

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on **Thursday, 11th May, 2017** at **2.00 pm** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Smerdon
Vice Chairman Cllr Cuthbert

Cllr Baldry	Cllr Bastone
Cllr Birch	Cllr Blackler
Cllr Bramble	Cllr Brazil
Cllr Brown	Cllr Cane
Cllr Foss	Cllr Gilbert
Cllr Green	Cllr Hawkins
Cllr Hicks	Cllr Hitchins
Cllr Hodgson	Cllr Holway
Cllr Hopwood	Cllr Huntley
Cllr May	Cllr Pearce
Cllr Pennington	Cllr Pringle
Cllr Rowe	Cllr Saltern
Cllr Steer	Cllr Tucker
Cllr Vint	Cllr Wingate
Cllr Wright	

In attendance:

Officers:

Catherine Bowen	Monitoring Officer
Sophie Hosking	Executive Director
Steve Jordan	Executive Director Head of Paid Service

1. **Election of the Chairman of Council**

01/17

RESOLVED

That Cllr P K Cuthbert be elected Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2018.

Cllr Cuthbert subsequently declared and signed her acceptance of office.

2. **Address by the New Chairman of Council**

02/17

In addressing the Council, Cllr Cuthbert expressed her honour at being elected as Chairman of the Council and wished to thank her fellow Members for their vote of confidence. In particular, she proceeded to pay tribute to the work undertaken during his year of office by Cllr Smerdon, who she felt would be an incredibly hard act to follow and who had supported her greatly after her accident last year.

In her address, Cllr Cuthbert also made specific reference to:-

- looking forward to her year of office and working closely with her Vice-Chairman;
- her intention to attend as many engagements as was practically possible this year;
- the excellent support she received from her husband; and
- her chosen charity for the year being Epilepsy Action.

3. **Vote of thanks to the Retiring Chairman**

03/17

RESOLVED

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

4. **Response by the Retiring Chairman**

04/17

Cllr Smerdon addressed the Council and highlighted how enjoyable he had found his year of office. In so doing, he made particular reference to:-

- his impression (having attended over 70 engagements) that the Council was held in high regard;
- his gratitude for the support given to him by fellow Members during his year of office;
- the work undertaken by officers, for whom he wished to personally thank and pay tribute. In particular, Cllr Smerdon paid tribute to the Democratic Services Case Manager and her colleagues for their help and support;

- the year being an unforgettable experience for him and his wife; and
- his hope that Cllr Cuthbert would have an equally memorable year.

5. **Appointment of the Vice Chairman of the Council**

05/17

RESOLVED

That Cllr M J Hicks be appointed Vice Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2018.

Cllr Hicks subsequently declared and signed his acceptance of office.

6. **Minutes**

06/17

The minutes of the meetings of Council held on 9 February 2017, 2 March 2017 and 30 March 2017 were each confirmed as a correct record and signed by the Chairman, subject to inclusion of the following amendment:

Reference: Special Council Meeting minutes – 2 March 2017 (Minute Ref. 73/16: 'Local Authority Controlled Company Business Case and JSG Terms of Reference' (page 1 point (b) of the published agenda refers):

- (b) Concern was expressed **by a Member of the Audit Committee** at the perceived lack of input **invited** from **that** Committee during this project. **Other Committee Members felt that the Audit Committee had played a key independent role in this project.** Nonetheless, an amendment was proposed as follows:

Whilst not contesting the accuracy of the minutes, a Member did urge for progress to be made on the arrangements for the Devon Wildlife Trust CEO to deliver a training workshop to Members (Minute 64/16(a) refers).

7. **Representation on Political Groups**

07/17

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

It was then:

RESOLVED

1. That it be noted that the Political Composition of the Council is as follows:-
 - A Conservative Group of 24 Members; and
 - An Opposition Group of 7 Members.
2. That the overall political balance of Council Bodies, as reflected in the paper tabled to the meeting, be approved.

8. **Appointment of Members of the Bodies of the Council**

08/17

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

It was then:

RESOLVED

That, for the 2017/18 Municipal Year, Members be appointed to the Bodies of the Council as set out in Appendix A to these minutes.

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

09/17

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

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

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

Two nominations (Cllrs J P Green and P C Smerdon) had been received to the position of Vice-Chairman of the Overview and Scrutiny Panel.

When put to the vote, it was declared **CARRIED** that Cllr P C Smerdon be appointed to the role of Overview and Scrutiny Panel Vice-Chairman.

