25/16 refers). The Chairman reminded the Panel that, since the fifteen minute time slot had expired, he had invited the three questioners to send in any supplementary questions outside of that meeting.

Subsequent to this invite, the following supplementary questions had been received:

Supplementary Questions Received from Georgina Allen:

'Relating to question 1 - the question referred to taking T3 out of the Joint Plan; as we had already been told that T3 was the equivalent of the old plan, (Radio Devon interview with Cllr Hicks in the summer) then we know the details and that was what we are requesting removed. Could you please advise of the process how to do this and how to hand it over to the Neighbourhood Plan?'

'Relating to question 2 - you say that the T3 area is in the Joint Plan in order for it to be enhanced; the Neighbourhood Plan have confirmed that they would be interested in enhancing the square themselves and so would ask you to confirm if this would be possible. They also would like to enquire of the exact nature of the enhancement of the civic square in the last 20 years as paid for by SHDC, as they are not aware that any enhancement has taken place.'

'Relating to question 3 - Although you were not able to answer this question, I would like to include an answer from the Heritage Group to Cllr Vint's enquiry -

Dear Cllr Vint,

Thank you for your enquiry. Having checked our catalogue, and spoken to our Archivist Jan Wood, about this, it appears that we do not hold the original charter here. If it survives, it may be held at the National Archives.

However, we do have the following two items in our collection:

1) 1120Z/T/62 "Copy and translation of Patent Roll of 1376-1377 re Confirmation of Totnes Borough Charter at death of Black Prince" – this is a 19th century copy.

2) 1579A/1/2 "Translation of Henry VII Charter of Incorporation, including confirmation of Charter of 1206 making Totnes a free borough" – the original charter of incorporation dated from 1505, however this translation is much more recent (18th or 19th century) and consists of about 14 pages (some fragile).

These can be viewed in our searchroom, and if you are interested in visiting us you can find more information about this at

http://www.devon.gov.uk/.../record_office/inf.../visiting_us.htm <http://www.devon.gov.uk/index/councildemocracy/record_office/information_dass/visiting_us.htm> .

We can make copies of documents – prices for copies in the searchroom are 50p per sheet (for black and white, A3 or A4), or £1.50 for a colour A4 copies, £2.00 for colour A3 copies.

The first document consists of 2 pages – the first page contains a transcription of the latin, the second page is a translation – these could each be copied on to A3 sheets.

The second document is more fragile and so may require digital copying instead – as this is charged at £8 per image, you may like to view the document first as it may not all relate to the Totnes Charter. If you were to visit, the searchroom staff would be able to advise on the most appropriate method of obtaining a copy of this document."

'Relating to question 4 - I do not believe an answer to this question was given at the council meeting and so would be grateful for one now. If the town is to hold a referendum or poll concerning T3's inclusion in the Joint Plan would the council accept the result?'

'Relating to question 5 - Could the council please spell out the benefits to the South Hams area of selling the Central Area of Totnes?'

'Relating to question 6 - Could the council please explain the exact nature of the enhancement to T3 that is mentioned in the answer to the question. If a large proportion of the population don't consider building on the car parks and market square an enhancement, then maybe it shouldn't be considered.'

'Relating to question 7 - If the removal of T3 from the Joint Plan will not affect the five year supply, then why is it included. What is the rationale and reasoning behind its inclusion?'

'Relating to question 8 - the Neighbourhood Plan team as well our own district councillors are very worried that the Neighbourhood Plan would fail a referendum if T3 is included in the Joint Plan and I understand that that could put the Joint Plan at risk. Is it worth risking this just to include T3? It would make more sense to hand the entire area over to the Neighbourhood Plan so that there can be a full consultation on it followed by a referendum. What is your opinion on this?'

Supplementary Question Received from Lyn Szczepura:

'The current parking provision in the T3 area consists of the following individual car parks:

Civic Hall, 24 spaces, short term (of which, 2 disabled)

Heaths Nursery, 87 spaces, short term (of which, 4 disabled)

Nursery, 73 spaces, long term

Heathway No 1, 20 spaces, long term

Heathway No 2, 37 spaces, long term (of which, 2 disabled)

Heathway No 3, 11 spaces, long term, permit holders only.

These spaces are barely adequate and are regularly over-stretched on Market days and during the summer season. I am therefore seeking clarification on whether the number of parking spaces provided in the T3 area (including disabled parking) will be retained at this level, 252 in total, in perpetuity?'

Supplementary Question (and Comments) Received from Richard Szczepura:

Unfortunately the response given by Cllr Hicks does not answer my question.

*My original question was seeking clarification on whether housing completions includes small developments such as next to the Nursery car park, planning permissions granted includes small developments such as Paige Adams Road and windfalls includes the increase in proposed housing on the Brunel site. **Could you please answer this clarified question?***

I note that similar questions were lodged in the consultation process by Dr Woolaston MP ("..there needs to be greater clarity about windfall sites. Does this include single dwellings for example as well as exception sites?) and Cllr Vint ("Estimated dwelling are shown here (T4) as 62. There are actually plans for 99 if the McCarthy Stone proposals are included. This additional 37 may go some way to balance reduction in T3.").

I also have three supplementary questions which could not be taken at the meeting but, I was advised by the Chair, could be submitted after receipt of your response.

Q1. Can you give the number of housing completions, planning permissions granted and windfalls allocated to Totnes?

Q2. If the minimum housing numbers by settlement type and other delivery is adjusted in Table 1 of the JLP to match the stated requirement of 8700 can the delivery from towns be adjusted, pro rata, to 5008 and for Totnes to 1135 instead of 1246?

Q3. Can the housing numbers be adjusted to provide a more equitable distribution of percentage increase in population for each town, which in theory would allow a reduction of 366 dwellings in Totnes?

In response to these supplementary questions, the Chairman invited Cllr Hicks (as lead Executive Member for the Joint Local Plan) to read the following statement to the meeting:

“The following statement is addressed to all the many residents who have written, emailed and personally asked questions about the Joint Local Plan and the perceived implications for the centre of Totnes. It is an attempt to clarify the many misunderstandings which have occurred amongst residents in relation to the plans for the centre of the town, the area known in the plan as T3 and is specifically directed at answering the questions submitted to the SHDC Scrutiny meetings of 6 October and 3 November 2016.

Some background

Over the last twenty or so years, T3 has appeared in Local Plans, Core Strategy detail, the DPD etc., etc. and over that time there have been many changes to the town centre area. At the beginning of this period, the area concerned was, in the main, a nursery; Heath’s Nursery.

Many years later, the Nursery was purchased by the District Council and the transformation from the nursery area to its present form was initiated and facilitated by South Hams District Council. Over that time the individual parts of T3 – the Market Square, the various car parks, Leechwell Gardens, the Grove School etc., have been included in the overall plan for the town centre and there has always been an aspiration on the part of the District Council to protect and enhance these important town assets.

Currently the District Council (also the Local Planning Authority) is in the process of developing a new Local Plan. In order to help this process, a decision was made to create a Housing Market Area which incorporates South Hams, Plymouth City and West Devon Borough Councils and following that, a Joint Local Plan was formed by the three councils concerned.

Local Plans have a clearly defined purpose and a detailed format which, when completed, is required to satisfy a Planning Inspector as to area development strategy, specific policies covering various planning detail and meeting the specific housing need for the area.

At this stage, it should be noted, that the Plan (JLP) is for the whole market area, not any one geographical part of it.

Where are we now?

There are two formal consultations in the Plan process, they are called Regulation 18 and 19. Regulation 18 took place in the first quarter of 2016 and Regulation 19 will take part in the early part of 2017 and thereafter the plan will proceed to submission and, hopefully, approval.

