

# South Hams Council



<b>Title:</b>	<b>Agenda</b>																																													
<b>Date:</b>	<b>Thursday, 11th May, 2017</b>																																													
<b>Time:</b>	<b>2.00 pm</b>																																													
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>																																													
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Smerdon <b>Vice Chairman</b> Cllr Cuthbert</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Baldry</td> <td style="width: 33%;">Cllr Holway</td> <td style="width: 33%;"></td> </tr> <tr> <td>Cllr Bastone</td> <td>Cllr Hopwood</td> <td></td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr Huntley</td> <td></td> </tr> <tr> <td>Cllr Blackler</td> <td>Cllr May</td> <td></td> </tr> <tr> <td>Cllr Bramble</td> <td>Cllr Pearce</td> <td></td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pennington</td> <td></td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pringle</td> <td></td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Rowe</td> <td></td> </tr> <tr> <td>Cllr Foss</td> <td>Cllr Saltern</td> <td></td> </tr> <tr> <td>Cllr Gilbert</td> <td>Cllr Steer</td> <td></td> </tr> <tr> <td>Cllr Green</td> <td>Cllr Tucker</td> <td></td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Vint</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 Huntley		Cllr Blackler	Cllr May		Cllr Bramble	Cllr Pearce		Cllr Brazil	Cllr Pennington		Cllr Brown	Cllr Pringle		Cllr Cane	Cllr Rowe		Cllr Foss	Cllr Saltern		Cllr Gilbert	Cllr Steer		Cllr Green	Cllr Tucker		Cllr Hawkins	Cllr Vint		Cllr Hicks	Cllr Wingate		Cllr Hitchins	Cllr Wright		Cllr Hodgson		
Cllr Baldry	Cllr Holway																																													
Cllr Bastone	Cllr Hopwood																																													
Cllr Birch	Cllr Huntley																																													
Cllr Blackler	Cllr May																																													
Cllr Bramble	Cllr Pearce																																													
Cllr Brazil	Cllr Pennington																																													
Cllr Brown	Cllr Pringle																																													
Cllr Cane	Cllr Rowe																																													
Cllr Foss	Cllr Saltern																																													
Cllr Gilbert	Cllr Steer																																													
Cllr Green	Cllr Tucker																																													
Cllr Hawkins	Cllr Vint																																													
Cllr Hicks	Cllr Wingate																																													
Cllr Hitchins	Cllr Wright																																													
Cllr Hodgson																																														
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																																													
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk																																													

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

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

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

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

**4. Response by the Retiring Chairman**

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

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

**6. Minutes**

**1 - 24**

to approve as a correct record and authorise the Chairman to sign the minutes of the meetings of the Council held on 9 February 2017, 2 March 2017 and 30 March 2017;

**7. Representation on Political Groups**

to approve a review carried out in consultation with leaders of the Political Groups. This is reflected in the list of Council Bodies (circulated separately) – see item 8 below;

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

**25 - 26**

to appoint the Members of the following Council Bodies for the 2017/18 Municipal Year:-

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

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

**27 - 28**

to elect the Chairman and Vice-Chairman of the following Bodies of the Council for the 2017/18 Municipal Year:-

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

**10. Appointment of Representatives on Outside Bodies 29 - 30**

to consider a report concerning the appointment of Members as representatives on Outside Bodies for the 2017/18 Municipal Year (circulated separately);

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

**11. Appointment of Other Groups 31 - 32**

to agree to the appointment of the following Groups for the 2017/18 Municipal Year:-

- 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.

**12. Urgent Business**

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

**13. Confidential Business**

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

**14. Exempt Information**

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

**15. Declarations of Interest**

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

**16. Chairman's Announcements**

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

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

**18. Questions**

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

**19. Notice of Motion**

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

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

**33 - 38**

to consider a report that presents the draft Calendar of Meetings for the 2017/18 Municipal Year;

**21. 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) Development Management Committee - 15 March 2017**

**39 - 50**

**(b) Audit Committee - 23 March 2017\***

**51 - 56**

**(c) Overview & Scrutiny Panel - 6 April 2017**

**57 - 66**

**(d) Development Management Committee - 12 April 2017**

**67 - 72**

**(e) Executive - 20 April 2017\***

**73 - 80**

# Agenda Item 6

## MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 9 FEBRUARY 2017

### 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 K R H Wingate
* Cllr M J Hicks	* Cllr S A E Wright
∅ Cllr P W Hitchins	
* Cllr J M Hodgson	

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Head of Paid Service; Executive Director (Service Delivery and Commercial Development); Monitoring Officer; Section 151 Officer, COP Lead – Human Resources; and Senior Specialist – Democratic Services

#### 61/16      **MINUTES**

The minutes of the meeting of Council held on 15 December 2016 were confirmed as a correct record and signed by the Chairman.

#### 62/16      **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 R C Steer declared a personal interest in agenda item 8(a): 'Questions' (Minute 64/16(a) below refers) by virtue of being a Member of the Devon Wildlife Trust and remained in the meeting during consideration of this agenda item.

63/16

**CHAIRMAN'S ANNOUNCEMENTS**

Whilst not wishing to refer to any specific engagements, the Chairman did wish to welcome the Vice-Chairman back to the Council following her recent accident.

64/16

**QUESTIONS**

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

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

- (a) *"Last August I requested that Mr Harry Barton, CEO of the Devon Wildlife Trust provided an address or workshop on how wildlife can be considered and supported through the planning system. Since then I have made repeated requests and been given at least three assurances that this has been agreed and is being arranged. This presentation would benefit our policies in the forthcoming JLP and inform decision making at DM Committee; when will it take place?"*

In reply, Cllr Tucker informed that contact had been made with the Devon Wildlife Trust on a number of separate occasions. Partly as a result of staff changes within the Trust, Cllr Tucker advised that the organisation had now confirmed that Mr Barton would not be available before the end of March.

Cllr Hodgson responded by expressing her disappointment that there would not be a Member session delivered by the Trust before the Council considered the Joint Local Plan on 2 March 2017.

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

- (b) *"Is this Council fulfilling its legal obligations to support and protect wildlife and its associated habitats? Recent recommendations by planning officers to DM committee to approve planning applications that cut through wildlife corridors are being supported by Members, yet in some cases the impacts on the ecology and protected species have not been fully explored or even passed to our in-house ecologist for a view."*

In response, Cllr Wright stated that the Council employed suitably qualified professionals to consider and report on the wildlife and habitat issues in relation to Council business, including planning applications. Where appropriate and, if deemed necessary, the Council may also seek detailed second opinion from external experts from time to time.

In addition, Cllr Wright also informed that the weight and significance of that opinion was to be considered, debated and balanced in the decision-making process by the Development Management Committee on a case by case basis and, in so doing, the Council was therefore meeting its legal obligations.

65/16

**NOTICES OF MOTION**

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

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

*“The Council will undertake an assessment of the Parkers Barn site in Totnes to determine its suitability and economic viability as a location for affordable housing possibly in conjunction with a Community Land Trust, with a view to the potential purchase of the site, which could also provide improved access for residents of the Riverside housing development.”*

In introducing the motion, the proposer advised that the site was owned by Devon County Council and, considering that it was on the market for a very reasonable price, it would be an ideal investment opportunity for the Council.

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

- (a) The Leader advised that officers had already given this matter consideration and it had been concluded that there were significant viability issues for this site. As a result, the Leader stated his opposition to this motion;
- (b) In support of this motion, the local Devon County Council Member provided an update and reiterated his view that this site presented a very good opportunity for the Council to deliver its affordable housing targets. Furthermore, a Member reminded the meeting of the commitment that was given to consider this site following the Riverside planning appeal;

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

**(b) By Cllrs Green and Baldry**

*“Dialogue and cooperation between Councillors from different political parties leads to increased understanding and informed decision-making. As such, it is actively encouraged by the Council.”*

In his introduction, the proposer highlighted that:

- the work of the Local Authority Controlled Company Joint Steering Group being a positive example of cross political party working and the hope that this approach could be replicated in other areas;
- better decisions were made through increased dialogue; and
- such cross party working conveying a good message to officers.

In discussion, some Members felt that dialogue and co-operation was already taking place across political parties and they were therefore happy to support this motion.

It was then:

### **RESOLVED**

Dialogue and cooperation between Councillors from different political parties leads to increased understanding and informed decision-making. As such, it is actively encouraged by the Council.

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

*“This Council supports a policy of requesting a comprehensive ecological report with appropriate wildlife surveys for any planning application in close proximity, adjacent to or including a Devon Bank, Wildlife Corridor or protected wildlife habitat.”*

In her introduction, the proposer made reference to:-

- the importance of wildlife to the area and the Council having statutory duties in respect of the EU Wildlife Directive; and
- her belief that recent decisions made by the Development Management Committee had not given sufficient emphasis to wildlife implications.

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

- (a) A Member outlined from the Council website the process that was followed in submitting a planning application. In so doing, the Member emphasised that the Council was already requesting (if required) such surveys and asked that the proposer consider amending her motion to read:

*“This Council **already** supports a policy of requesting a comprehensive ecological report with.....”*

In citing the differences between a desktop survey and an on-site survey, the proposer was not willing to accept this amendment. Moreover, a Member expressed his scepticism and asked that officers check to ensure that what applicants were asked to submit was in fact happening in all instances;

- (b) The importance of the process being proportionate and it being made abundantly clear in the forms of the ecological requirements for each planning application;
- (c) An amendment to the motion was **PROPOSED** and **SECONDED** as follows:



*“This Council **will ensure that it implements its existing** policy of requesting a comprehensive ecological report with appropriate wildlife surveys for any planning application in close proximity, adjacent to or including a Devon Bank, Wildlife Corridor or protected wildlife habitat.”*

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

- (d) The seconder stated that ecology was a key consideration for the Development Management Committee and there was direct correlation between the local economy and the strong protection of the nature in the South Hams.

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

66/16

## **2017/18 BUDGET PROPOSALS**

The Council considered a report that provided an update of the Council’s overall financial position and that detailed the formal recommendations of the Executive to achieve a balanced Budget for 2017/18 (Minutes E.55/16 and E.56/16 also refer).

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

- the ongoing cuts in central government funding;
- his wish for income generation to be a top priority for the Council during 2017/18; and
- his belief that the Council remained in a fairly strong financial position.

At this point, the 23 recommendations were **PROPOSED** and **SECONDED** and the Chairman subsequently invited any debate on each of them individually. In so doing, the following points were raised:-

- (i) With regard to the financial pressures outlined in recommendation 2, a Member highlighted that the waste and recycling service continued to create the vast majority of these pressures. As a result, the Member urged the Overview and Scrutiny Panel to have a detailed look at this service. In reply, the Leader agreed that the Council could not continue to spend so much on the service. He then proceeded to advise that the Waste and Recycling Task and Finish Group was currently looking at all aspects of the service and would be reporting its recommendations to the Overview and Scrutiny Panel in the upcoming months;
- (ii) Some disappointment was expressed that the joint meeting of the Overview and Scrutiny Panel and the Development Management Committee that had considered the draft Budget proposals had not been presented with the most up to date information;

- (iii) Some Members emphasised their lack of support for the proposed increases in car parking fees. In their opposition, these Members cited reasons including: the consequent detrimental impact on the local economy by driving customers away from town centres and public transport provision being so poor that it did not offer a viable alternative to the car.

In contrast, other Members felt that, whilst regrettable, car parking fees had been frozen for the last five years and, such were the budget constraints facing the Council, that they would be supporting the recommendations;

- (iv) With regard to additional recommendation 23, a Member urged the Council to support this proposal and put pressure on central government to reverse the trend of such substantial grant funding reductions. A number of Members echoed the sentiments that were contained in this recommendation and asked that local MPs also be sent a copy of the letter.

In line with statutory requirements, a recorded vote was then undertaken on part 11 of the motion. The voting on this part was recorded as follows:-

- For the motion (21): Cllrs Bastone, Blackler, Bramble, Brown, Cane, Cuthbert, Foss, Green, Hawkins, Hicks, Hodgson, Holway, Hopwood, May, Pearce, Pennington, Smerdon, Steer, Tucker, Wingate and Wright.
- Against the motion (2): Cllrs Baldry and Brazil.
- Abstentions (4): Cllrs Gilbert, Rowe, Saltern and Vint.
- Absent (3): Cllrs Birch, Hitchins and Pringle.