It was then:

RESOLVED

That the Chairmen and Vice Chairmen of the Bodies of the Council for the 2017 / 2018 Municipal Year be as indicated below:-

Body	Chairman	Vice Chairman
Audit Committee	Cllr J A Pearce	Cllr J T Pennington
Development Management Committee	Cllr R C Steer	Cllr R J Foss
Licensing Committee	Cllr D W May	Cllr T R Holway
Overview and Scrutiny Panel	Cllr M F Saltern	Cllr P C Smerdon
Salcombe Harbour Board	Cllr J Brazil	Co-opted Member

10. **Appointment of Representatives on Outside Bodies**

10/17

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

In the ensuing debate, reference was made to:-

- (a) the Totnes and District Swimming Pool Association. A Member expressed his disappointment at the proposal to delete the Association from the list of Outside Bodies and felt that this recommendation was somewhat premature. As a result, the following amendment to part 1 of the recommendation was **PROPOSED** and **SECONDED**:-

'That the Totnes and District Swimming Pool Association be reinstated to the list of Outside Bodies.'

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

- (b) providing regular feedback. Some Members emphasised the importance of those colleagues who were appointed to serve on Outside Bodies providing regular feedback to the wider membership.

It was then:

RESOLVED

1. That the Council be represented on the list of Outside Bodies as presented to the meeting;

2. That the Members named in Appendix B to these minutes be appointed as the Council's representatives to those Bodies for the 2017/18 Municipal Year, and that, for the purposes of Members' Allowances, attendance at meetings of these bodies be regarded as an approved duty; and
3. That Members appointed to Outside Bodies provide regular feedback and consultation on the issues affecting the Bodies concerned.

11. **Appointment of Other Groups**

11/17

Members proceeded to consider the appointment for the 2017/2018 Municipal Year of the:-

- (a) Council Tax Setting Panel;
- (b) Devon Building Control Partnership;
- (c) Discretionary Business Rate Relief Decision Panel;
- (d) Invest to Earn Member Working Group;
- (e) Joint SH/WD/Plymouth Local Plan Steering Group;
- (f) Political Structures Working Group;
- (g) Public Spaces Working Group;
- (h) SH/WD Joint Steering Group;
- (i) Slapton Line Steering Group; and
- (j) Waste and Recycling Working Group.

Council then considered the appointments to the above bodies.

In so doing, Members recognised the proposal to change the status of the Waste and Recycling Task and Finish Group to an ongoing Working Group ((j) above refers) and a view was expressed that the proposed size of this Group should be increased from 4 to 5. However, when put to the vote, the Council concluded that the Group membership should be set at 4 for 2017/18.

Having made the decision that the Waste and Recycling Working Group should comprise of 4 Members, a Member was unhappy at the proposal for 2 of these appointments to be Executive Members. As a result, two nominations (Cllrs N A Hopwood and J M Hodgson) were presented to the meeting for the fourth (and final) position on the Working Group. When put to the vote, it was declared CARRIED that Cllr N A Hopwood be appointed to serve on the Waste and Recycling Working Group.

It was then:

RESOLVED

That the appointment of the Other Groups of the Council for the 2017/2018 Municipal Year be approved, as shown in Appendix C to these minutes.

12. **Declarations of Interest**

12/17

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

Cllr R J Vint declared a personal interest in Item 17: 'Business Brought Forward by the Chairman' (Minute 16/17 below refers) by virtue of being a member of the Totnes and District Swimming Pool Association and remained in the meeting during consideration of this agenda item.

13. **Chairman's Announcements**

13/17

The Chairman wished to make specific reference to the following diary dates:

- On 21 September 2017, it was her intention for a Chairman's Charity Golf Day to be held at Bigbury Golf Club;
- The Chairman's Christmas Dinner would be held on 1 December 2017; and
- It was her wish for a staff/Member event to be arranged to take place during the summer months.

14. **Questions**

14/17

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

15. **Notice of Motion**

15/17

It was noted that no motions had been received in accordance with Council Procedure Rule 10.1.

16. **Business Brought Forward By The Chairman**

16/17

The Chairman advised that she had agreed for one item to be brought forward for consideration at this meeting that related to the Leader of Council providing a statement to the Council on the future of Totnes Leisure Centre. Whilst she would not be permitting any debate or questions on this statement, the Chairman confirmed that she would exercise her discretion to enable a local Ward Member for Totnes the opportunity to respond.

The Leader proceeded to make the following statement:

'The Council remains determined to reach an agreement and is doing everything to avoid the closure of the dryside next Monday evening. It has invited Tadpool and Fusion along with their respective legal advisers to Follaton House on Monday in one final attempt to broker a deal.

The Council will be in contact with Fusion to do everything in its power to keep the facility open on Monday.'