T3

Because it has been included in various iterations of the Local Plan for some years, the planning judgement is that removing T3 from the allocated sites, will leave it vulnerable to approach by any developer. This would be due to the risk of an Appeal Inspector taking the view that, historically, the area was allocated. The Planning Authority would be hard put to it, to defend such a position.

A decision has been made to review the T3 area and consider whether the best way forward would be to retain it within the Plan and outline the Authority's wishes in terms of use i.e. the Market Square to be retained as such, Leechwell Gardens to be a dedicated community open space and the car parking to be evaluated with the assurance that numbers will be protected. This work is ongoing and decisions will be made before Regulation 19. These decisions are the responsibility of the Planning Authority.

We are grateful for all the comments, which we have received but stress that this is a work in process. You will all have another opportunity to comment at the Regulation 19 stage.

With particular reference to the questions raised by Dr Szczepura, whilst the points raised are no doubt accurate, unfortunately they are not relevant. The distribution of dwellings around the District is not simply a data-driven calculation. Key considerations include the location and overall sustainability credentials of the settlements and the availability and suitability of land for development. This includes consideration of a wide-range of factors including accessibility and environmental constraints. There is clearly a correlation between the sustainability of settlements and their population numbers but deciding how much development should be allocated to individual settlements involves much more than pro-rata calculation."

The following points were made on the remainder of the Log:-

- (a) A Member asked that the specific query on the number of apprentices working on-site on the Sherford development be followed up;
- (b) It was noted that a date for the meeting between the Economy Working Group and the Joint Local Plan Steering Group had still to be scheduled. In response to a request, it was agreed that (once confirmed) the date would be circulated to interested Members accordingly.

O&S.44/16 DRAFT ANNUAL WORK PROGRAMME 2016/17

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

- (a) It was noted that the Programme for 24 November 2016 meeting currently indicated three separate agenda items for: 'Customer Services: Six Month Update; 'Development Management (DM): Six Month Update'; and Quarterly Performance Measures. However, the Panel agreed that these items should be combined under the umbrella of the Performance Measures report, with Customer Services and DM related indicators being subject of 'deep dive' analysis;
- (b) The Panel agreed that an Empty Homes Strategy Update should be included on the Work Programme for the meeting to be held on 23 February 2017;
- (c) In respect of the potential to generate more income from local markets, it was noted that this had been raised by the Permits Task and Finish Group. As a consequence, it was likely that officers would be recommending to the Panel that a Task and Finish Group be established to investigate this matter in more detail.

O&S.45/16 EXCLUSION OF PUBLIC AND PRESS

It was then:

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 in order to avoid the likely disclosure to them of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.

O&S.46/16 BEACH AND WATER SAFETY

An exempt report was considered that reported the findings of the Beach Management Working Group on a particular matter related to Beach and Water Safety.

In the ensuing debate, there were two contradictory views raised. Whilst some Members expressed their concerns at the potential safety implications, other Members highlighted the proposed lengthy lead in time and their personal opposition to the principle whereby the Council was in effect subsidising private businesses.

Since particular concerns were raised over the potential removal of buoyage at selected locations, the Panel requested that a further update briefing paper on this particular aspect of the proposals be circulated to Members in April/May 2017. In the event of this paper raising further concerns amongst Members, then the Panel may decide to formally re-consider this issue at a future meeting.

It was then:

RECOMMENDED

That the Executive be **RECOMMENDED** to adopt the proposals outlined within paragraph 3.1.2 of the presented agenda report, with the exception of the removal of buoyage at selected locations, which would be subject to a further update briefing paper being circulated to Members in April/May 2017.

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

Chairman

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY, 21 NOVEMBER 2016**

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

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Executive Director (Service Delivery and Commercial Development (SD&CD)), Salcombe Harbour Master, s151 Officer, Finance Business Partner and Senior Case Manager

SH.22/16 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 26 September 2016 were confirmed as a correct record and signed by the Chairman.

SH.23/16 URGENT BUSINESS

The Chairman advised the Board that he had received a letter of resignation from Kit Harling. The Board asked that a letter be sent to Dr Harling to thank him for his many years of service to the Board. In accordance with recent revisions to the Council Constitution, the Chairman confirmed that steps were in place to appoint a replacement Co-opted Member without the need for another full recruitment and interview process.

The Chairman then allowed a Member to raise the issue of the branding of the published Salcombe Harbour Board agenda. The agenda now appeared as the 'South Hams Salcombe Harbour Board' agenda. The Senior Case Manager advised that this was simply as a result of the software used to publish agendas for both South Hams District Council and West Devon Borough Council, with every formal meeting agenda being prefixed with one or the other authority. The Executive Director (SD&CD) added that the Council had made savings by using one software licence for both authorities, and reminded the Board that it was effectively a 'sub-committee' of South Hams District Council.

SH.24/16 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 the following were made:

Cllrs Wingate and Wright and Mr Mackley, Mr Marriage, Mr Taylor and Mr Thomson all declared a disclosable pecuniary interest in all related agenda items by virtue of having moorings or paying harbour dues to the Council. As a result of the Solicitor granting each Board Member a dispensation, they were all able to take part in the debate and vote on any related matters (Minute SH.05/16 refers).

SH.25/16 PUBLIC QUESTION TIME

In accordance with the Public Question Time procedure rules, Mr Richard Smith addressed the Board and advised that he had been unable to locate the agenda papers for the meeting on the website. In discussion, it transpired that he was looking for the agenda on the Salcombe Harbour website rather than the South Hams District Council website. It was agreed that members of the public may naturally expect to access the Salcombe Harbour Board agenda on the Salcombe Harbour website and therefore future meetings would be advertised on the Harbour website and a link included to the published agenda.

Mr Michael Astill addressed the Board and advised that he and many others were keen to see an outcome to the discussions regarding the Kingsbridge to Salcombe ferry.

SH.26/16 FEEDBACK FROM HARBOUR COMMUNITY FORUMS

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

Salcombe Kingsbridge Estuary Association (SKEA)

The representative advised that a meeting had taken place but no particular issues were raised.

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

There was no update to give.

South Devon & Channel Shellfishermen

The representative advised that the Forum had met recently and many issues were sensibly discussed, and a number of required actions noted. Whilst the operational forum was now fulfilling its purpose, there was a view that it would be useful to have a meeting to discuss strategy for the Fish Quay. Another Member who had attended the meeting advised that there had been a lot of dissatisfaction expressed. The difference in economics between the larger boats and smaller boats was challenging. The Chairman confirmed that he would be happy to progress a strategic meeting and it was agreed that the representative and the Harbour Master would set the agenda. The Harbour Master added that a number of action points had already been addressed and these included:

- Repainting lines on the Fish Quay;
- Lorry parking;
- Store boxes remaining too long on the temporary mooring;
- Waste disposal;
- Security gates;
- Quay charges; and
- Too many tenders on the pontoon.

He concluded that he recognised the dissatisfaction but there were different and distinct types of customer.

Kingsbridge and Salcombe Marine Business Forum

The representative advised that there were no issues to raise.

Kingsbridge Estuary Boat Club (KEBC)

The representative advised that concerns had been raised about the red tides that were persisting in the upper harbour. The Harbour Master responded that work was being undertaken to assess the reason for the red tides. There was an unusual feature within the estuary in that it was affected by limiting factors with both fresh water and sea water, phosphate and nitrogen, and whether the blooms were affected by these, or appeared as a result of waste, was being investigated.

SH.27/16

UPDATE ON THE LOCAL AUTHORITY CONTROLLED COMPANY (LACC)

The Executive Director (SD&CD) began her update by thanking the Members of the Board who had attended meetings with the Joint Steering Group (JSG). At the latest meeting of the JSG, a detailed report on pension implications had been presented, and the report stated that there were no pensions related reasons to prevent the establishment of a LACC. There were still a number of issues to look at but nothing detrimental to either staff or the Council in respect of establishing a LACC.