In line with statutory requirements, a recorded vote was then undertaken on parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the motion. The voting on these parts was recorded as follows:-

- For the motion (26): Cllrs Baldry, Bastone, Blackler, Bramble, Brazil, Brown, Cane, Cuthbert, Foss, Gilbert, Green, Hawkins, Hicks, Hodgson, Holway, Hopwood, May, Pearce, Pennington, Saltern, Smerdon, Steer, Tucker, Vint, Wingate and Wright.
- Against the motion (0):
- Abstentions (0):
- Absent (4): Cllrs Birch, Hitchins, Pringle and Rowe.

It was then:

## **RESOLVED**

1. That Council Tax is increased by £5 (which equates to a Band D council tax of £155.42 for 2017/18, an increase of £5 per year or 10 pence per week). This equates to a Council Tax requirement of £5,809,541 (as shown in Appendix B of the presented agenda report));
2. That the financial pressures in Appendix B of the presented agenda report (amounting to £1,215,000) be agreed;
3. That the £10,000 discretionary budget bid for the Citizens Advice Bureau be agreed;
4. That the schedule of savings identified in Appendix B of the presented agenda report (totalling £877,800) be agreed;
5. That the Collection Fund Surplus of £143,000 (as shown in Appendix B of the presented agenda report) be agreed;
6. That the level of contributions to reserves to be included within the Authority's Budget (as set out in Appendix C of the presented agenda report) be agreed;
7. That £153,900 of New Homes Bonus funding for 2017/18 be allocated to the Community Reinvestment Projects budget for 2017/18. In addition, any underspend from the 2016/17 Community Reinvestment Projects budget of £153,900 be transferred into the Capital Programme Reserve;
8. That £50,000 of New Homes Bonus funding be allocated to the Joint Local Plan;
9. That the Council earmark £3,060 of its allocation of the New Homes Bonus for 2017/18 for the Dartmoor National Park Sustainable Community Fund, with delegated authority being granted to the Section 151 Officer, in consultation with the Leader and the Lead Executive Member for Support Services to agree the final amount transferred. (NB. the funds are awarded as a one-off payment to Dartmoor National Park, to award projects on an application basis that they administer. The following conditions will apply:
  - decisions must be taken in consultation with the South Hams District Council local Ward Member(s);

- funding can only be used for capital spending on projects in those parts of Dartmoor National Park which fall with the South Hams District Council Boundaries and enable the Dartmoor National Park to carry out its social economic responsibilities; and
  - Dartmoor National Park reports on the progress in the application and use of the funds to the Overview and Scrutiny Panel in time for budget setting decisions to be made;
10. That £75,000 of the Budget Surplus Contingency Earmarked Reserve be used to fund five additional Case Managers within Development Management for a period of one year;
  11. That an income target equivalent to a 2% increase in car parking fees (amounting to £37,800) be approved for 2017/18, with consultation taking place with communities as to how this is achieved through the community led tariffs policy;
  12. That the budget gap of £336,854 be closed by using £287,273 from the Budget Surplus Contingency Earmarked Reserve and £49,581 from the New Homes Bonus Reserve;
  13. That the Council adopt the principle that the future decision on the Dartmouth Lower Ferry (from the work of the Task and Finish Group) reduces the amount taken from the Budget Surplus Contingency Earmarked Reserve required to balance the Budget;
  14. That the Council Tax Support Grant paid to Town and Parish Councils be reduced by 9.85% for 2017/18, 2018/19 and 2019/20. (NB. this equates to a payment of £91,644 for 2017/18);
  15. That the Council set its total net expenditure for 2017/18 at £8,346,076 (as shown in Appendix B of the presented agenda report);
  16. That the minimum level of the Unearmarked Revenue Reserves be maintained at £1,500,000;
  17. That the level of reserves as set out within the Executive report (2 February 2017) and the robustness of budget estimates be noted. (NB. this is a requirement of Part 2 of the Local Government Act 2003);

18. That delegated authority be given to the Finance Community Of Practice Lead (Section 151 Officer), in consultation with the Leader of the Council, to update the budget if there are any changes to the Government Finance Settlement when the final announcement is made;
19. That the Capital Programme Proposals for 2017/18 (totalling £2,415,000) be approved;
20. That, following the Budget scouring exercise, the 2016/17 capital projects be removed from the Capital Programme (amounting to £295,000);
21. That the remaining Capital Programme contingency from the 2015/16 and 2016/17 programmes, totalling £167,000, be used to meet the increased costs detailed in Exempt Appendix D of agenda item 7: Capital Programme Budget Proposals report for 2017/18 (Executive agenda 2 February 2017 refers);
22. That the 2017/18 Capital Programme of £2,415,000 be financed from the funding sources as set out in Section 4 of Item 7: Capital Programme Budget Proposals report for 2017/18 (Executive agenda 2 February 2017 refers); and
23. That a letter be sent to the Prime Minister that includes the following text:

'Dear Prime Minister,

South Hams District Council's Settlement Funding Assessment (Revenue Support Grant and Business Rates) will be reduced by 39.3% over the four years of the finance settlement for 2016/17 to 2019/20. The Council's Revenue Support Grant is reduced to zero by 2018.

Central Government, prior to your election as our Prime Minister, decreed that Revenue Support Grants will be phased out by 2020. Despite the current reduction, in 2016 South Hams District Council received an excellent Audit Committee report from External Auditors KPMG (appointed by the National Audit Commission) which complimented South Hams District Council on its 'economy, efficiency and effectiveness' on behalf of our Council Taxpayers.

Therefore, will you, as our newly elected Prime Minister, who recently stated so laudably that one of your first priorities will be "care and welfare of our people" be prepared to lead the Government in a change in policy for reductions in Revenue Support Grants to local councils.'

67/16 **LOCAL AUTHORITY CONTROLLED COMPANY BUSINESS CASE**

As previously notified, the Chairman reminded the Council that consideration of this agenda item had been deferred until the Special Council meeting on 2 March 2017.

68/16 **PAY POLICY STATEMENT, REVIEW OF GROUP MANAGERS SALARY AND PAY AND REWARD STRATEGY 2017**

Members considered a report that proposed that:

- the draft Pay Policy Statement for 2017/18 be adopted;
- the new salary levels for the Group Managers for Commercial Services and Support Services be agreed; and
- the Pay and Reward Strategy be adopted.

In discussion, reference was made to:-

- (a) the transparency of the report. In welcoming the report, a Member felt that it represented good practice and expressed his disappointment that the private sector (and in particular the Local Enterprise Partnership) did not adopt the same approach;
- (b) the Pay and Reward Strategy. Having been requested at the last meeting of the Political Structures Working Group, a Member welcomed the content of the Strategy and thanked the Community Of Practice Lead for Human Resources for producing this document;
- (c) the Group Managers. A Member expressed his support for the proposed new salary levels for the Group Managers and wished to put on record his thanks for the work that they had undertaken during the last year.

It was then:

**RESOLVED**

1. That the attached Pay Policy Statement for 2017/18 be adopted;
2. That the new salary levels for the Group Managers for Commercial Services and Support Services be approved on the terms as outlined at paragraph 5.2 of the presented agenda report; and
3. That the Pay and Reward Strategy for 2017/18 be adopted.

69/16 **REPORTS OF BODIES**

**(a) Executive – 15 December 2016**

**(b) Audit Committee – 12 January 2017**

**A.27/16: Appointment of an External Auditor**

**RESOLVED**

That the Council opt into the appointing person arrangements made by the Public Sector Audit Arrangements (PSAA) for the appointment of external auditors.

**(c) Development Management Committee – 18 January 2017**

**(d) Joint Overview and Scrutiny Panel / Development Management Committee – 19 January 2017**

The Chairman of the Joint meeting wished to thank all Members for their contributions in what had been the first meeting of its kind.

**(e) Overview & Scrutiny Panel – 19 January 2017**

**(f) Executive – 2 February 2017**

**E.58/16: Business Development Opportunities**

**RESOLVED**

That a Member Working Group be set up to work with officers on any project or initiative linked to income generation, investment strategy or efficiency improvement opportunities, for future consideration by the Council, with the Group Leaders being invited to submit their nominations to serve on this Group.

**E.59/16: Adoption of a Drone Policy**

**RESOLVED**

That the Drone Policy (as presented at Appendix A of the presented agenda report) be formally adopted.

**E.60/16: Emergency Response Plan**

**RESOLVED**

That the Emergency Response Arrangements be approved.

**E.61/16: ICT Strategy 2017-19**

**RESOLVED**

That the ICT Strategy Document (as attached at Appendix B of the agenda report presented to the Executive) be approved.

**E.62/16: Release of S106 Funds for the Delivery of Green Travel Measures at the Follaton Oak Development, Totnes**

A Member expressed her surprise that the comments that she had raised at the Executive meeting that related to the footpath had been omitted from the draft published minutes. In response, officers advised that it would be a decision for the Executive as to whether or not these minutes were amended before they were signed off at the next meeting (9 March 2017) as a 'true and correct record.'

**E.64/16: Transfer of Land**

**RESOLVED**

1. That the principle of an asset transfer of land (indicatively shown at Appendix 1 and described in paragraph 1.2 of the presented agenda report and based on the detail set out in the presented agenda report) be supported;
2. That the revenue position (as outlined in figure 1 of the presented agenda report) be funded from New Homes Bonus funding in the years 2017/18, 2018/19 and 2019/20;
3. That additional temporary staffing resource (as backfill) of up to £30,000 be funded from the Land and Development Reserve; and
4. That authority be delegated to conclude the detailed negotiations to the COP Lead Assets, in consultation with the Section 151 Officer, Head of Paid Service, Monitoring Officer and the Leader of Council.

(Meeting commenced at 2.00 pm and concluded at 3.40 pm)

---

Chairman



**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT  
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 2 MARCH  
2017**

**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 E D Huntley
∅ Cllr J I G Blackler	* Cllr D W May
* Cllr I Bramble	* Cllr J A Pearce
* Cllr J Brazil	* Cllr J T Pennington
* Cllr D Brown	∅ Cllr K Pringle
* Cllr B F Cane	∅ Cllr R Rowe
* Cllr R J Foss	* Cllr M F Saltern
* Cllr R D Gilbert	* Cllr R C Steer
* Cllr J P Green	* Cllr R J Tucker
∅ Cllr J D Hawkins	* Cllr R J Vint
* Cllr M J Hicks	* Cllr 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; COP Lead – Place and Strategy; and Senior Specialist – Democratic Services

70/16      **WELCOME**

On behalf of the Council, the Chairman wished to welcome Cllr Elizabeth Huntley to her first Council meeting since her recent election on to the Council.

71/16      **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:-

Cllrs R J Foss, T R Holway, D W May, P C Smerdon, R C Steer, R J Tucker and S A E Wright each declared a personal interest in agenda item 4: 'Plymouth and South West Devon Joint Local Plan' (Minute 72/16 below refers) by virtue of owning land located within (but not identified for development) the Joint Local Plan area and each Member remained in the meeting during consideration of this agenda item;

Cllr B F Cane declared a Disclosable Pecuniary Interest in agenda item 4: 'Plymouth and South West Devon Joint Local Plan' (Minute 72/16 below refers) by virtue of owning land which had been identified for development and left the meeting room during consideration of this agenda item; and

Cllr R J Vint declared a personal interest in agenda item 4: 'Plymouth and South West Devon Joint Local Plan' (Minute 72/16 below refers) by virtue of being a trustee of Kingsbridge Hill Allotments and remained in the meeting during consideration of this agenda item.

72/16

## **PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN**

A report was considered that set out how the Council would meet the requirement of the Government to maintain an up to date Local Plan and, in accordance with the resolution of the Council, to prepare a Joint Local Plan (JLP) with South Hams District Council and Plymouth City Council.