In reply to the statement, a local Ward Member made the following points:-

- (a) Prior to this meeting (on 11 May 2017), a letter had been received by 49 Leisure Centre employees from Fusion that formally kick started the redundancy process. The Member proceeded to summarise the contents of this letter;
- (b) In accepting that the parties were in negotiations to resolve this dispute, the Member emphasised the importance of the Council doing everything possible to keep the Centre open and preserve these 49 jobs. With regard to the role undertaken to date by the Council, the Member also wished to put on record his thanks for the ongoing efforts of officers;
- (c) The Member emphasised the progress made by Tadpool at its meeting and stated the need to build on this at the meeting of all parties on Monday, 15 May 2017. In light of the timing of the meeting, the Member requested that the Council do everything within its powers to ensure that the Centre was opened on Monday. Such was the significance of this issue, the Member strongly hoped that a successful conclusion could be reached at the meeting on Monday and he emphasised the importance of all Members supporting the Council and its officers at this time.

17. **Calendar of Meetings 2017/18**

17/17

The Council considered a report that sought Member approval of the Calendar of Meetings for the 2017/18 Municipal Year.

In discussion, reference was made to:-

- (a) a potential clash of Council meetings in February 2018. Whilst a Member asked that, to avoid a potential clash with a Devon County Council meeting, consideration be given to moving the Budget meeting of the Council in February 2018. In response, other Members highlighted the complexities associated with producing the Calendar and were therefore not supportive of this suggestion;

- (b) provision for additional Council meetings. Based upon the number of Special Council meetings that were arranged during 2016/17, a Member was of the view that four Council meetings per year was insufficient and provision should therefore be included for additional meetings that could be removed from Member diaries nearer the time if they were not required;
- (c) Executive Briefing meetings. Officers advised that the decision had been made to include the informal Executive Briefing meetings in the published Calendar in light of the working convention whereby local Ward Member(s) may be invited to attend these in the event of a parochial issue being on the agenda.
- (d) a minor amendment to the draft Calendar. In proposing its adoption, an amendment was included whereby an additional Special Council meeting be scheduled to take place on Thursday, 27 July at 2.00pm.

It was then:

RESOLVED

That the Calendar of Meetings for the 2017/18 Municipal Year be adopted (as per Appendix D to these minutes).

18. Reports of Bodies

18/17

RESOLVED

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

- (a) Development Management Committee 15 March 2017
- (b) Audit Committee 23 March 2017

A.34/16: Review of the Council's Constitution

Regarding the proposal to increase the delegated authority limit for any asset disposals/acquisitions to £300,000, the Committee Chairman advised that this recommendation had been made in appreciation of the current limit of £50,000 being deemed to be too restrictive.

It was then:

RESOLVED

That the amendments to the Council Constitution (as summarised in paragraph 2 of the presented agenda report to

the Committee and fully outlined on the Council website) be approved, subject to the following addition:

'That the COP Lead for Assets be given delegated authority, in consultation with the Section 151 Officer, the lead Executive Member for Assets and the Leader of Council to dispose and/or acquire assets up to a limit of £300,000, with any acquisitions and/or disposals above this limit being referred to the Executive for decision.'

(c) Overview and Scrutiny Panel 6 April 2017

(d) Development Management Committee 12 April 2017

(e) Executive 20 April 2017

E.84/16: Annual Report

Whilst accepting that the Annual Report had been considered by both the Overview and Scrutiny Panel and the Executive, a Member expressed his disappointment that Development Management Committee Members had not been given the opportunity to debate and vote on it prior to this Council meeting.

It was then:

RESOLVED

1. That the challenges that have occurred throughout the year be acknowledged and the progress and achievements made by the Council be endorsed; and
2. That the South Hams Annual Report for the financial year 2016/17 (as outlined at Appendix A of the presented agenda report) be adopted and published.

E.86/16: Parking Permit Review

In light of the debate at the Executive regarding the potential loopholes in this initiative that could be exploited by permit holders, the proposer of the recommendation sought inclusion of an addition as follows:

'with this arrangement being reviewed in six months' time.'

When questioned, it was confirmed that the software had the capability of supporting this review.

It was then:

RESOLVED

That the Full and Commuter parking permits be eliminated and replaced with Town Centre, Peripheral and Rural parking permits and that the Off-Street Parking Places Order be amended accordingly, with this arrangement being reviewed in six months' time.

(NB. the detailed amendments are 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;
- The costs of permits to be as detailed at Paragraph 5.3 of the presented agenda report to the Executive); and
- The 10% maximum occupancy of a car park no longer being applicable.)

The Meeting concluded at 3.10 pm

Signed by:

Chairman