Various pieces of work were being pursued in respect of tax matters. Whilst it was important to understand the pension issues, there was now no 'red line' so the project team was focussing on putting the business plan together. One Member of the Board who was also a Member of the JSG confirmed that the Group was now beginning to work through the finer detail of the project.

The Executive Director (SD&CD) advised that trading opportunities for the Harbour would be considered. One Member felt that from the perspective of the Harbour there was not a sufficient return to justify the change. The Harbour Master responded that he viewed the proposal more holistically, and saw opportunities, particularly in his role as Marine Officer for the Council. The LACC would enable the skills of the harbour staff to be utilised for a profit.

Members then discussed how the LACC might affect the financial position of the Harbour. There would be no difference in the relationship with the Harbour but the change enabling a profit to be made would be

an opportunity. The Council would hold the assets, as it did now. One Member stated concerns over public perception. The Harbour was well run and this improved the reputation of the Council. However there was no perceptible advantage of transferring to a LACC. The Executive Director (SD&CD) clarified that the Harbour Board would remain as the Harbour Board and would not transfer into a LACC. The services delivered by the workforce would transfer into the LACC, and those services could also be delivered to others as well. As part of the business case it was important to show that there was no detriment to any part of the organisation.

One Member was concerned that issues raised did not get carried forward in meetings such as concerns over staff and whether the harbour staff could transfer into the LACC at a later date. The Executive Portfolio Holder for Commercial Services, who had responsibility for Salcombe Harbour, advised that he would be attending Board meetings to listen to the concerns of Board Members and he would be ensuring their voice was heard.

SH.28/16 **REVENUE BUDGET MONITORING 2016/17**

A report was presented that enabled Members to monitor income and expenditure variations against the approved budget for 2016/17, and provided a forecast for the year end position.

The Chairman raised the matter of credit card charges and it was agreed that until the Harbour was able to offer the option of paying by BACS it would not be appropriate to pass on to customers the charge for payment by credit card.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2016/17 financial year and the overall projected underspend of £30,500 be noted.

SH.29/16 **EARLY REPAYMENT OF LOANS WITH SOUTH HAMS DISTRICT COUNCIL**

Cllr Wright, in his capacity as Executive Portfolio Holder for Support Services, presented a report that provided Members with the option of paying off the Council's loans prior to their maturity dates and included the full financial implications of the decision.

During discussion, the following points were discussed:

- One Member accepted that the Harbour Board was a Committee of South Hams District Council, but as a Member of the Board he should put its interests first and, in his view, the loans should be paid in full as soon as possible;

- Other Members stated that whilst it would be in the interests of the Harbour to repay all monies now, the position of the Council was appreciated and the way forward should suit both sides;
- The s151 officer explained that the option being recommended in the presented report equated to a loss of income to the Council of £111,000 which was broadly equivalent to a 2% increase on council tax;
- The Executive Director (SD&CD) reminded the Board that the loans had been taken out at an advantageous rate, and if the money had been borrowed from a commercial lender it would be normal practice to be charged a premium for early repayment of loans;
- A number of Members felt that there may be a public perception issue and the Executive Director (SD&CD) suggested that a paper be presented to the next meeting of the Harbour Board that set out the relationship between the Council and the Harbour Board in more detail;
- Discussions were currently ongoing about the transfer of management of assets to the Board. For clarity, it was confirmed that this was management of assets and not transfer of assets themselves.

It was then:

RESOLVED

That Council be **RECOMMENDED** to:

1. agree to the early capital repayment of £30,000 of the Residents pontoons loan in 2017/18, to be funded from the Harbour's pontoons Reserve;
2. agree to the early capital repayment of £114,000 of the Batson pontoons loan in 2019/20, to be funded from the Harbour's pontoons Reserve; and
3. increase the contribution to the Council's Marine Infrastructure Reserve in 2017/18 from £46,300 to £58,000, to reflect the annual depreciation of the Council's marine assets.

SH.30/16 **2nd QUARTER PERFORMANCE INDICATORS**

The Harbour Master presented a report that summarised Salcombe Harbour's Performance Indicators (PIs) for the period 1 July 2016 to 30 September 2016.

He updated Members on the latest position regarding the thefts that had taken place. Members then discussed the possibility of using CCTV to monitor activity on the estuary.

It was then:

RESOLVED

That the Harbour Board had noted the latest PIs.

SH.31/16 HARBOUR MASTER'S REPORT

The Harbour Master presented a report on topical harbour issues that could be of interest to the Board or affected the Harbour.

Members discussed the issue of underused berths and how incentives could be offered to encourage berth holders to let the Harbour know if their berth would be unused for any length of time.

Members discussed the need to make progress in respect of re-establishing a Kingsbridge/Salcombe ferry. It was **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED** that the Harbour Master seek expressions of interest and if appropriate, invite tenders to run such a service.

The Harbour Master advised the Board that he had visited the Egremont and circulated a number of photographs showing her current condition. Members discussed the measures that may be appropriate to take prior to the vessel returning to the Harbour and it was agreed that it would be helpful to receive an update at the next meeting of the Board.

Members discussed the issue of the Scoble VHF aerial and the Chairman suggested that if no response was received to previous communications then perhaps the MP should be copied in to further correspondence.

It was then:

RESOLVED

1. That the report be noted; and
2. That delegated authority be given to the Harbour Master to seek expressions of interest in re-establishing a Kingsbridge/Salcombe ferry and invite tenders if appropriate.

(Meeting commenced at 2.30 pm and concluded at 4.45 pm)

Chairman

MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 23 NOVEMBER 2016

Members in attendance			
* Denotes attendance			
∅ 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	∅	Cllr R J Vint

Other Members in attendance:

Cllrs Bastone, Birch, Brown, Green, Pennington, Smerdon and Wright

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management; Planning Specialists, Deputy Monitoring Officer and Senior Case Manager (Strategy and Commissioning)
Item 7		Specialist – Natural Environment

DM.39/16 MINUTES

The minutes of the meeting of the Committee held on 26 October 2016 were confirmed as a correct record and signed by the Chairman.

DM.40/16 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 J M Hodgson declared a personal interest in application **1623/16/FUL**: Construction of a new three storey private residence on a brownfield site currently occupied by three garages on a site on the outskirts of Totnes – Garages 1-3 adjacent to 1A Christina Park, Totnes by virtue of knowing one of the objectors. She remained in the meeting for the duration of this item and took part in the debate and vote thereon.

DM.41/16 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.42/16 **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:

1333/16/FUL Lantern Lodge Hotel, Hope Cove

Parish: South Huish

Planning Permission for demolition of the Lantern Lodge Hotel and construction of 5 dwellings

Case Officer Update: N/A

Speakers included: Supporter – Mr Mark Evans: Parish Council –
Cllr Jo Hocking: Ward Members – Cllr Pearce
(statement read out) and Cllr Wright

Recommendation: Conditional Approval subject to completion of
s106 legal agreement

During discussion on this item a number of Members expressed their concern over the loss of a tourism asset in a prime position, and the impact that this would have on the local economy. Members had found the site inspection helpful. Whilst appreciating that the hotel needed investment, the independence of the submitted viability assessment was called into question. There was also concern that the proposed housing would not be affordable for local people and the proposal was described as opportunism at the expense of the local community. Members felt that all options for the site had not yet been explored and they could not support the proposal. Members also felt strongly that an affordable housing contribution should be made. In line with the Written Ministerial Statement, the Council recognised the guidance for planning obligations set out in the PPG. However, Members expressed the opinion that the site presented exceptional circumstances to the extent that Affordable Housing contributions should be sought in line with the adopted SPD.