In their introduction, the Council's Member representatives on the Joint Steering Group took Members through each Section of the JLP and the erratum that had been circulated since the agenda had been published. The Members also informed that this was a historic moment for two reasons:

1. The significant level of co-operation that had been carried out between officers and Members across the three local authorities to reach this point; and
2. The JLP setting out a spatial strategy for the sub-region that put the three local authorities at the forefront of local planning.

In the subsequent discussion, reference was made to:-

- (a) the Infrastructure Needs Assessment. A Member referred to the comment in the JLP whereby 'to support the identification and delivery of infrastructure across the Plan Area, an Infrastructure Needs Assessment had been produced' and questioned when this document would be published. In response, it was intended that this would be published at the same time as the JLP;
- (b) financial contributions. For clarity, it was confirmed that the three partner local authorities had each individually approved a sum of £50,000 to fund the Joint Local Plan during the 2017/18 financial year;
- (c) five year land supply. In the event of one of the partner authorities not being in a position to demonstrate a five year land supply, it was confirmed that this would not have any impact on either of the other two councils;

- (d) the success of the process to date. A number of Members wished to put on record their thanks to the lead officers and Members of the Joint Steering Group who had each put in a tremendous amount of hard work and effort to deliver this Plan in what was an incredibly tight timescale;
- (e) the consultation exercise. In response to some concerns, the Steering Group Members advised that every effort had been made to take into account all of the consultation responses received during this process;
- (f) concerns over the JLP document. Some Members advised of their objections to the document that included:
- the general lack of consultation with local ward Members. In addition, a Member wished to contest the comment whereby adequate public consultation had taken place;
  - the public perception associated with reducing affordable housing contributions to only 30%;
  - the lack of provision to key worker housing;
  - the sheer numbers of housing being proposed in the plan and the excessive reference to building second homes and vacant properties;
  - the irrelevance of the strategic transport policies for rural villages;
  - the scale of proposed development in Dartington would lead to major ramifications in this parish; and
  - policy DEV8 having major ramifications for local villages and the wider rural area.
- (g) protection of the Area of Outstanding Natural Beauty (AONB). A Member welcomed the emphasis in the plan to protecting and preserving the AONB;
- (h) the shortcomings in previous plans. The view was expressed that this plan addressed the shortcomings in previous plans and would prevent developers from submitting applications to build on Greenfield sites;
- (i) the scale of development proposed in Woolwell. Whilst commending the work that had been undertaken to mitigate local concerns in Woolwell and the proposed highway infrastructure improvements in the area, the local ward Member highlighted that there still remained a great deal of local opposition to the Plan.

In accordance with Council Procedure Rule 15.5, a recorded vote was then called for on the motion. The voting on the motion was then recorded as follows:-

For the motion (18): Cllrs Bastone, Bramble, Brown, Cuthbert, Foss, Gilbert, Green, Hicks, Holway, May, Pearce, Pennington, Saltern, Smerdon, Steer, Tucker, Wingate and Wright.

Against the motion (6): Cllrs Baldry, Birch, Brazil, Hodgson, Huntley and Vint.

Abstentions (1):	Cllr Hopwood.
Absent (6):	Cllrs Blackler, Cane, Hawkins, Hitchins, Pringle and Rowe.

It was then:

### **RESOLVED**

1. That the Plymouth and South West Devon Joint Local Plan (as set out in the Appendix to the presented agenda report) be formally approved and that the Plan be subject to a six-week period for representations to be received, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
2. That, following the completion of the six-week period for representations, the Local Plan be formally submitted for Public Examination;
3. That authority be delegated to the Community Of Practice Lead (Place Making), in consultation with the Joint Local Plan Member Steering Group, to agree minor amendments to the Plymouth and South West Devon Joint Local Plan prior to its submission;
4. That the Plymouth and South West Devon Joint Local Plan Steering Group continue to oversee the Joint Local Plan to ensure its effective monitoring and review and that officers be instructed to draw up a revised Collaboration Agreement to this effect between South Hams District Council, Plymouth City Council and West Devon Borough Council with responsibility delegated to the Executive Director (Strategy and Commissioning) for signing the Collaboration Agreement, in consultation with the lead Executive Member for Strategic Planning; and
5. That the Joint Local Plan be corrected prior to publication (as set out in the erratum dated 27 February 2017).

73/16

### **LOCAL AUTHORITY CONTROLLED COMPANY BUSINESS CASE AND JSG TERMS OF REFERENCE**

Consideration was given to a report that sought a decision of the Council regarding whether or not a Local Authority Controlled Company (LACC) should be established jointly with West Devon Borough Council.

At the request of some Members, the Chairman agreed that each of the five recommendations should be debated and voted upon separately. In so doing, the following points were raised:-

- (a) Some Members expressed their concerns at the level of expenditure that had already been spent on the LACC project and were of the view that the work should go no further, with the Joint Steering Group (JSG) being disbanded. As a consequence, an amendment to recommendation 2 was **PROPOSED** and **SECONDED** whereby the words '*at this time*' should be deleted.

In the subsequent debate, some Members felt that deletion of these words would be overly restrictive and it may be beneficial to retain the ability to establish some form of alternative LACC in the future. In contrast, other Members felt that the inclusion of these three words was wholly unnecessary.

When put to the vote, the amendment was (by virtue of a Chairman's Casting Vote) declared **LOST**;

- (b) Whilst concern was expressed at the perceived lack of input from the Audit Committee during this project, this view was countered by other Members, who felt that the Committee had played a key independent role throughout the process to date. Nonetheless, an amendment was **PROPOSED** as follows:

*'That the associated finance and risk issues be considered as a formal agenda item at the next Audit Committee meeting prior to any further consideration by the Joint Steering Group.'*

This amendment was not seconded. However, the Chairmen of the Audit Committee and Overview and Scrutiny Panel both gave a commitment that they would keep a watching brief on the work of the JSG;

- (c) The Leader gave an assurance of the intention to retain political balance (and therefore Opposition Group Member representation) on the JSG;
- (d) In response to Member concerns over the influence of the JSG, an amendment was **PROPOSED** and **SECONDED** as shown in italics (below):

*'That the remaining funding for the LACC project be earmarked to fund further work by the Joint Steering Group within their revised terms of reference, subject to a cap being imposed of £20,000 on any single piece of expenditure.'*

In support of the amendment, some Members felt that the JSG should not be given the authority to spend significant sums of public money and, in the event of a request being made for a single piece of expenditure to be made for over £20,000, then this should be referred to the Executive for its approval.

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

**RESOLVED**

1. That the recommendations of the Joint Steering Group (as outlined at Appendix 1 of the presented agenda report) be noted;
2. That the Council agree with the Joint Steering Group recommendation to not form a Local Authority Controlled Company in its proposed form at this time;
3. That the Joint Steering Group continue to meet with revised terms of reference being put into place to consider other options in respect of shared arrangements and financial challenges;
4. That the revised terms of reference for the Joint Steering Group (as set out in Appendix 2 of the presented agenda report) be approved; and
5. That the remaining funding for the LACC project be earmarked to fund further work by the Joint Steering Group within their revised terms of reference, subject to a cap being imposed of £20,000 on any single piece of expenditure.

74/16

**HEART OF THE SOUTH WEST DEVOLUTION UPDATE**

A report was considered that outlined proposals for the:

- preparation and approval of a Heart of the South West (HotSW) Productivity Plan to take forward the HotSW Prospectus for Productivity that was prepared in support of the partnership's aspirations to secure a devolution deal for approval by the councils in February 2016; and
- creation of a formal HotSW Joint Committee of the local authorities, national park authorities and partners to take forward the Productivity Plan.

In discussion, reference was made to:-

- (a) information held by Devon County Council (DCC). A Member advised that DCC had undertaken a great deal of work in this regard and urged the Council to speak to DCC colleagues;
- (b) the proposals not being in the public interest. In response to some reservations, a Member was hopeful that the establishment of a Joint Committee would enable for greater democratic involvement in the Productivity Plan.

It was then:

### **RESOLVED**

- (i) That the update be noted about the HotSW Combined Authority/Devolution Deal (including noting that a Joint Committee, if established, will have responsibility for developing future 'deal' and combined authority proposals for recommendation to the constituent authorities);
- (ii) That the proposals be approved for the HotSW Productivity Plan preparation and consultation proposals (including noting that the Joint Committee, if established, will have responsibility for approving and overseeing the implementation of the Productivity Plan);
- (iii) That 'in-principle' agreement be given to the establishment of a HotSW Joint Committee with a commencement date of Friday, 1 September 2017, in accordance with the summary proposals as set out in the presented agenda report;
- (iv) That the 'in-principle' decision at (iii) above be subject to further recommendation and report to the constituent authorities after the County elections in May 2017 and confirmatory decisions to approve the establishment of the Joint Committee; a constitutional 'Arrangements' document; an 'Inter-Authority Agreement' setting out the support arrangements; appoint representatives to the Joint Committee and appoint an Administering Authority.

75/16

### **APPOINTMENTS TO COUNCIL BODIES**

Members considered a report that sought to make appointments to Council Bodies following the recent election of Cllr Huntley.

In discussion, reference was made to:-

- (a) the work undertaken by former Councillor Lindsay Ward. A Member paid tribute to the work undertaken by Lindsay, who had been a very well respected ward Member. As a consequence, the Member felt that the Chairman should consider sending a letter of gratitude to Lindsay on behalf of the Council;
- (b) the recommended appointment of Cllr Brown. Whilst some Members felt it disappointing that the Executive did not now have any female representation, the Council did welcome the proposal to appoint its youngest Member on to the Executive.

It was then:

**RESOLVED**

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

1. Cllr D Brown be appointed to serve on the Executive; and
2. Cllr E Huntley be appointed to serve on the Overview and Scrutiny Panel.

(Meeting commenced at 10.00 am and concluded at 1.00 pm)

---

Chairman



**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT  
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 30 MARCH  
2017**

**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 E D Huntley
* Cllr J I G Blackler	* Cllr D W May
* Cllr I Bramble	* Cllr J A Pearce
* Cllr J Brazil	∅ Cllr J T Pennington
* Cllr D Brown	∅ Cllr K Pringle
* Cllr B F Cane	* Cllr R Rowe
* Cllr R J Foss	* Cllr M F Saltern
* Cllr R D Gilbert	* Cllr R C Steer
∅ Cllr J P Green	* Cllr R J Tucker
∅ Cllr J D Hawkins	* Cllr R J Vint
* Cllr M J Hicks	* Cllr 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; Section 151 Officer; Monitoring Officer; and  
Senior Specialist – Democratic Services

**76/16      DECLARATIONS OF INTEREST**

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

**77/16      TREASURY MANAGEMENT STRATEGY 2017/18**

A report was considered that sought approval of the proposed Treasury Management and Investment Strategies for 2017/18, together with their associated prudential indicators.

In the subsequent discussion, reference was made to:-

(a) the limits to borrowing activity. In respect of the relationship between the limits and the Council's proposed Commercial Property Investment Strategy, it was confirmed that external advice was currently being sought with a view to a report being presented to the Executive in June 2017.

For clarity, the additional borrowing allowances had been built in following the decision to undertake prudential borrowing of £6.337 million in light of the Leisure contract award to the preferred bidder, Fusion Lifestyle (Minute 33/16 refers). Furthermore, it was also noted that an additional £1.5 million of borrowing was subject to a business case;

- (b) the requirement for this Special Council meeting. Some Members expressed their concerns at the need for this special meeting to be held at such short notice for such a seemingly light agenda. In response, the Leader informed that advice had been received from the Council's external treasury management advisors (Capita) that the Council needed to approve its Treasury Management Strategy before the start of the 2017/18 Financial Year.

It was then:

### **RESOLVED**

1. That the prudential indicators and limits for 2017/18 to 2019/20 (as contained within Appendix A of the presented agenda report) be approved;
2. That the Minimum Revenue Position (MRP) statement (as contained within Appendix A of the presented agenda report) that sets out the Council's policy on MRP be approved;
3. That the Treasury Management Strategy 2017/18 and the treasury prudential indicators 2017/18 to 2019/20 (as outlined in Appendix B of the presented agenda report) be approved; and
4. That the Investment Strategy 2017/18 (as outlined in Appendix C of the presented agenda report) and the detailed criteria (as detailed in Appendix D of the presented agenda report) be approved.