Committee Decision: Refusal

Reasons:

1. The application proposes the loss of a valued tourist facility in a prime location without any explanation of why an alternative solution cannot be found to maintain a business providing tourist services and some local employment. The loss of such a facility would be harmful to the purposes of the AONB designation and is contrary to policies DP12, DP14 of the South Hams Development Policies DPD and the National Planning Policy Framework

2. Wording regarding the lack of financial contribution towards affordable housing provision to be delegated to the COP Lead Development Management in consultation with the Chairman and Vice Chairman of Development Management Committee

[Post Meeting Note: In line with the debate, the second reason for refusal is confirmed as follows:

The proposed development does not provide affordable housing provision in an area with an exceptional and demonstrable local need. No justification has been provided by way of submission of a suitable viability study that indicates that such provision would compromise the overall viability of the development. As such the proposed development is considered contrary to South Hams Core Strategy Policy CS6 and the provisions of the South Hams Affordable Housing SPD].

1879/16/HHO

Kynance, Higher Broad Park, Dartmouth

Parish: Dartmouth

Householder application for proposed extension to ground floor, remodelling and raising of roof height

Case Officer Update: An error in the report was corrected, the proposed roof will be 29cm higher than Sutherlands Loft, not 10cm as stated

Speakers included: Objector – Mr John Firmin: Supporter – Mr Ben Inghim

Recommendation: Conditional Approval

Committee Decision: Defer for Site Inspection

0268/16/HHO

Water Edge, Lower Street, Dittisham

Parish: Dittisham

Householder application for replacement Boathouse

Case Officer Update: N/A

Speakers included: Objector – Ms Olivia Loewendahl: Supporter – Mr Peter Coxon: Parish Council – Cllr Michael Faulkner: Ward Member – Cllr Tucker

(statement read out)

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions: (please refer to report for conditions in full)

1. Standard three year time limit for commencement
2. Development to be carried out in accordance with approved plans
3. Construction Environmental Management Plan
4. Details regarding light spill
5. Details of proposed slip way
6. Ancillary use
7. Proposal to adhere with recommendations set out within ecology report
8. Landscaping recommended in ecology report to be adhered to
9. Restriction on creation of additional floor space
10. Details of materials to be submitted
11. Removal of PD rights for Class E
12. No external lighting unless previously agreed in writing by the LPA

1623/16/FUL Garages 1-3 adjacent to 1A Christina Park, Totnes

Parish: Totnes

Construction of a new three storey dwelling

Case Officer Update: N/A

Speakers included: N/A

Recommendation: Conditional Approval

Committee Decision: Defer for Site Inspection

0039/16/FUL Queshills, Ware Hill, Ugborough

Parish: Ugborough

Conversion of domestic garage with first floor storage into separate dwelling together with associated parking

Case Officer Update: N/A

Speakers included: Parish Council – Cllr Fletcher: Ward Member – Cllr Holway

Recommendation: Refusal

During discussion on this item, a number of Members did not agree that the

proposal justified a refusal on Highways grounds, particularly as there was already a garage on the site. In addition, Members felt that this was an opportunity for construction of a small dwelling in a village location. Members discussed the Highways implications in detail, but concluded that the proposal should be supported.

Committee Decision: Authority delegated to COP Lead Development Management in consultation with the Chairman of DM Committee, to approve the application and set out conditions to apply to the planning consent

0745/16/FUL **Land at Westerland, Totnes Road, Marldon**
Parish: Marldon

Retrospective change of use from Agricultural to Equestrian. Plot 1, Field subdivided with fencing and two stables on skids, for horses and two areas fenced for dog exercising and training use and new access provision

Case Officer Update: N/A
Speakers included: Ward Member – Cllr Pennington
Recommendation: Conditional Approval
Committee Decision: Defer for Site Inspection

DM.43/16 **APPLICATION TO WORK ON TREES SUBJECT TO A TPO**

2347/16/TPO **46 Barton Brake, land of Leyford Close, Wembury**
Parish: Wembury

Request to fell T2 - Sycamore

Case Officer Update: N/A
Speakers included: Parish Council – Cllr Packer: Ward Member – Cllr Brown (statement read out) and Cllr Cane
Recommendation: Conditional Approval
Committee Decision: Refusal

In discussing this application the Members noted the potential impact on the AONB and the detrimental impact on biodiversity.

DM.44/16 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.

DM.45/16 PERFORMANCE INDICATORS

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. During the discussion on this item, the Solicitor advised that an up to date list of current s106 Agreements would be circulated for Members information.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

DM.46/16 REVIEW OF SITE INSPECTION PROTOCOL

Members were presented with a report that presented a review of the current Site Inspection Protocol, as suggested in the Action Plan that had arisen from the Planning Peer Review.

In discussing the report, Members appreciated that the intention was to improve the efficiency of decision making by speeding up the process. By 'front loading' the site inspection process, it should prevent presented applications from being deferred to the next Committee date, other than in the most exceptional circumstances.

It was then:

RESOLVED to RECOMMEND to Council:

1. That the revised Site Inspection Protocol as presented at Appendix A to the report be adopted; and
2. That authority to make minor amendments be delegated to the COP Lead Specialist Development Management, in consultation with the Chairman of DM Committee.

(Meeting commenced at 11.30 am and concluded at 5.30 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 23 November 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
1333/16/FUL	Lantern Lodge Hotel, Grand View Road, Hope Cove	Refusal	Cllrs Bramble, Brazil, Cane, Hodgson, Holway and Rowe (6)	Cllrs Foss, Hitchins and Steer (3)	None	Cllrs Cuthbert, Pearce and Vint (3)
1879/16/HHO	Kynance, Higher Broad Park, Dartmouth	Site Visit	Cllrs Bramble, Hitchins, Hodgson, Holway and Rowe (5)	Cllrs Steer and Cane (2)	Cllr Foss (1)	Cllrs Brazil, Cuthbert, Pearce and Vint (4)
0268/16/HHO	Water Edge, Lower Street, Dittisham	Site Visit	Cllrs Holway, Hitchins and Rowe (3)	Bramble, Foss, Hodgson, Cane and Steer (5)	Cllr Brazil (not in attendance for officer presentation) (1)	Cllrs Cuthbert, Pearce and Vint (3)
0268/16/HHO	Water Edge, Lower Street, Dittisham	Conditional Approval	Cllrs Bramble, Foss, Hodgson, Cane and Steer (5)	Cllrs Hitchins and Holway (2)	Cllr Brazil (not in attendance for officer presentation) and Cllr Rowe (2)	Cllrs Cuthbert, Pearce and Vint (3)
1623/16/FUL	Garages 1-3 adjacent to 1A Christina Park, Totnes	Site Visit	Cllrs Bramble, Hitchins, Hodgson, Holway, Steer and Foss (6)	Cllrs Brazil and Cane (2)	Cllr Rowe (1)	Cllrs Cuthbert, Pearce and Vint (3)
0039/16/FUL	Queshills, Ware Hill, Ugborough	Conditional Approval	Cllrs Bramble, Brazil, Cane, Hodgson, Holway, Hitchins, Foss and Rowe (8)	Cllr Steer (1)	None	Cllrs Cuthbert, Pearce and Vint (3)
0745/16/FUL	Land at Westerland, Totnes Road, Marldon	Site Visit	Cllrs Bramble, Brazil, Cane, Hodgson, Holway, Hitchins, Foss, Steer and Rowe (8)			Cllrs Cuthbert, Pearce and Vint (3)
2347/16/TPO	46 Barton Brake, Wembury	Refusal	Cllrs Hodgson, Brazil, Bramble, Rowe and Cane (5)	Cllrs Steer, Foss, Hitchins and Holway (4)		Cllrs Cuthbert, Pearce and Vint (3)

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**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 24 NOVEMBER 2016**

Panel Members in attendance:			
* 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		

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

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service, Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services
7	O&S.51/16	Community of Practice Lead: Housing, Revenue and Benefits
9	O&S.53/16	Group Manager – Support Services / Customer First, Contact Centre Manager and Specialist – Performance and Intelligence
10	O&S.54/16	Monitoring Officer
11(b)	O&S.55/16(b)	Community of Practice Lead – Environmental Health and Partnerships Specialist
11(e)	O&S.55/16(e)	Operational Manager (Environment Services)

O&S.47/16 TONE LEISURE

The Chairman reminded Members that, after ten years of managing the South Hams Leisure Centres, the Council was saying goodbye and thank you to Tone Leisure.