78/16

### **REPORTS OF BODIES**

**(a) Development Management Committee – 15 February 2017**

**(b) Salcombe Harbour Board – 20 February 2017**

**(c) Overview and Scrutiny Panel – 23 February 2017**

#### **O&S.70/16: Devon and Cornwall Housing – Annual Update**

When questioned, the Chairman of the Panel confirmed that a standalone agenda item relating to Section 106 Contributions would be presented to the Panel in June/July.

**O&S.74/16: Quarterly Performance Measures**

In response to a Member reiterating his concerns over the planning enforcement service, the Panel Chairman advised that an update on the Planning Peer Challenge Action Plan would be considered by the Panel at its next meeting on 6 April 2017.

**(d) Council Tax Setting Panel – 23 February 2017****(e) Executive – 9 March 2017****E.69/16: Community Reinvestment Project Fund Grant Allocation**

A Member asked for her objections to be noted regarding the decision that had been taken whereby no monies had been allocated to Dartington related projects.

**E.71/16: Revenue Budget Monitoring 2016/17****RESOLVED**

1. That the funding of £160,000 be transferred from the Business Rates Retention Earmarked Reserve into the Consolidated Income and Expenditure Account in 2016/17; and
2. That income received from Access Agreements and Land and Property Investments be reviewed at the end of the financial year to assess if it can be transferred into the Capital Programme.

**E.72/16: Capital Programme Monitoring****RESOLVED**

1. That the capital budget for Burke Road, Totnes and Admirals Court, Dartmouth be increased by £200,500 (as set out in Exempt Appendix B of the presented agenda report); and
2. That the £200,500 be financed by capital projects of £160,000 and a contribution from the Land and Development Reserve of £40,500.

**E.74/16: Homelessness Strategy 2017/22**

Whilst commending the Strategy for approval, a Member did nonetheless feel that the recommendation to retain an ongoing joint monitoring SH/WD Member Task and Finish Group was unnecessary. The Member was of the view that the monitoring role was an Overview and Scrutiny function and it should be reviewed by the Panel on an approximate six monthly basis.

Following a brief discussion, there was widespread support expressed for these comments.

It was then:

**RESOLVED**

That the Homelessness Strategy 2017/22 and the 2017 Action Plan be approved and considered by the Overview and Scrutiny Panel for ongoing monitoring.

**E.76/16: Community Housing**

**RESOLVED**

That the Community Housing Strategy (as set out in the presented agenda report) be endorsed, specifically approving:

- the apportionment of the £1.88 million Community Housing Fund (CHF) as per Section 3 of the presented agenda report, including the forward funding of 3 full-time employees for a period of two years; and
- the delegation of acquisition for sites up to £250,000 for the delivery of community housing from the CHF grant be granted to the COP Lead for Assets, in consultation with the lead Executive Member for Assets, the Section 151 Officer and the local Ward Member(s).

79/16

**CHAIRMAN'S CONCLUDING REMARKS**

As this was anticipated to be the last Council meeting of the 2016/17 Municipal Year, the Chairman thanked all Members for their respective contributions during his year of office. Furthermore, the Chairman stated how much he had enjoyed the role and it was his lasting impression that the Council was held in high regard by the local community.

(Meeting commenced at 2.00 pm and concluded at 2.25 pm)

---

Chairman

# Agenda Item 8

## Membership of Council Bodies for 2017/18

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

**This page is intentionally left blank**

**A. Audit Committee**

Cllr J A Pearce – Chairman  
Cllr J T Pennington – Vice Chairman

**B. Development Management Committee**

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

**C. Licensing Committee**

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

**D. Overview and Scrutiny Panel**

Cllr K J Baldry **OR** Cllr M F Saltern – Chairman  
Cllr J P Green **OR** Cllr P Smerdon – Vice Chairman

**E. Salcombe Harbour Board**

Cllr J Brazil - Chairman

**This page is intentionally left blank**



## REPRESENTATIVES ON OUTSIDE BODIES 2017/18

1. **Avon Estuary Forum**  
Cllr E D Huntley
2. **Dartmoor National Park Authority**  
Cllr P W Hitchins
3. **Dartmoor National Park Forum**  
Cllr P C Smerdon
4. **Devon Authorities Strategic Waste Committee**  
Lead Executive Member for Commercial Services (Substitute: Cllr D Brown)
5. **Devon County/South Hams Highways and Traffic Orders Committee**  
Cllrs P C Smerdon and J T Pennington
6. **Devon Districts Forum have made the following appointment:-**  
The Investment and Pension Fund Committee -  
Cllr M J Hicks (in substitute capacity)
7. **Devon Economic Partnership**  
Cllr K R H Wingate
8. **Employment Appeals Panel**  
Cllr M F Saltern
9. **Governance Board (South Devon Healthcare NHS Foundation Trust)**  
Cllr S A E Wright
10. **Greater Dartmoor Local Enterprise Action Fund**  
Cllr P C Smerdon
11. **Hope Harbour**  
Cllr S A E Wright
12. **iESE Transformation Limited**  
Cllr S A E Wright
13. **Joint Advisory Committee on Housing for Local Needs in the Dartmoor National Park (JAC)**  
Cllrs J I G Blacker and J Brazil
14. **Langage Local Liaison Committee**  
Cllrs J I G Blackler and D Brown
15. **Local Government Association:-**
  - (i) **District Council Network** – Leader
  - (ii) **General Assembly** – Deputy Leader
  - (ii) **South West Branch** – Leader
  - (iii) **Rural Commission** – Leader or Deputy Leader
  - (iv) **LGA Committee, Panel, etc appointments**

**(NB: These appointments are made via an Electoral College process**

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

16. **Parking and Traffic Regulations Outside London (PATROL)**  
Cllr K J Baldry
17. **Plymouth and Peninsula City Deal**  
Leader of Council
18. **Police and Crime Commissioners Scrutiny Panel**  
Cllr K R H Wingate
19. **River Yealm Harbour Authority**  
Cllr T R Holway
20. **Salcombe-Kingsbridge Estuary Conservation Forum**  
Cllr S A E Wright and Chairman of Salcombe Harbour Board (or nominee).
21. **South Devon AONB Partnership Committee**  
Cllrs D Brown and J Green
22. **South Devon Coastal Local Action Group**  
Cllr M J Hicks
23. **South Devon and Dartmoor Community Safety Partnership**  
Cllr S A E Wright
24. **South Hams Citizens' Advice Bureau**  
Cllr P K Cuthbert
25. **South Hams Community and Voluntary Services - Executive Committee**  
Cllrs K Pringle and P C Smerdon
26. **South West Councils**  
Cllr R J Tucker
27. **SPARSE Rural and Rural Services Network**  
Cllr M J Hicks
28. **Tamar Estuary Consultative Forum**  
Cllr P W Hitchins
29. **Yealm Estuary Forum**  
Cllr K J Baldry

## Appointment of Other Groups 2017/18

- (a) Council Tax Setting Panel**  
Chairman of Council  
Leader of Council  
Chairman of Overview and Scrutiny Panel  
Leader of the Opposition
- (b) Devon Building Control Partnership**  
Cllr H D Bastone  
Cllr M J Hicks
- (c) Discretionary Business Rate Relief Decision Panel**  
Chairman of the Overview and Scrutiny Panel  
Lead Executive Member for Business Development  
Leader of Council

Substitute Member:  
Deputy Leader of Council
- (d) Invest to Earn Member Working Group**  
Cllr J P Birch  
Cllr R J Foss  
Cllr J T Pennington  
Cllr K R H Wingate  
Cllr S A E Wright
- (e) Joint SH/WD/Plymouth Local Plan Steering Group**  
Cllr M J Hicks  
Cllr J A Pearce
- (f) Political Structures Working Group**  
Cllr K J Baldry  
Cllr J P Green  
Cllr P W Hitchins  
Cllr T R Holway  
Cllr J T Pennington  
Cllr M F Saltern  
Cllr R J Tucker  
Cllr S A E Wright
- (g) Public Spaces Working Group**  
Cllr R J Foss  
Cllr R C Steer  
Cllr R J Vint  
Cllr S A E Wright
- (h) SH/WD Joint Steering Group**  
Cllr J P Green  
Cllr R J Tucker  
Cllr K R H Wingate  
Cllr S A E Wright
- (i) Slapton Line Steering Group**  
Cllr J Brazil  
Cllr R J Foss

**(j) Waste and Recycling Working Group**

Cllr K J Baldry

Cllr D Brown

Cllr R D Gilbert

Cllr N A Hopwood

Report to: **Annual Council**

Date: **11 May 2017**

Title: **Calendar of Meetings**

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

Wards Affected: **All**

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

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

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

Author: **Kathryn Trant** Specialist - Democratic Services

Contact: **Email: [kathryn.trant@swdevon.gov.uk](mailto:kathryn.trant@swdevon.gov.uk)**

---

## **RECOMMENDATION**

**That Council be RECOMMENDED that the calendar of meetings for 2017-18 as presented at Appendix A be approved.**

### **1. Executive summary**

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

### **2. Background**

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

### **3. Outcomes/outputs**

- 3.1 Set out at Appendix A is the draft calendar of meetings for 2017-18.
- 3.2 In drawing up the calendar of meetings, a number of parameters are set which include:

- Constitutional requirements which, for some bodies, sets the number and frequency of meetings to be held annually
- The wishes of Members that Thursdays are seen as Member days and therefore as many meetings as possible are arranged to take place on this day;
- The wishes of Members to avoid clashes with meetings of other organisations and events where possible;
- The wishes of Members to avoid meetings during school holidays where possible;
- Financial timescales and requirements and
- Attempting to ensure that Council and Executive meetings are held in close proximity to the equivalent meetings at West Devon Borough Council.

3.3 It should be noted that the calendar only lists those meetings which can or need to be programmed (for constitutional, financial or other reasons). Meetings of other Council bodies such as task and finish groups arising from the work of the Overview and Scrutiny Panel can be programmed on an ad-hoc basis.

#### **4. Options available and consideration of risk**

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

#### **5. Proposed Way Forward**

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

#### **6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory Powers – Local Government Act 1972
Financial	N	There are no direct financial implications
Risk	N	These are addressed in the body of the report
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	Not applicable
Safeguarding	N	Not applicable

Community Safety, Crime and Disorder	N	Not applicable
Health, Safety and Wellbeing	N	Not applicable

**Supporting Information**

**Appendices:**

A: Calendar of meetings 2017-18

**This page is intentionally left blank**



### SOUTH HAMS CALENDAR OF MEETINGS

Committee	Apr 17	May 17	June 17	July 17	Aug17	Sept 17	Oct 17	Nov 17	Dec 17	Jan 18	Feb 18	Mar 18	Apr 18	May 18
SH Council All at 2pm		11				28			14		22			17
SH Council Tax Setting Panel											23 2.00pm			
SH Executive All at 10am	20		29	20		14	19		7		1	15	26	
<i>SH Exec Briefing</i> <i>All at 3.30pm</i>			15	6	24	21		23		18		1	12	
SH O&S All at 10am		<b>18</b>		<b>6/27</b>	24		5	<b>9</b>		18	<b>8</b>	22		<b>3</b>
SH Audit Committee All at 2pm			22	20		21				25		22		
SH Licensing Committee							12 2.00pm							
SH Combe Harbour All at 2.30pm				10		25		6			26		16	
<i>SH Planning Briefing</i>	3	2/26	26	24	24	25	23	20	18	29	26	26	23	
SH Site Inspections	10	8	5	3/31		4	2/30	27		8	5	5	3/30	
SH DM Committee Times vary	12	10	7	5	2	6	4	1/29		10	7	7	4	2

Notes:

SH Informal Council dates are the morning of SH Council

SH Executive Briefing dates are internal dates and will not be published on the website (Executive Members and SLT)

Bold dates for O&S are programmed for between 4 and 6 weeks after quarter end to allow presentation of PIs

Planning Committee for SH at 4 weekly intervals except over Christmas when it is 5 weeks and August when it is 5 weeks

SH Site Inspection dates to be 3 April not 2 April (Easter Monday)

**This page is intentionally left blank**

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 15 MARCH 2017**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway (am only)
*	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 Baldry, Brown, Green, Hawkins and Tucker

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management; Planning Specialists, Deputy Monitoring Officer and Specialist Democratic Services
	0771/16/OPA	DCC Highways Officer DCC Drainage & Flooding Officer

DM.61/16

**MINUTES**

The minutes of the meeting of the Committee held on 15 February 2017 were confirmed as a correct record and signed by the Chairman.

DM.62/16

**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 R Vint declared a personal interest in application **3715/16/ARM**: Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline approval 03/2163/14/O for residential development of 75no dwellings – Land at SX817 602, Great Court Farm, Berry Pomeroy, Totnes by virtue of knowing the objector. He remained in the meeting for the duration of this item and took part in the debate and vote thereon;

Cllr B F Cane declared a disclosable pecuniary interest in application **1825/16/OPA**: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access – Land at SX550 522, North of Canes Orchard, Brixton by virtue of being the landowner. He left the meeting for the duration of this item;

Cllr Steer declared a personal interest on behalf of the Conservative group members in application **1825/16/OPA**: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access – Land at SX 550 522, North of Canes Orchard, Brixton by virtue of the landowner being a fellow Conservative district councillor. They remained in the meeting and took part in the debate and vote thereon.

DM.63/16 **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.64/16 **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:

**3715/16/ARM**            **Land at SX 817 602, Great Court Farm, Berry Pomeroy, Totnes**

**Parish: Berry Pomeroy**

**Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline approval 03/2163/14/O for residential development of 75no. dwellings**

Case Officer Update:            Amended plans received

Speakers included:            Objector: Ms Sarah Lawrence: Supporter: Mr Graham Hutton: Ward Members: Cllrs Green and Vint

Recommendation:            Conditional Approval subject to the receipt of revised layout plans, clarification of levels, details and materials details.

During discussion, a Member asked that it be minuted that in his view affordable housing percentages should be calculated on bed count rather than dwelling count.

Committee Decision:            Conditional Approval

Conditions:

1. Time limit in accordance with the outline application
2. Hedgerow protection scheme
3. No machinery etc on site until Hedgerow protections

4. Submission of materials – render
5. Submission of timber cladding
6. Submission of joinery details
7. Submission of roof material
8. Stonework sample to be submitted and agreed
9. Highways conditions
10. Obscure glazing on windows in North elevation of Plot 40
11. No windows in West elevation of Plot 39

**3352/16/FUL**

**Briar Hill Farm, Court Road, Newton Ferrers**

**Parish: Newton and Noss**

**Outline application with all matters reserved for the erection of three detached dwellings**

Case Officer Update: None

Speakers included: Supporter – Mr Mark Evans: Parish Council  
Representative – Cllr Alison Ansell: Ward  
Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time Limit
2. Accord with plans
3. Building to be used for the storage of materials associated with the maintenance of the Caravan Park
4. Building to be constructed to timber
5. Finished floor level plan prior to commencement
6. No goods stored outside
7. Landscaping scheme to be submitted prior to commencement
8. No lighting on site without prior approval of the LPA
9. No rooflights

**3471/16/FUL**

**Pillory Hill, Noss Mayo**

**Parish: Newton and Noss**

**Change of use of ancillary unit of self contained accommodation to permanent dwelling and minor changes to external terrace**

Case Officer Update: None

Speakers included: Supporter – Mr Mark Evans: Parish Council  
Representative – Cllr Alison Ansell: Ward

Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

**0041/17/HHO**

**Jons Wood, Brixham Road, Kingswear**

**Parish: Kingswear**

**Householder application for proposed alterations and extensions  
(resubmission of consent 3337/16/HHO)**

Case Officer Update: None

Speakers included: Supporter – Mrs Hill: Ward Member – Cllr  
Hawkins

Recommendation: Refusal

Committee Decision: Refusal

**0771/16/OPA**

**Land at SX 791 430, To rear of Green Park  
Way, Chillington**

**Parish: Chillington**

**Outline planning application for planning permission to erect up to 65  
dwellings (including market, affordable and retirement housing)  
landscaping and associated works**

Case Officer Update: The statement in the Officer Report regarding the New Homes Bonus is incorrect and should read that the sum of £77,155 is payable over 5 years in 2017/18 and then over four years in 2018/19.

One further Letter of Representation has been received raising one new issue commenting on the emerging JLP policy on Thriving Villages.

The site is an allocated site in the emerging JLP but this carries little weight at present.

During questioning The Highway Authority stated that contribution proposed in the Section 106 for Public Transport should not be £100,000 (referred to as £100,00 in the officer report due to a typing error) had been further reviewed and should now be only £60,000 (to maintain the existing bus service for 3 years)

Speakers included: Objector – Mr Michael Garrod MBE: Supporter  
– Mr Harry Seddon: Parish Council – Cllr Piers  
Spence: Ward Member – Cllr Brazil

Recommendation: Conditional Approval

Members had a lengthy debate on this application. Concerns were raised over drainage, and the DCC officer responded in detail to a number of questions related to drainage and flooding. There were questions to the DCC Highways officer and he also responded in detail. One Member noted that the Committee in making its decision was duty bound to rely on the professional judgement of officers from another authority. Members noted that the site was in the forthcoming Joint Local Plan but had been removed from the previous Development Plan. It was **PROPOSED, SECONDED** and on being put to the vote declared **LOST**, that the application be **REFUSED**. Some Members asked that the point raised by the Parish Council that someone be held responsible for any future flooding issues be included as a condition. Whilst this was not appropriate, it was agreed that the seriousness of the flooding concerns be noted in the minutes, along with the Parish Council and Ward Member concerns.

Committee Decision: Conditional Approval

Conditions:

1. Time (commencement and submission of reserved matters)
2. Details of reserved matters of landscaping, appearance, layout and scale to be submitted and agreed.
3. Tree protection, Arboricultural Methodology Statement and Mitigation measures to be agreed and implemented.
4. Prior to commencement submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases).
5. Prior to commencement submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).
6. Unsuspected contamination
7. Highway feature construction details and provision
8. Prior to commencement – phasing programme to be agreed
9. Site compound and car park to be constructed as first part of development
10. Pre commencement - Construction management plan to be agreed
11. Parking strategy to be agreed
12. Drainage Strategy to be agreed relating to site surface water
13. Car parking/garaging to be retained
14. Barn owl survey to be undertaken (details to be submitted and approved prior to commencement)
15. Renewable energy/energy efficiency (details pre-commencement)
16. Provision of ducting for fibre optic broadband.

## 17. Removal of PD rights

After the resolution to approve Members were advised that the National Planning Casework Unit had received a request for the Secretary of State to consider calling in the application for his own determination. As such the application could not now be determined until a response is received from the NPCU.

**1825/16/OPA****Land at SX 550 522, North of Canes Orchard, Brixton****Parish: Brixton****Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access**

Case Officer Update: Members were advised that the Highway Authority had visited Phase 1 of the Canes Orchard development this morning and had noted that the main access road through the development had not been built in accordance with the approved plans. The current application relies upon this access. The Highway Authority now object to the application until they have had time to consider the full implications of this.

Following an update from the Case Officer, it was **PROPOSED**, **SECONDED** and on being put to the vote declared **CARRIED** that the application be **DEFERRED**.

**2879/16/FUL****Development site at SX 649 438, South East side of Burgh Island, Bigbury****Parish: Bigbury****Erection of new standalone hotel suite on Burgh Island to provide hotel additional accommodation**

Case Officer Update: Following the receipt of additional information the first, fourth and fifth bullet points in the second proposed reason for refusal were no longer relevant .

Speakers included: Objector – Mr Peter Cook: Supporter – Mr Tony Orchard and Mr Lukas Barry

Recommendation: Refusal

During discussion, some Members felt the proposal would have an adverse impact on the existing view, whilst others felt the proposal would be an iconic and 21<sup>st</sup> Century addition to an already world famous hotel which would encourage visitors and support tourism. Some Members were



concerned that if the application were approved then future measures may need to be taken to mitigate erosion which would adversely affect the appearance of the site. However, the applicant was confident that the proposal had been designed in such a way that future erosion would not be an issue and in any case, any structure would require planning permission. Members discussed the possibility of railings being required, and how the planning authority could apply a condition to retain an element of control over their appearance. A number of Members stated that this application was finely balanced between preserving the existing view and supporting tourism to benefit the local economy.

Committee Decision:            Conditional Approval

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall in all respects accord strictly with plans and The Design and Access Statement dated September 2016.
3. There shall be no access to or use of the green roof hereby permitted other than for purposes of maintenance.
4. Prior to their installation a sample panel of each of the materials/finishes to be used for the external walls shall be prepared on site for inspection and approval by the Local Planning Authority. This shall include the stonework and external concrete finish(es). Stone panels shall be a minimum of 2m x 2m in size and concrete panels shall be a minimum of 1m x 1m in size. Not less than two weeks' notice shall be given to the Local Planning Authority when the sample panel is ready for inspection. All external work shall be constructed to match the approved panel(s).
5. Prior to its construction full details of the means of construction and appearance of the green roof, including materials and planting details including planting schedule and maintenance program shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained as such.
6. Notwithstanding any details indicated on the submitted and approved drawings and documents, prior to their installation details and samples of facing materials, windows, doors and glazing to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

7. Prior to the installation of any external lighting to serve the building hereby approved or to light the route across the headland from the hotel to the approved building, full details of the lighting shall first be agreed in writing by the Local Planning Authority. External lighting shall be designed to minimise its landscape impact. Development shall take place in accordance with the approved details.

8. The building hereby permitted shall only be used in connection with and for purposes ancillary to the Burgh Island Hotel and it shall not be occupied as an independent dwelling house.

9. Prior to their installation details of the routes and external appearance of all servicing including pipes, cables and/or ducting from the point of connection to the main source of the service to the point of entry/attachment to the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Development shall take place in accordance with the approved details.

10. Prior to the commencement of the development hereby approved, details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the building. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

11. Prior to the commencement of the development, details of the surface water drainage design shall be submitted to and approved in writing by the local planning authority. Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site. Such approved drainage details shall be completed and become fully operational before the development is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

12. The architectural firm Carmody Groarke Ltd of 62-70 Shorts Gardens, London, WC2H 9AH and who are the agents for this application shall be retained by the developer as the principal project managers for the duration of the construction programme unless an alternative reputable project manager is agreed in writing by the Local Planning Authority. The minimum level and nature of the involvement of the project manager in the construction process is also to be agreed in writing with the Local Planning Authority prior to the commencement of development and project management shall take place in accordance with these agreed details.

13. Prior to their installation full details of any boundary treatments, including any fencing, railing or balustrades required in connection with this development, either as part of the building, its amenity space and/or the access route to the building from the hotel, shall be submitted to and agreed in writing by the Local Planning Authority.

Development shall take place in accordance with the approved details.

14. Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include the following:

- The timetable for the construction process including details of any proposed phasing.
- Details of the location of any storage compounds/ location of where materials, equipment and machinery will be stored during the construction process.
- Hours of construction and deliveries to and from the site which shall be limited to the hours of 8am to 6pm Monday to Friday and at no time on Saturdays, Sundays and Bank Holidays
- Details of the size of vehicles and type and size of plant and machinery that will be used on Burgh Island in association with the construction process.
- Details of how the construction process will be managed to minimize the risk of pollution into the marine environment.

Development shall take place in accordance with the approved details

**4033/16/HHO**

**Low Cedars, Road from Marldon Cross to Roots, Westerland, Marldon**

**Parish: Marldon**

**Householder application for composite decking to rear of property to facilitate access from bedroom and conservatory**

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

Standard time limit

Adherence to plans

DM.65/16 **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.66/16 **PERFORMANCE INDICATORS**

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service.

It was then:

**RESOLVED**

That the latest set of performance indicators be noted.