Both the Panel Chairman and Leader of Council proceeded to pay tribute to the excellent job undertaken by Tone Leisure and wished the organisation every success in the future. These tributes were echoed by a number of Members.

O&S.48/16 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 3 November 2016 were confirmed as a correct record and signed by the Chairman.

O&S.49/16 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:

Cllr P C Smerdon declared a personal interest in agenda item 11(b): 'Task and Finish Group Updates – Partnerships' (Minute O&S.55/16(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, but abstained from the vote on this matter.

O&S.50/16 PUBLIC FORUM

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

O&S.51/16 LATEST PUBLISHED EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan.

In the general discussion on the Plan and, in accordance with Procedure Rules, a Member had given notice of his wish to ask why those Members who did not serve on the Local Authority Controlled Company (LACC) Joint Steering Group (JSG) had been refused access to the draft legal advice from Bevan Brittan.

Having previously been made aware of this request, the Chairman advised that he had sought clarity from the Monitoring Officer on the following questions:-

1. *Do Members have an underlying right to "any" documentation held by the Authority?*

(Could you quote the relevant para in the Constitution?)
2. *Is it within the jurisdiction of the LACC JSG to decline to issue documents requested by Members. Or is it within your remit to consider the appropriateness of requests as Monitoring Officer.*
3. *Were you consulted on this issue and if so what was your advice?*
4. *If a request was made under FOI would the Bevan Brittan report be able to be issued?*
5. *Would it be treated as Exempt and if so on what grounds?*

The Chairman had received a response from the Monitoring Officer to his questions, which he proceeded to read (and agreed to circulate to the wider membership). The statement read as follows:

“Constitution-wise, the starting point is the Protocol on Member / Officer Relations which covers the issues surrounding ‘Access to Information’ (please see paragraphs 24 – 32 in the Protocol on the Council’s website (<http://shdcweb.swdevon.lan/article/1815/Our-Constitution>)).

The general principles are that the Council wishes to conduct its business as openly as possible and to give Councillors maximum access to information in order to enable them to discharge their role as Councillors and information is provided to Members on what is commonly known as a ‘need to know’ basis. Under FOI, we would not release the Bevan Brittan advice note, as it legal advice provided to the Council to enable it to make an informed decision on the LACC and the argument of legal privilege would apply.

In short, I was at the JSG meeting on 14 November when this was discussed, and I had previously been consulted for my views. These were reflected in the JSG’s response on the question of releasing the BB advice note at this point.

It is not the case that Members will not see the Bevan Brittan advice (which will be ultimately available as an exempt item) but that it is not appropriate to circulate it at this point in time. The reason that it is a timing issue, is that the Advice Note has been commissioned by the JSG in order to enable it to make informed recommendations to the Council on whether it should go ahead with the LACC and to provide responses to the issues of concern raised by Council in July 2016. The Advice Note is therefore very much a working document with currently unresolved issues (the JSG does not yet have the complete picture itself) and it is very much a question of timing rather than saying that Members are not entitled to see it at all. I do consider that the JSG is entitled to make this decision (which was unanimous across the parties at the meeting).”

In citing the relevance of all Members receiving this advice prior to a number of upcoming Member workshops on the LACC, the following motion was then **PROPOSED** and **SECONDED**:-

‘That the Bevan Brittan legal advice on the LACC be disclosed immediately to all Members.’

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

Specifically regarding the Reserved Matters workshop on 1 December 2016, it was requested that the latest proposals relating to a Board Structure and Governance arrangements be presented to this session

At this point, the meeting proceeded to consider the remaining items on the Executive Forward Plan for which advanced notice had been given.

A report was considered that asked the Panel to consider the draft South Hams & West Devon Homeless Strategy 2017-2022 in order that it could be published for consultation with a view to Council approval and adoption from 1 April 2017.

In the ensuing discussion, reference was made to:-

- (i) praise being extended to lead officers and the Task and Finish Group. A number of Members wished to put on record their gratitude for the production of such an extensive (and excellent) Strategy document. In addition, Members also paid tribute to the Council's housing officers, who they considered to do a fantastic job in often incredibly difficult circumstances;
- (ii) central government grant funding. The Panel was advised that the Council received a grant of £83,594 towards homelessness prevention. In citing some examples, officers advised that the monies had been used to progress some creative ways of preventing persons from becoming homeless. Members noted that the 'Homelessness Prevention Bill' was likely to become statutory legislation imminently. The Bill was likely to have resource implications for the Council and it was hoped that funding would be made available by central government accordingly;
- (iii) the limitations of short-term tenancies. It was widely acknowledged that short-term tenancies were a problem and it was hoped that the announcements made in the Government's recent Autumn Statement would help in this regard;
- (iv) homeless numbers being on the increase. A Member highlighted the national upward trend on homeless numbers and called on the Council to give consideration to increasing the provision of social and genuinely affordable housing;
- (v) the recent rough sleepers count. Whilst accepting that the recent snapshot exercise had its limitations, it was noted that the Council was working pro-actively in this respect. Unfortunately, Members accepted that it was a fact that some rough sleepers simply did not want to be housed and officers were working hard to best support these individuals;
- (vi) the working relationship with Shelter. It was confirmed that working relations between the Council and Shelter were excellent and there was a very good rapport between the officers of both organisations.

It was then:

RESOLVED

1. That the content of the draft Homeless Strategy 2017-22 be noted; and
2. That the Executive be **RECOMMENDED** that the Homeless Strategy 2017-22 be published for public consultation from 13 December 2016 to 13 February 2017.

(b) Allocations Policy and Devon Home Choice Policy Review

The Panel considered a report that sought a recommendation to the Executive to make no changes to the Devon Home Choice Policy at this time.

In discussion, the following points were raised:-

- (a) A number of Members expressed their deep reservations regarding the Devon Home Choice (DHC) partnership. Particular concerns highlighted included: the whole arrangement being overly bureaucratic; the belief that policy rules were not being correctly applied and the perceived lack of transparency.

Such was the extent of these concerns that some Members wished for a firm steer to be given in the proposed comprehensive review whereby alternative options to leave the partnership should be actively pursued and that work should commence as soon as was practically possible. In addition, the Council had traditionally been swayed from leaving the Partnership by the potential cost implications, however it was felt that the Review should not be unduly influenced by this argument.

Similar concerns were also raised by Members in relation to the Choice Based Lettings Scheme and it was recognised that some local authorities had already opted to move away from this approach of allocating housing.

Assuming that the Executive was supportive of the Panel's recommendations, it was felt that the comprehensive review was likely to be an ideal piece of work for a Task and Finish Group to undertake and officers were encouraged to complete a Scrutiny Proposal Form for future consideration;

- (b) A Member felt that there was apparent duplication in the policy regarding armed forces personnel. In reply, the lead Executive Member gave an assurance that everything possible was done for armed forces personnel and the policy did not place them at a disadvantage;
- (c) The Panel was advised that the annual review of the housing list had been delayed this year due to a delay in the providers' renewal

software. Officers had been given assurances that this would be undertaken in January 2017.