(Meeting commenced at 10.00 am and concluded at 5.30 pm)

---

Chairman

## Voting Analysis for Planning Applications – DM Committee 15 March 2017

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
3715/16/ARM	Land at SX 817 602, Great Court Farm, Berry Pomeroy	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Cuthbert, Bramble, Hitchins (8)	Cllrs Hodgson, Vint, Pearce (3)	Cllr Brazil (1)	
3352/16/FUL	Briar Hill Farm, Court Road, Newton Ferrers	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Bramble, Hitchins, Pearce, Vint (9)	Cllrs Brazil, Cuthbert, Hodgson (3)	(0)	
3471/16/FUL	Pillory Hill, Noss Mayo	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Cuthbert, Bramble, Vint, Pearce, Brazil (10)	Cllr Hodgson (1)	Cllr Hitchins (1)	
0041/17/HHO	Jons Wood, Brixham Road, Kingswear	Conditional Approval	Cllrs Pearce, Bramble, Holway, Hitchins, Cane, Rowe (6)	Cllrs Hodgson, Vint, Brazil, Cuthbert, Steer, Foss (6) Vote lost on Chairman's casting vote	(0)	
0041/17/HHO	Jons Wood, Brixham Road, Kingswear	Refusal	Cllrs Hodgson, Vint, Brazil, Cuthbert, Steer, Foss (6)	Cllrs Pearce, Bramble, Holway, Hitchins, Rowe (5)	Cllr Cane (1)	
0771/16/OPA	Land at SX 791 430, to Rear of Green Park Way, Chillington	Refusal	Cllrs Vint, Brazil, Hodgson (3)	Cllrs Pearce, Cuthbert, Cane, Bramble, Rowe, Steer, Foss (7)	Cllr Hitchins (1)	Cllr Holway (1)
0771/16/OPA	Land at SX 791 430, to Rear of Green Park Way, Chillington	Conditional Approval	Cllrs Pearce, Cuthbert, Cane, Bramble, Rowe, Steer, Foss (7)	Cllrs Vint, Brazil, Hodgson (3)	Cllr Hitchins (1)	Cllr Holway (1)

1825/16/OPA	Land at SX 550 522, North of Canes Orchard, Brixton	Deferral	Cllrs Hodgson, Vint, Pearce, Hitchins, Cuthbert, Brazil, Bramble, Rowe, Foss (9)	Cllr Steer (1)	Cllr Cane (by virtue of declaring DPI) (1)	Cllr Holway (1)
2879/16/FUL	Development site at SX 649 438, South East side of Burgh Island, Bigbury	Conditional Approval	Cllrs Foss, Brazil, Cuthbert, Hodgson (4)	Cllrs Rowe, Pearce, Bramble (3)	Cllr Cane (by virtue of not hearing all of the presentation), Cllrs Steer, Vint (3)	Cllrs Holway, Hitchins (2)
4033/16/HHO	Low Cedars, road from Marldon Cross to Roots, Westerland, Marldon	Conditional Approval	Cllrs Steer, Foss, Bramble, Cuthbert, Pearce, Vint, Hodgson, Brazil, Cane (9)	(0)	Cllr Rowe (1)	Cllrs Holway, Hitchins (2)

**MINUTES OF A MEETING OF THE AUDIT COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 23 MARCH 2017**

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

<b>Members also in attendance:</b>
Cllrs D Brown, M J Hicks, T R Holway, R J Tucker and S A E Wright

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Executive Director (Service Delivery and Commercial Development); Section 151 Officer; Monitoring Officer; Devon Internal Audit Partnership Manager; KPMG Engagement Lead and Senior Specialist – Democratic Services

**A.29/16 MINUTES**

The minutes of the meeting held on 12 January 2017 were confirmed as a correct record and signed by the Chairman.

**A.30/16 DECLARATIONS OF INTEREST**

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

**A.31/16 KPMG ANNUAL GRANT CERTIFICATION LETTER**

A paper was considered by the Committee that advised of the requirement for external auditors to prepare an annual report on the claims and returns certified for each audited body. It was noted that the Certification Letter was the KPMG annual report for the certification work that had been undertaken for 2015/16.

With no issues subsequently being raised by Members, it was then:

**RESOLVED**

That the contents of the Annual Grant Certification Letter be noted.

**A.32/16 KPMG REPORT EXTERNAL AUDIT PLAN 2016/17**

The Committee considered a report from KPMG that presented its External Audit Plan for the Council for 2016/17.

In discussion, reference was made to:-

- (a) the identified risk relating to Business Rates Appeals. Some Members felt that the comment in the Plan that: *'the Council receives 40% of non-domestic rates income and costs'* gave the wrong impression to the public when, in reality, the Council only received 6p of every £1 received;
- (b) the allocation of shared costs between the Council and West Devon Borough Council. The Section 151 Officer confirmed that the Committee would receive a further report on this matter at its June 2017 meeting. Furthermore, it was also confirmed that this report would include reference to the methodology that was used to calculate the cost allocations between the two authorities;
- (c) the Council approach to pursuing its debtors. In response to some Member concerns regarding the timescales for chasing some debts, officers informed that the Senior Leadership Team was reviewing the Council's current approach to pursuing debtors. Following this review, officers gave a commitment to report back to the Committee at its September 2017 meeting to outline the safeguards that had been put in place;

It was then:

**RESOLVED**

That the External Audit Plan be noted.

**A.33/16 2017/18 INTERNAL AUDIT PLAN**

Members gave consideration to a report that provided them with the opportunity to review and comment upon the proposed internal audit plan for 2017/18.

In discussion, the following points were raised:-

- (a) Whilst there was still some areas that related solely to the Council (e.g. Salcombe Harbour), it was noted that the Audit Plan was now a joint document between the Council and West Devon Borough Council;



- (b) A Member sought greater clarity on the time allocated for the 'LACC Lessons Learned Officers Group'. In response, officers advised that this related to a request from senior officers for Internal Audit colleagues to be in attendance at meetings to reflect on the LACC project and to bring an objective support and challenge perspective to these discussions.

A Member stated her regret at the amount of time and resource that had been committed to the project and was of the view that this had consequently led to a detrimental impact on service delivery. However, other Members felt that it was right for the project to have been given detailed consideration as a potential option to address future budgetary constraints.

A Member expressed his support for investigations to take place into the potential purchase of time recording technology to enable for project costings to be more accurate. In contrast, other Members believed that the current approach was proportionate and considered that such technology would be overly bureaucratic.

It was then:

### **RESOLVED**

That the report be noted and the proposed Internal Audit Plan for 2017/18 (as outlined at Appendix A of the presented agenda report) be approved.

A.34/16

## **REVIEW OF THE COUNCIL'S CONSTITUTION**

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

In his introduction, the lead Executive Member for Support Services wished to put on record his gratitude for the amount of work and effort that the Chairman of the Overview and Scrutiny Panel had put in during this review. Furthermore, the Monitoring Officer also wished to thank the Council's Corporate Procurement Officer for the work that she had undertaken to review the Council's Contract Procedure Rules.

In the subsequent discussion, reference was made to:-

- (a) the European Union (EU). A Member emphasised a number of his detailed concerns over the degree of reference to the EU in the Council's draft Contract Procedure Rules. In particular, it was agreed that the Member would be provided with more information relating to State Aid outside of the meeting;

- (b) the proposed increase in the delegated authority limit of asset disposals. In accepting the reason for the proposed increase from £50,000 to £300,000, the Committee felt that the Leader should also be included in the list of consultees. Therefore, an addition was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED** 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) the Members' Planning Code of Practice. The Monitoring Officer confirmed that it was her intention for the Code of Practice to be reviewed in the upcoming months;
- (d) the South West Design Panel. Having been informed of the establishment of the South West Design Panel, some Members requested more detailed information regarding how it operated;
- (e) access to information relating to the LACC Joint Steering Group (JSG). In response to Member criticism that the wider membership were unable to see the JSG agenda papers, it was agreed that this issue would be given further consideration at the next JSG meeting on 28 March 2017;
- (f) the importance of all newly elected Members being sent a link to the Council Constitution;
- (g) officer delegations. A Member queried what control measures were in place to ensure that officers who had utilised their delegated powers were informing the Executive of their decisions. In reply, the Committee was advised that the Council had an informal Executive Briefing forum at which such matters were reported.

Furthermore, in respect of reporting exemptions, it was noted that these were included in the Council's Annual Governance Statement that was formally considered by the Executive. As a further assurance, the lead Executive Member for Support Services confirmed that, on occasion, he did challenge and seek greater clarity on the legitimacy of some of the exemptions that were reported to him;

It was then:

### **RESOLVED**

1. That authority be delegated to the Monitoring Officer to make any further amendments to the Contract Procedure Rules as a result of consultation with the Corporate Procurement Officer; and

2. That Council be **RECOMMENDED** that the amendments to the Council Constitution (as summarised in paragraph 2 of the presented agenda report and fully outlined on the Council website) be approved, subject to inclusion of the addition at point (b) (as above) in the detailed minutes.

## A.35/16 **STRATEGIC RISK ASSESSMENT – REGULAR UPDATE**

The Committee considered a report that presented an updated assessment of the Council's strategic risks.

In discussion, reference was made to:-

- (a) those risks with a score of 12. Whilst the report requested that the attention of the Committee should be on those risks with a score above 12, Members felt that this should be revised, with their attention being on those risks with a score of 12 and over;
- (b) some of the current risk scores. In recognising their subjectivity, a Member took issue with some of the current risk scores. For example, the Member felt that risk number 6 ('Encouraging Communities to Thrive') was scored too highly whereas risk numbers 11 ('Financial Sustainability') and 12 ('Provision of Quality Services') were scored too lowly. Following a detailed discussion, it was agreed that a meeting be set up between the Group Manager – Business Development; the lead Executive Member for Business Development and the interested Member to review the current scores attributed to each identified risk;
- (c) the Council's procurement arrangements. Such was the importance of procurement, that a Member was of the view that the temporary procurement officer post should be made permanent. In echoing the importance, officers stated that discussions were currently taking place across Devon in an attempt to establish a countywide approach to procurement. As discussions progressed, officers gave a commitment to keep the Committee informed in this respect.

It was then:

### **RESOLVED**

1. That the Committee has reviewed the strategic risks and has made comments (as detailed in the minutes above); and
2. That the Group Manager – Business Development convene a meeting with the lead Executive Member for Business Development and Cllr Pearce to review the current scores attributed to each individual risk.

(Meeting commenced at 2.00 pm and finished at 3.35 pm)

---

Chairman

**This page is intentionally left blank**

**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 6 APRIL 2017**

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

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, D Brown, P K Cuthbert, R Foss, R D Gilbert, M J Hicks, J M Hodgson, T R Holway, J A Pearce, R Rowe, R C Steer, R J Tucker, R J Vint 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.83/16	Brookbanks Consulting Limited – Managing Director
9	O&S.84/16	Commissioning Manager
10	O&S.85/16	Specialist Manager and Community Of Practice Lead Development Management
11	O&S.86/16	Specialist Assets

**O&S.78/16 APPOINTMENT OF VICE-CHAIRMAN**

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

It was then:

**RESOLVED**

That Cllr J T Pennington be appointed Vice-Chairman for the duration of this meeting.

**O&S.79/16 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 23 February 2017 were confirmed as a correct record and signed by the Chairman.

**O&S.80/16 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 M F Saltern declared a personal interest in agenda item 8: 'Sherford Project Update' (Minute O&S.83/16 below refers) by virtue of being a Director of the Ivybridge Academy Trust and remained in the meeting and took part in the debate on this matter; and

Cllr P C Smerdon declared a personal interest in agenda item 11: 'New Homes Bonus Allocation to Dartmoor National Park Authority' (Minute O&S.86/16 below refers) by virtue of his local ward being based largely within the Dartmoor National Park Authority area and remained in the meeting and took part in the debate and vote on this item.

**O&S.81/16 PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, there were no issues received for consideration.

**O&S.82/16 EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan and duly noted its contents without further discussion.

**O&S.83/16 SHERFORD PROJECT UPDATE**

The Managing Director of Brookbanks Consulting Limited presented an update to the Panel that included reference to the following early findings:-

- There was proving to be insufficient space for water and a lack of climate change allowance;
- There were certain conflicts between the Masterplan and the topography of the landscape; and
- The rate of sales were presently too low. However, since visitor numbers were higher than anticipated and the calendar was moving into what was traditionally prime selling time, it was hoped that this trend would soon be reversed.

In its conclusion, the presentation highlighted the following next steps for the project:-

- to implement the Strategic Review;
- to develop the Community Trust;
- progression of the temporary/permanent primary school;
- progression of the Leisure Centre and the Local Centre; and
- the development of the western pitches.

In the subsequent discussion, reference was made to:-

- (a) potential solutions to the water space issue. Whilst the answers were not known yet, the Managing Director did highlight that all best practice guidance suggested that water should be managed on the surface (e.g. via basins and/or swales). However, the Panel noted that any such decisions would have to be taken in the context of how they would fit into the vision of Sherford;
- (b) the access off the A38. A Member raised the point that the works were still causing significant problems to local residents and there was a public perception that little work was taking place on the junction. In reply, the Managing Director expressed his sympathy for the situation, but was pleased to announce that the works in this area were now just about finished;
- (c) potential reasons why sales had been low to date. Having attended the recent site tour, some Members cited the following reasons as being potentially contributing factors for the lower than anticipated sales:
  - the use of community car parks and the consequent inability for residents to park outside their property;
  - the ceilings being too high;
  - the staircases being too steep; and
  - the windows being too low.

In reply, the Managing Director welcomed these observations and reiterated that these features were within the Design Town Code for Sherford and it was his belief that the Code would need to be reviewed as the site continued to evolve. The Managing Director also emphasised that the use of modern building materials now resulted in a better end product and the Town Code was restricting the project by requiring the use of traditional materials;

- (d) the delivery of on-site affordable housing. Members were advised that the 130 affordable houses that were part of phase 1 of the project had been secured by Devon and Cornwall Housing and they would be advertised imminently. Whilst this phase of affordable housing was situated within the Plymouth City Council geographical boundary, it was confirmed that these would be allocated on a 50/50 basis between the city and the South Hams;
- (e) the Community Trust. In reply to a question, the Managing Director advised that the amount that each householder would have to pay would depend upon the effectiveness and the success of the Community Trust. As a worst case scenario, the Managing Director estimated that each property would pay between £250 and £300 per annum. In reply, one Member commented that this was likely to be a further reason why sales had been less than expected;

- (f) the amount of green space. The Panel was assured that, regardless of how the development evolved, the amount of on-site green space would not change;
- (g) renewable energy. Whilst the central government position had changed in relation to feed-in tariffs (thereby affecting the viability of certain sources of renewable energy), the project remained committed to achieving its overall aspirations, but via alternative means;
- (h) progression of the primary school. The view was expressed that early establishment of the primary school would have been an incentive to prospective buyers. The Managing Director informed that it was the initial intention for the school to be developed during the early stages of the project. However, the uncertainty following the results of the EU Referendum last June had affected the delivery of the primary school. That being said, the Managing Director still hoped that the school could be developed early in the project and dialogue was taking place with Devon County Council to progress this matter.

In conclusion, the Chairman wished to thank the Managing Director for his informative presentation and responses to Member questions and, on behalf of the Panel, requested that the next project update be scheduled for six months' time.

## O&S.84/16 **ANNUAL REPORT**

The Panel considered a report that presented the Council's draft Annual Report. The purpose of the Annual Report was to review Council progress over the last financial year and to set the scene for the upcoming year ahead.

In discussion, the following points were raised:-

- (a) In accordance with the Governance Section of the Annual Report, a Member repeated his previously raised concerns over the emphasis in the Council's Contract Procedure Rules to the EU Procurement Rules and proceeded to **PROPOSE** the following additional recommendation:-

*'That the EU Procurement Rules be brought to the attention of Mr David Davis MP in his capacity as Secretary of State for Brexit.'*

However, this proposal was not **SECONDED**.

- (b) Having been informed of its recent success in attaining a national award, a number of Members wished to put on record their congratulations to the Locality Team. The Panel felt that the Locality Service had proven to be one of the real success stories of the Council's Transformation Programme;



- (c) A number of Members felt that the new Council website was a vast improvement and was much more user friendly. As a result, the view was expressed that this would greatly support the Council's channel shift agenda;
- (d) In stating the importance of the Council supporting town and parish councils to deliver their Neighbourhood Plans, the Panel requested that consideration be given to including this as an additional Action for 2017/18 in Section 8 of the Annual Report prior to it being formally adopted;
- (e) Prior to any vote taking place, Members felt that the recommendation should acknowledge the fact that the Council had faced challenges throughout the course of the year. This suggestion was subsequently **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED**;
- (f) With regard to the Grounds Maintenance Review and, based upon the state of the parks in Salcombe, a local Ward Member highlighted that it was her impression that the performance of the service was poor;
- (g) Specifically regarding the policy that had been established to support design quality, a question was asked as to what extent Members had been involved in the development of this policy. In reply, officers gave a commitment to provide a written response outside of this meeting;
- (h) Some Members felt that 'Our Plan' and its eight underpinning themes were due for a review. In accepting the point, the Head of Paid Service replied that it was his intention for a review to be undertaken by Members later in the year;
- (i) The view was expressed that the Council of the Year Award 2016 was a misleading statement in the Annual Report and some Members felt that it would have been a more accurate reflection to include reference to it being an iESE sponsored award.

It was then:

**RECOMMENDED**

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

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

## O&S.85/16 **PLANNING PEER CHALLENGE ACTION PLAN UPDATE**

Members considered a report that outlined progress with implementing the Peer Review Action Plan that arose from the Planning Peer Challenge Visit conducted between 18 and 20 April 2016.

In discussion, reference was made to:-

- (a) the Transformation Programme. In reply to a query regarding who the accountable officers were for a planning application, officers confirmed that ultimate responsibility sat with either the Specialist Planning Officers or the Level 6 Case Managers;
- (b) the potential use of apprenticeships and placements with universities. Members expressed their support for this initiative to be explored in an attempt to address the challenge of recruiting planning officers;
- (c) scrutinising the performance information related to the service. A Member expressed his personal belief that, whilst a standing item on each Development Management Committee meeting, the performance information was not adequately being scrutinised since it was always at the end of the agenda. In reply, a number of Committee Members strongly rebuked this claim but, nonetheless, the Committee Chairman did give an assurance that he and officers would review the order of the agenda before each Committee meeting agenda was published.

In addition, some Members felt that there should be a greater role played by the Panel in reviewing key service performance data and the following additional recommendation was **PROPOSED** and **SECONDED** and when being put to the vote declared **CARRIED**:-

*'That key service performance data be reported to the Panel on a quarterly basis.'*

- (d) support for neighbourhood plans. Some Members reiterated the point that the support being offered to groups was intermittent and took issue with the Action Plan status suggesting that this particular action was 'complete'. In response, it was noted that the Action Plan comments only referred to specific actions. Furthermore, an officer had recently been appointed by the Council to have specific responsibility for supporting neighbourhood planning groups to ensure that the Council was fulfilling its statutory obligations. Members also requested that a position paper on the levels of support being provided to neighbourhood planning groups should be presented to a future Panel meeting;

- (e) the pre-application process. Some Members stated that the Council's reputation for its approach to pre-applications amongst the general public was presently poor and required improvement. In reply, officers advised that a review was to be undertaken and it was accepted that a good quality pre-application service would be beneficial to the performance of Development Management. As part of this wide ranging review, it was confirmed that the Duty Planning Service would be included;
- (f) the new Committee site inspection process. Members were of the view that the new process was much improved and had helped to speed up the determination of planning applications that were being presented to the Development Management Committee;
- (g) the Council's approach to viability. Members requested that they be given the opportunity to review the Council's approach to viability at a future Panel meeting. The fact that applicants paid for their own viability assessments was welcomed by Members;
- (h) planning related training. A number of Members emphasised the importance of being in receipt of ongoing planning related training. In response, officers confirmed that they remained committed to arranging regular training sessions for Members;
- (i) the recent surge in planning workload. The Panel was advised that 252 planning applications had been submitted to the Council in March 2017 (which equated to a 26% increase to the monthly average). Officers stated that this was a particularly large peak in the volume of applications received and they would continue to monitor the numbers submitted and take the appropriate action to ensure that they were dealt with as efficiently as possible;
- (j) the enforcement backlog. In highlighting the impact of the transitional resources, it was noted that the vast majority of backlog cases had now been resolved. However, moving forward, the Council had recognised that the initial resources allocated for planning enforcement were insufficient and this had been addressed during the Budget setting process for 2017/18;
- (k) planning officer contact details. In light of a request, officers agreed to send the contact details of planning officers to an interested Member.

It was then:

### **RESOLVED**

1. That the progress made in implementing the Peer Challenge Action Plan be noted; and
2. That key service performance data be reported to the Panel on a quarterly basis.

**O&S.86/16 NEW HOMES BONUS ALLOCATION TO DARTMOOR NATIONAL PARK AUTHORITY (DNPA)**

The Panel considered a report that presented the projects that had been funded by Dartmoor National Park Authority from the New Homes Bonus funds allocated by the Council.

It was then:

**RESOLVED**

That the Panel welcome the details of the projects being funded by Dartmoor National Park Authority

**O&S.87/16 TASK AND FINISH GROUP UPDATES**

**(a) Dartmouth Lower Ferry**

There was no update given to this meeting.

**(b) Waste and Recycling**

The lead Executive Member for Commercial Services made reference to the Waste and Recycling Service Briefing that had been scheduled to take place on Thursday, 27 April 2017 and encouraged all Members to attend this important session.

**O&S.88/16 ACTIONS ARISING / DECISIONS LOG**

The contents of the latest version of the Log was presented and it was agreed that the Chairman and Senior Specialist – Democratic Services would review previous Logs to ensure that all historical matters had now been addressed.

**O&S.89/16 DRAFT ANNUAL WORK PROGRAMME 2017/18**

In consideration of its Annual Work Programme, the following comments, additions and amendments were made:-

(a) It was noted that the next Panel meeting had been rearranged to take place on 16 May 2017;

(b) With regard to future energy provision at Follaton House, Members commented that they had still not been contacted by the lead officers and it was therefore requested that this matter be followed up;

(c) Whilst the Calendar of Meetings for 2017/18 had still to be agreed by the Council, Members requested that future agenda items be programmed for the Panel in the next Municipal Year in relation to:

- The request made at the Special Council meeting on 30 March 2017 for the Panel to regular monitor the Homelessness Strategy 2017/22 and the 2017 Action Plan (Minute 78/16(e) refers);
- The wish for six-monthly updates to be received by the Panel on the Sherford project;
- An update in relation to Village Housing Initiatives;
- Development Management performance data being considered by the Panel on a quarterly basis;
- A position paper being presented on the levels of support being provided to neighbourhood planning groups; and
- The Council's current approach to viability assessments.

(Meeting started at 10.00 am and concluded at 1.00 pm)

---

Chairman

**This page is intentionally left blank**

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 12 APRIL 2017**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway (am only)
*	Cllr B F Cane	*	Cllr J A Pearce
*	Cllr P K Cuthbert	∅	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
*	Cllr P W Hitchins	*	Cllr R J Vint

**Other Members in attendance:**

Cllr E D Huntley

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management; Planning Specialists, Deputy Monitoring Officer and Specialist Democratic Services

**DM.67/16 MINUTES**

The minutes of the meeting of the Committee held on 15 March 2017 were confirmed as a correct record and signed by the Chairman, subject to an amendment under application 0771/16/OPA to reflect that the speaker was referring to the professional judgement of all officers, not just those from another authority, as follows:

‘One Member noted that the Committee in making its decision was duty bound to rely on the professional judgement of officers from another authority’ to be amended to:

‘One Member noted that the Committee in making its decision was duty bound to rely on the professional judgement of officers’.

**DM.68/16 URGENT BUSINESS**

The Chairman advised that application 0894/16/FUL: Development of three residential units – Private car park and garages, rear of 27-45 Fore Street, Totnes, Devon TQ9 5RP had been deferred from the agenda.

**DM.69/16 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 P K Cuthbert declared a personal interest in application 1621/16/FUL: Erect replacement dwelling – Waves Edge, Challaborough, TQ7 4JB by virtue of knowing the wife of the objector. She remained in the meeting and took part in the debate and vote thereon.