It was then:

RESOLVED

1. That the content of the report be noted;

That the Executive be **RECOMMENDED:-**

2. to remain in the Devon Home Choice partnership for the next twelve months;
3. that, within the next twelve months, a comprehensive review of alternative allocation delivery methods be completed to evaluate whether the Devon Home Choice partnership remains fit for purpose; and
4. to make no changes at this time to the South Hams Allocations Policy.

O&S.52/16 FEES AND CHARGES 2017/18

The Chairman reminded the Panel that he had agreed that this agenda item should be deferred until a future meeting to enable for the potential impact arising from the Autumn Statement and Finance Settlement to be known.

The Panel was happy to endorse the suggestion that this item be included on the agenda for the joint Budget meeting with the Development Management Committee Members on 19 January 2017.

O&S.53/16 Q2 2016/17 PERFORMANCE REPORT

Members considered a report that presented performance measures for Quarter 2. The report confirmed that performance had remained relatively consistent with the previous quarters, however there had been a marked improvement in the benefit processing speed.

Officers proceeded to give visual updates on the live performance dashboard information (particularly relating to Development Management and the Contact Centre) and the new Council website.

In discussion, reference was made to:-

- (a) the format of future performance information reports. In recognising the ability to be in receipt of 'real time' performance information, Panel Members were asked to give consideration to how they wished to see future performance information presented to their meetings;
- (b) current performance. There was a general recognition that overall performance had now stabilised and was improving in certain areas. In sharing their own experiences, a number of Members subsequently welcomed and commended this performance trend;
- (c) the T18 Performance versus Budget indicator. A Member expressed his surprise that the indicator was showing as being 'on or above' target when considering that the Council had decided to spend an additional £550,000 on transitional resources;
- (d) complaint response speed. Officers advised that the downward performance trend was attributed to the knock-on effect of the Council dealing with the backlog generated from waste complaints during this quarter;
- (e) the status of being 'narrowly off target, be aware'. A Member requested that future performance reports include more explanatory information for those indicators that have achieved this status definition;
- (f) the contact centre. Members wished to extend their continued thanks to the Contact Centre Manager and her team, who continued to work exceptionally in difficult circumstances. A Member recommended that fellow Members pay a visit to the Contact Centre to witness first hand both the work being undertaken, but to also get a sense of the nature of the issues being raised by callers;
- (g) the new website. The Panel was informed that the new website would not only be more resilient, but would also be more transaction focused. Further benefits of the new website were felt to be speed of access and ease of use. It was confirmed that Members would be asked to test the new website for themselves in the next three weeks, before it was then actually launched.

It was then:

RESOLVED

That the monitoring report and the progress made to date be noted.

O&S.54/16 OMBUDSMAN ANNUAL REVIEW LETTER 2016

A report was considered that presented the Local Government Ombudsman's Annual Review Letter 2016 regarding Ombudsman complaints received against the Council for the period 1 April 2015 to 31 March 2016.

In the ensuing debate, the Monitoring Officer was congratulated for the positivity of the Annual Review Letter. Members also welcomed the decrease in the number of Ombudsman complaints and felt that this was an example of the benefits of an increased corporate emphasis being given to complaint handling.

It was then:

RESOLVED

That the Ombudsman Annual Letter for 2016 (as outlined at Appendix A of the presented agenda report) has been reviewed with consideration being given to what corporate lessons may be learned and whether further service improvements be required.

O&S.55/16 TASK AND FINISH GROUP UPDATES**(a) Dartmouth Lower Ferry**

The Chairman advised that it was still intended that an outcome report would be presented to the Panel in the New Year.

(b) Partnerships

The Panel considered the final recommendations arising from the Task and Finish Group in relation to South Hams Citizens Advice (CA) and South Hams Community Voluntary Sector (CVS).

In introducing the report, the Chairman advised that this project had been an immense and arduous piece of work. In thanking the hard work that had been undertaken by the Task and Finish Group and lead officers, the Chairman confirmed that this was the final strand of this review.

In discussion, reference was made to:-

- (a) closer working opportunities. Whilst some Members wished to make the point that CA and CVS were distinctly separate organisations, there were considered to be opportunities for them to work more closely together to be more efficient and avoid duplication of effort;
- (b) the community work undertaken. The Panel recognised that both organisations carried out tremendous work in the community and offered significant support to the Council;

- (c) the role of the Council. To be fair to both organisations, Members acknowledged that the Council needed to ascertain a better understanding of its own needs that could have an effect on the CA and/or CVS (e.g. the Health and Wellbeing agenda and outreach services);
- (d) the recommendations. In expressing their support, Members considered the Task and Finish Group recommendations to be fair and reasonable at this time;
- (e) residents accessing services from Plymouth CA. Having been informed that an agreement had been reached whereby residents living at the western end of the district could now use the Plymouth CA services, some frustrations were expressed that neither local ward Members nor parish councils had been made aware of this change.

It was then:

RESOLVED

That the Executive be **RECOMMENDED** that:-

1. the funding levels remain the same for the South Hams Citizens Advice and South Hams Community Voluntary Service for 2017/18; and
2. approval be given to the proposed caveats with the South Hams Community Voluntary Service (as outlined at paragraph 5 of the presented agenda report).

(c) Waste and Recycling

In providing an update, the lead Executive Member for Commercial Services advised of the intention for a fully detailed report to be presented to the next Panel meeting.

(d) Events Policy

The Group Chairman advised the Panel that work was ongoing on this review.

(e) Permits Review

Members considered a report that sought the approval of Council to make amendments to South Hams parking permits, as considered and endorsed by the Permits Task and Finish Group.

In discussion, the following points were raised:-

- (a) Members were of the view that the Task and Finish Group had completed an excellent review and the recommendations were considered to amount to a positive way forward;

- (b) A Member reiterated his previously raised view that charges should be imposed for parking at Follaton House. In reply, officers informed that this had been considered and due for reasons including: the contractual arrangements with tenants, the detrimental impact on staff morale and the knock-on effect on neighbouring roads, it had been concluded that it would not be appropriate to impose charging at Follaton House. Furthermore, the Leader felt that this issue had continually arisen over a number of years and he hoped that the Council could now move on from spending any more time and effort considering this proposal.

It was then:

RESOLVED

That the Executive **RECOMMEND** to Council that, following the work undertaken by the Permits Task and Finish Group, the parking permits available in the South Hams be amended and that the Off-Street Parking Places Order be amended as follows:

- Full and Commuter permits to be eliminated and replaced with Town Centre, Peripheral and Rural permits which will be limited to specific towns / villages. The cost of permits to be reduced to reflect the new restrictions, with the exception of Business Permits;
- Permits to become 'virtual' (i.e. customers will no longer receive a paper permit), with the exception of Business Permits;
- New permits be limited to one vehicle registration number only, with the exception of Business Permits;
- The availability of permits be limited to 10% of the total number of parking bays available for each category of permit;
- Permits currently issued free of charge to various organisations be ceased;
- Other permits which are not used often will be eliminated (as outlined at Paragraph 5.6 of the presented agenda report);
- The Residents' Parking permit to be extended to allow parking from 3.00pm to 10.00am, with an increase in cost to £40, with this amendment being reviewed after one year;
- The cost of permits to be as outlined at Paragraph 5.8 of the presented agenda report; and
- All leisure-related permits will be reviewed in partnership with the new leisure contractor, with the exception of permits currently issued to Tone Leisure employees.

O&S.56/16 ACTIONS ARISING / DECISIONS LOG

In presenting the latest log, the Chairman made reference to two updates:

1. The meeting between representatives of the Economy Working Group and the Joint Local Plan Steering Group had been arranged to take place at Plymouth City Council offices on Wednesday, 30 November at 10.00am; and
2. With regard to the request for Members to send a list of organisations to officers who they believe should be included in the consultation exercise on the Events Policy, one Member had since provided details of additional groups who should be approached. A holding message had been sent this week to all prior respondents of the consultation advising them that the review was ongoing and that they would be contacted again to consult on detailed proposals when these were available.

O&S.57/16 DRAFT ANNUAL WORK PROGRAMME 2016/17

In consideration of its Annual Work Programme, the Panel noted its content with no further issues or comments being raised.

(Meeting started at 10.00 am and concluded at 12.10 pm)

Chairman

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MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 24 NOVEMBER 2016

MEMBERS

* Cllr D W May - Chairman

* Cllr T R Holway - Vice-Chairman

* Cllr K Baldry	* Cllr R J Foss
* Cllr J I G Blackler	∅ Cllr P W Hitchins
* Cllr D Brown	* Cllr N A Hopwood
* Cllr B F Cane	* Cllr K Pringle
∅ Cllr P K Cuthbert	* Cllr R Rowe

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

All Agenda Items: Senior Specialist – Environmental Health; Licensing Specialist, Monitoring Officer and Senior Specialist – Democratic Services

L.05/16 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 26 May 2016 and the Licensing Sub-Committee meetings held during the period 25 April 2016 to 5 October 2016 were all confirmed as a correct record and signed by the Chairman.

L.06/16 **DECLARATIONS OF INTEREST**

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

Cllr D W May declared a personal interest in Item 9: 'Summary of Licences Issued Between 1 October 2015 and 30 September 2016' (Minute L.11/16 below refers) by virtue of knowing the applicant for the Trehill Arms, Ivybridge licence and remained in the meeting during the debate on this item.

L.07/16 **LICENSING OF TAXI DRIVERS POLICY**

Consideration was given to a report that informed that the Council (as the Licensing Authority) had the power to issue licences to drivers of Hackney Carriages and Private Hire Vehicles.

Since there was no legal definition of what made a driver a 'fit and proper person', it was therefore a matter for the Licensing Authority to determine what qualifications they required an applicant to meet in order to be licensed. As a consequence, the report presented a policy that sought to set the minimum requirements that the Council would seek from new and existing drivers.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that the draft Taxi Driver Licensing Policy (as outlined at Appendix B of the presented agenda report) be adopted to come into effect from 1 January 2017.

L.08/16

TAXI FARE SETTING FORMULA AND POLICY

The Committee considered a report that advised that, in accordance with the Local Government (Miscellaneous Provisions) Act 1976 Section 65, the Council had the power to set the fares charged within its area by Hackney Carriage (taxi) drivers.

The report noted that these fares were last revisited in 2012 and it was now considered timely to undertake a review. This review was further prompted by drivers regularly making requests for the cost of fares to be increased. However, the report also recognised that too large an increase could adversely impact the ability of vulnerable users to be able to afford this essential service.

In discussion, reference was made to:-

- (a) variations in the cost of fuel. Whilst acknowledging that there were national (and regional) variations in the cost of fuel, it was noted that the proposed policy sought to apply the national average (as calculated by the AA) for the cost of fuel;
- (b) general support for the proposals. Some Members were of the view that the proposals were reasonable and therefore stated their support for the recommendations.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that:

1. the policy and associated formula for setting taxi fares in the South Hams be approved and that approval also be given to the use of the South Hams average annual wage as the basis for this formula;

2. the draft Maximum Chargeable Fare Setting Policy be adopted; and
3. the Constitution be amended to delegate to the Community of Practice Lead for Environmental Health authority to use the approved formula to set the cost per mile for taxi fares.

L.09/16

DELEGATION OF POWERS FOR DETERMINATIONS OF CERTAIN LICENSING FUNCTIONS

Members considered a report that sought to make some minor amendments to the Council Constitution.

In introducing this item, the Senior Specialist – Environmental Health asked Members to consider a slight revision to Appendix A of the presented agenda report whereby an additional responsibility for the Committee be included as follows:-

‘To determine to revoke or suspend a Hackney Carriage / Private Hire Driver or Private Hire Operator Licence.’

In the ensuing debate, the Committee confirmed its support for the addition and noted that the Monitoring Officer was wholly supportive of each of the suggested amendments.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to adopt the amendments proposed to the Constitution in relation to the delegation of powers for the determination of licensing decisions, as attached at Appendix A, subject to inclusion of the following additional responsibility:

‘To determine to revoke or suspend a Hackney Carriage / Private Hire Driver or Private Hire Operator Licence.’

L.10/16

LICENSING OF PLEASURE BOATS AND PLEASURE BOATMEN

The Committee considered a report that highlighted that the Council had the power to grant licences for the operation of Pleasure Boats and for Pleasure Boatmen.

In discussion, some Members expressed their surprise that it was a requirement for operators of Canoes and Stand Up Paddleboards required a licence.

It was then:

RECOMMENDED

That Council be **RECOMMENDED**:

1. to adopt the South West Regional Ports Associations guidelines for the licensing of Pleasure Boats and Pleasure Boatmen licences; and
2. to amend the Constitution whereby the power to grant, withhold, revoke or suspend Pleasure Boat and Pleasure Boatmen Licences be delegated to the Marine Officer.

L.11/16 **SUMMARY OF LICENCES ISSUED BETWEEN 1 OCTOBER 2015 AND 30 SEPTEMBER 2016**

Members were presented with a paper that provided them with a summary of the licences that had been issued between 1 October 2015 and 30 September 2016.

The Committee welcomed the fact that all Members and town and parish councils were consulted on every application and the view was expressed that this working practice was well received.

It was then:

RESOLVED

That the summary of licences issued between 1 October 2015 and 30 September 2016 be noted.

L.12/16 **EXCLUSION OF THE 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 in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”

L.13/16

REPORT THE FACTS REGARDING THE SUSPENSION OF A DRIVER LICENCE, AS AUTHORISED BY THE COMMUNITY OF PRACTICE LEAD FOR ENVIRONMENTAL HEALTH, IN A MATTER OF URGENCY

Consideration was given to an exempt report that informed of the suspension of a Driver Licence in a matter of urgency.

The report noted that this action had been taken in accordance with Section 61 of the Local Government (Miscellaneous Provision) Act 1976 as amended by Section 52 Road Safety Act 2006.

It was then:

RESOLVED

1. That the facts in relation to the immediate suspension of a Hackney Carriage Driver licence due to failing to meet the minimum standards by no longer being a licensed driver by the DVSA nor meeting the minimum health requirements of the Licensing Authority be noted; and
2. That the action taken by the Community of Practice Lead for Environmental Health in determining to suspend the Hackney Carriage Driver Licence be noted.

(Meeting commenced at 2.00 pm and concluded at 2.35 pm).

Chairman

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 1 DECEMBER 2016**

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

Also in attendance and participating		
Item 2	E.38/16	Cllrs Holway and Hopwood
Item 6	E.41/16	Cllr Green
Item 7	E.42/16	Cllrs Birch, Green and Rowe
Item 8	E.43/16	Cllr Hodgson
Item 9	E.44/16	Cllrs Green and Pennington
Also in attendance and not participating		
Cllrs Baldry, Blackler, Brown, Hitchins, Smerdon, Saltern, Steer		

Officers in attendance and participating		
All items		Head of Paid Service, Executive Director (Service Delivery and Commercial Development) and Senior Case Manager (Strategy and Commissioning)
Item 6	E.41/16	COP Lead Housing, Revenues and Benefits and Benefits Specialist
Item 7	E.42/16	COP Lead Communications and Media

E.37/16 MINUTES

The minutes of the Executive meeting held on 20 October 2016 were confirmed as a true record and signed off by the Chairman.

E.38/16 URGENT BUSINESS

The Chairman agreed to allow an additional item to be presented to the Executive, being the minutes of the Overview and Scrutiny Panel of 6 October 2016. These minutes contained date constrained recommendations and, unfortunately, had not been included as an agenda item at the time of publication.

REPORTS OF OTHER BODIES

RESOLVED

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

a) **Overview and Scrutiny Panel – 6 October 2016**

i. **O&S.29/16 JOINT SH/WD ECONOMY WORKING GROUP FINDINGS AND DELIVERY PLAN**

RESOLVED

- i. That the short term Economy Delivery Plan (as attached at Appendix 1 of the presented agenda report to the Panel meeting), including using £8,000 from the Invest to Earn earmarked allocated reserve, be adopted.

ii. **O&S.30/16 PARKING ARRANGEMENTS FOR VEHICLE TAX EXEMPT MOTORISTS**

That Council be **RECOMMENDED** that the arrangements for disabled vehicle tax-exempt motorists remain unchanged, but that the public consultation in respect of this be repeated.

E.39/16 **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 and the following were made:

Cllr Hicks declared a personal interest in Item 7, Adoption of a UAV/Drone Policy (Minute E.42/16 refers) by virtue of having a drone. He remained in the meeting and took part in the debate and vote thereon.

E.40/16 **PUBLIC QUESTION TIME**

It was noted that no public questions had been received.

E.41/16 **COUNCIL TAX REDUCTION SCHEME**

Members were presented with a report arising from the annual requirement for Councils to revisit their existing council tax support scheme and make a decision as to whether to replace or revise it. The Executive Portfolio Holder for Customer First introduced the report, and the COP Lead Housing, Revenues and Benefits and the Benefits Specialist responded to questions and confirmed that a full review of the scheme would be undertaken for the following year that would look to provide a more equitable scheme that would help those who needed support.

It was then:

RESOLVED

1. That the results of the public consultation for the Council Tax Reduction Scheme be noted; and
2. That Council be **RECOMMENDED** that no changes be made to the scheme for 2017/18 (the existing 2016/17 scheme be retained for 2017/18).

E.42/16

ADOPTION OF A UAV/DRONE POLICY

Members were presented with a report that sought to recommend formal adoption of a UAV/Drone Policy as set out in the presented appendix. The Executive Portfolio Holder for Customer First presented the report and advised that an additional recommendation would be proposed that would enable minor amendments to be made prior to presentation at Council. The COP Lead Communications and Media outlined the reasoning behind the introduction of the policy. In response to questions regarding how the policy would be enforced, the Portfolio Holder responded that it was accepted that enforcement would be difficult but Mobile Locality Officers would be used in the first instance.

It was then:

RESOLVED

That Council be **RECOMMENDED** that:

1. The UAV/Drone Policy as set out in the presented appendix be formally adopted with immediate effect; and
2. Authority be delegated to the COP Lead Assets in consultation with the Executive Portfolio Holder for Customer First to make minor amendments to the Policy as necessary.

E.43/16

TADPOOL ASSET TRANSFER

The Executive Portfolio Holder for Customer First presented a report that advised Members that the Head of Paid Service had determined (in accordance with the urgent powers set out in the Constitution) that an urgent decision was required regarding amendments to the terms of the Asset transfer to Tadpool. These terms differed from those agreed at the Council meeting in July 2016.

The Chairman advised that as this was a noting report there would be no debate, however one Member did ask that works to the Totnes Leisure Centre building be considered to make it more energy efficient.

It was then:

RESOLVED

That use of urgent powers delegated in the Council's Constitution had been exercised by the Head of Paid Service in order to make amendments to the terms of the asset transfer of the Totnes Leisure Centre to Tadpool, which were agreed by Council in July 2016 be noted. The amended terms which had been agreed by the COP Lead Assets were set out in paragraph 3.2 of the presented report.

E.44/16 TREASURY MANAGEMENT MID YEAR REVIEW

The Executive Portfolio Holder for Support Services presented a report that set out the mid year position in respect of Treasury Management. The Council was forecasting a shortfall in investment income of £10,000 against its budgeted income following the cut in the Bank Base Rate on 4 August 2016.

It was then:

RESOLVED

That the report be noted.

E.45/16 WRITE OFF REPORT

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 report and explained the debts over £5,000 in a little more detail.

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 £36,637.45 as detailed in Tables 1 and 2 of the presented agenda report; and
2. That the write off of individual debts in excess of £5,000 totalling £37,477.09 as detailed in Table 3 of the presented report be approved.

E.46/16 REPORTS OF OTHER BODIES

(a) OVERVIEW AND SCRUTINY PANEL – 3 NOVEMBER 2016

O&S.46/16 BEACH AND WATER SAFETY

RESOLVED

That the proposals outlined within paragraph 3.1.2 of the presented agenda report, with the exception of the removal of buoyage at selected locations, which would be subject to a further update briefing paper being circulated to Members in April/May 2017, be adopted.

(b) OVERVIEW AND SCRUTINY PANEL – 24 NOVEMBER 2016

1. O&S.51/16 LATEST PUBLISHED EXECUTIVE FORWARD PLAN

(a) Homelessness Strategy 2017-2022 Public Consultation

RESOLVED

That the Homeless Strategy 2017-22 be published for public consultation from 13 December 2016 to 13 February 2017.

(b) Allocations Policy and Devon Home Choice Policy Review

RESOLVED

1. That the Council remain in the Devon Home Choice partnership for the next twelve months;
2. That, within the next twelve months, a comprehensive review of alternative allocation delivery methods be completed to evaluate whether the Devon Home Choice partnership remains fit for purpose; and
3. That no changes be made at this time to the South Hams Allocations Policy.

2. O&S.55/16 TASK AND FINISH GROUP UPDATES

(b) Partnerships

RESOLVED

1. That the funding levels remain the same for the South Hams Citizens Advice and South Hams Community Voluntary Service for 2017/18; and
2. That approval be given to the proposed caveats with the South Hams Community Voluntary Service (as outlined at paragraph 5 of the agenda report presented to the Panel meeting).

(e)Permits Review**RESOLVED**

That the Council be **RECOMMENDED** that, following the work undertaken by the Permits Task and Finish Group, the parking permits available in the South Hams be amended and that the Off-Street Parking Places Order be amended as follows:

- Full and Commuter permits to be eliminated and replaced with Town Centre, Peripheral and Rural permits which will be limited to specific towns / villages. The cost of permits to be reduced to reflect the new restrictions, with the exception of Business Permits;
- Permits to become 'virtual' (i.e. customers will no longer receive a paper permit), with the exception of Business Permits;
- New permits be limited to one vehicle registration number only, with the exception of Business Permits;
- The availability of permits be limited to 10% of the total number of parking bays available for each category of permit;
- Permits currently issued free of charge to various organisations be ceased;
- Other permits which are not used often will be eliminated (as outlined at Paragraph 5.6 of the presented agenda report);
- The Residents' Parking permit to be extended to allow parking from 3.00pm to 10.00am, with an increase in cost to £40, with this amendment being reviewed after one year;
- The cost of permits to be as outlined at Paragraph 5.8 of the presented agenda report; and
- All leisure-related permits will be reviewed in partnership with the new leisure contractor, with the exception of permits currently issued to Tone Leisure employees.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.38/16 (ii), E.41/16 (2), E.42/16, AND E.46/16 (b) (2)(e) WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 15 DECEMBER 2016, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 12 DECEMBER 2016 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 10.50 am)

Chairman