**DM.70/16 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.71/16 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:

**1621/16/FUL            Waves Edge, Challaborough, TQ7 4JB**

**Parish: Bigbury**

**Erect replacement dwelling**

Case Officer Update:        N/A

Speakers included:        Objector - Mr John Simes: Parish Council – Cllr  
Bryan Carson: Ward Member: Cllr Huntley

Recommendation:        Conditional Approval

During discussion, a number of Members stated their concerns that the height of the proposal would upset the current flow of the development line that had existed for many years, and this would be particularly noticeable from the South West Coast Path. Members generally did not object to the volume increase of the proposal compared to the existing dwelling, and accepted that the proposal could be dug down to accommodate the replacement dwelling, but did not accept that the roof line be altered, particularly as this site was within the Area of Outstanding Natural Beauty.

Committee Decision:        Refusal

**Reasons:**

The proposed development by reason of its' height and impact upon the South West Coastal Path would be an incongruous feature in the streetscene and landscape, out of keeping with, and harmful to, the



character of the settlement and South Devon AONB. As such it is contrary to policies DP1, High quality design, and DP2, Landscape character, of the adopted Development Policies DPD; policies CS7 Design and CS9 Landscape and historic environment of the adopted Core Strategy and paragraphs 64 and 115 of the NPPF which require a high standard of design and seek to protect the landscape character of the South Devon AONB and policies TTV32 Residential extensions and replacement dwellings in the countryside, DEV1 protecting amenity and the environment, DEV24 landscape character and DEV27 Nationally Protected Landscapes of the emerging Joint Local Plan.

**0620/17/HHO          76 Higher Westonfields, Totnes**

**Parish: Totnes**

**Householder application for replacement of existing timber balcony balustrade with stainless steel and frosted glass**

Case Officer Update:          None

Speakers included:          None

Recommendation:          Conditional Approval

Committee Decision:          Conditional Approval

Conditions:

1.      Time Limit
2.      Accord with plans

**DM.72/16          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.73/16          PERFORMANCE INDICATORS**

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. Members raised a number of detailed questions, particularly around the workload statistics. The COP Lead advised the Committee that comparison of case load numbers was not an exact science and type and complexity of applications should also be considered.

Members sought clarity on the position in terms of enforcement cases. The COP Lead updated Members on current staffing levels and advised that a number of cases within the backlog section were waiting for planning applications to be determined.

The Committee raised concerns over the capacity of officers to deal with current workloads, particularly enforcement cases which were increasing. In Members view, there was a public perception that the authority was not especially effective in enforcement matters and developers took advantage of that. In response to a request the COP Lead advised that he would investigate numbers of full time equivalent planning officers being included on the PI statistics.

It was then:

**RESOLVED**

That the latest set of performance indicators be noted.

(Meeting commenced at 2.00 pm and concluded at 3.35 pm)

---

Chairman

## Voting Analysis for Planning Applications – DM Committee 12 April 2017

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
1621/16/FUL	Waves Edge, Challaborough	Approval	Cllrs Steer, Foss, (2)	Cllrs Hodgson, Vint, Pearce, Cuthbert, Brazil, Bramble, Hitchins, Holway, Cane (9)	(0)	Cllr Rowe (1)
1621/16/FUL	Waves Edge, Challaborough	Refusal	Cllrs Hodgson, Vint, Pearce, Cuthbert, Brazil, Bramble, Hitchins, Holway, Cane (9)	Cllr Steer (1)	Cllr Foss (1)	Cllr Rowe (1)
1620/17/HHO	76 Higher Westonfields, Totnes	Conditional Approval	Cllrs Hodgson, Vint, Pearce, Cuthbert, Brazil, Bramble, Hitchins, Holway, Cane, Steer, Foss (11)	(0)	(0)	Cllr Rowe (1)

**This page is intentionally left blank**

**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY 20 APRIL 2017**

<b>Members in attendance:</b>			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr H D Bastone	*	Cllr M J Hicks
*	Cllr D Brown	*	Cllr R J Tucker
*	Cllr R D Gilbert	*	Cllr S A E Wright

<b>Also in attendance and participating</b>		
Item 6	E.84/16	Cllrs Birch, Foss, Green, Hodgson, Hopwood, Pearce, Pennington and Smerdon
Item 7	E.85/16	Cllrs Birch, Green, Rowe and Wingate
Item 8	E.86/16	Cllrs Bramble, Cuthbert, Foss, Green, Hodgson, Hopwood, May, Saltern and Wingate
Item 10	E.88/16	Cllrs Green and Pearce
<b>Also in attendance and not participating</b>		
Cllr Holway		

<b>Officers in attendance and participating</b>		
All items		Executive Director (Strategy and Commissioning), Section 151 Officer and Senior Specialist – Democratic Services
Item 6	E.84/16	Commissioning Manager
Item 8	E.86/16	Operational Manager (Environment Services)

**E.79/16 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed those in attendance and wished to congratulate Cllr Wright on his recent appointment as Deputy Leader of the Council.

In addition, since this was the last Executive meeting of the 2016/17 Municipal Year, the Chairman put on record his gratitude for the fantastic and tireless contributions that Cllr Hicks had made during his time serving on the Executive.

**E.80/16 MINUTES**

The minutes of the Executive meeting held on 9 March 2017 were confirmed as a true record and signed off by the Chairman.

**E.81/16      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 H D Bastone declared a Disclosable Pecuniary Interest in Item 8: 'Parking Permit Review' (Minute E.86/16 below refers) by virtue of his business involvement in managing car parking spaces and garages and left the meeting during consideration of this agenda item.

**E.82/16      URGENT BUSINESS**

The Chairman advised that he had agreed for an urgent item to be raised at this meeting. This item related to the retrospective reporting of the use of urgent decision-making powers by the Head of Paid Service in relation to proposed Taxi Fares.

Paragraph 6.2 of the adopted Scheme of Delegation states that:

***'Urgent Items***

*Matters of urgency, as determined by the Head of Paid Service (or in his absence another Senior Officer) shall be delegated to the relevant officer in consultation with the Leader and Deputy Leader or the Chairman and Vice Chairman of the relevant Committee, subject to a report being made to the next meeting of the Executive or the appropriate Committee.'*

By way of background, it was noted that a Licensing Committee meeting had been scheduled to take place on 10 April 2017 to consider the proposed Taxi Fares. Unfortunately, only six Members of the Committee attended this meeting and it was therefore declared inquorate. The six Members proceeded to meet on an informal basis and were of the collective view (by 5 votes in favour and 1 against) that the taxi fare table should be set in accordance with Appendix A of the agenda report that had been presented to the Committee and that this should come into effect from 1 May 2017.

Since the Licensing Committee was not due to meet again before 1 May 2017, the Head of Paid Service had subsequently exercised his urgent decision-making powers to approve the recommendations arising from the informal meeting.

It was then:

**RESOLVED**

That it be noted that the Head of Paid Service has exercised his urgent decision-making powers to approve the recommendations arising from the informal Licensing Committee meeting held on 10 April 2017 in respect of the proposed revisions to the Taxi Fares table with this coming into effect from 1 May 2017.

**E.83/16 PUBLIC QUESTION TIME**

It was noted that no public questions had been received.

**E.84/16 ANNUAL REPORT**

Members considered a report that presented the Council's Annual Report for 2016/17 and reviewed the Council's progress over the last financial year.

In his introduction, the Chairman highlighted a number of the Council achievements during 2016/17 and felt that the authority should be proud of a number of aspects of its performance. In taking the point a step further, the Chairman was of the view that there was too much negativity expressed in respect of the Council's performance.

In discussion, reference was made to:-

- (a) the number of affordable homes delivered. Members welcomed the level of delivery of affordable homes that would help to ensure that some young residents were able to continue to live in the South Hams;
- (b) the future. A Member commented that the Annual Report should be considered as the basis of a foundation for the Council to build upon in the future;
- (c) the Joint Local Plan (JLP). Since it was highlighted in the Annual Report, a detailed debate ensued on the JLP. Whilst some Members expressed their specific concerns over the housing numbers contained within the JLP and the lack of real consultation, these points were countered by other Members. Following an extensive debate, all Members acknowledged the importance of interested parties being actively encouraged to submit their representations during this current consultation exercise;
- (d) town and parish councils. A Member echoed the Chairman's introductory comments about negativity and highlighted a number of recent personal experiences he had encountered at parish council meetings. As a consequence, the Member requested that, once approved by the Council, a copy of the Annual Report should be circulated to all town and parish council clerks;
- (e) Village Housing Initiatives (VHIs). In making reference to some concerns over VHIs, a Member requested that the Overview and Scrutiny Panel conduct a future review. In response, the Chairman of the Panel confirmed his willingness to present this request to the next Panel meeting for further consideration;

- (f) the presentation of the Report. A number of Members wished to put on record their support for the format and visual presentation of the document. In so doing, these Members congratulated the lead officer for her hard work in the production of the Report and proceeded to wish her every success in her newly acquired role with the Council.

It was then:

**RECOMMENDED**

That Council be **RECOMMENDED** that:

1. the challenges that have occurred throughout the year be acknowledged and the progress and achievements made by the Council be endorsed; and
2. 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.85/16

**100% BUSINESS RATES RETENTION CONSULTATION RESPONSE**

A report was considered that presented the Council's proposed response to the Department for Communities and Local Government (DCLG) published consultation document entitled: '*100% Business Rates Retention: Further Consultation on the Design of the Reformed System*'.

In discussion, the following points were raised:-

- (a) Despite the public perception being that the Council retained 100% of Business Rates, it was noted that, in reality, the Council currently only received 6p for every £1 it collected;
- (b) To recognise the potential benefits from being part of a Business Rates pilot in 2018/19, an additional recommendation was **PROPOSED** and **SECONDED** as follows:-

*"That the Council agrees 'in principle' to apply to DCLG to become a Business Rates pilot for 2018/19, in alliance with Devon County Council, subject to the financial modelling being undertaken by Local Government Futures (on behalf of the Devon S151 Officers Group) demonstrating that there is no financial detriment to Authorities in doing so."*

In support of this proposal, Members noted the ability to potentially have an input into the shaping of the future scheme and the hope that the Council may be able to retain more of the monies it collected than at present. When put to the vote, this addition was declared **CARRIED**.



It was then:

### **RESOLVED**

1. That the proposed response to the 100% Business Rates Retention consultation (as attached at Appendix A of the presented agenda report) be noted; and
2. That the Council agrees 'in principle' to apply to DCLG to become a Business Rates pilot for 2018/19, in alliance with Devon County Council, subject to the financial modelling being undertaken by Local Government Futures (on behalf of the Devon S151 Officers Group) demonstrating that there is no financial detriment to Authorities in doing so.

### E.86/16 **PARKING PERMIT REVIEW**

The Executive considered a report that requested that Members consider the recommendation whereby the Full and Commuter parking permits be eliminated and replaced with Town Centre, Peripheral and Rural parking permits.

During discussion, reference was made to:-

- (a) the technology that would underpin the 'virtual' permits. Officers gave an assurance that the new software had been purchased and would come into effect from 1 June 2017;
- (b) an additional detailed amendment to the recommendation was **PROPOSED** and **SECONDED** as follows:
  - *The 10% maximum occupancy of a car park no longer be applicable.*

In support of this addition, the lead Executive Member highlighted the number of objections (108) that had been raised to this proposal from throughout the South Hams and this amendment reflected the fact that he had taken on board these concerns.

In the subsequent discussion, the Overview and Scrutiny Panel Chairman highlighted the work of the Task and Finish Group that had undertaken the initial review into Parking Permits. In so doing, the Panel Chairman emphasised that the 10% limit was seen as being an integral part of the review and he expressed his disappointment at this amendment. However, when put to the vote, this amendment was declared **CARRIED**;

- (c) the proposed unlimited ability for permit holders to be able to change their car registration details online. A number of Members expressed their concerns that there were loopholes in this initiative that could be exploited by permit holders and questioned whether a limit should be applied to the number of cars that could be registered on a permit. As a consequence, officers and the lead Executive Member were tasked with revisiting this particular part of the Review before the matter was further considered at the Annual Council meeting on 11 May 2017.

It was then:

**RECOMMENDED**

That the Council be **RECOMMENDED** 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.

(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); and
- The 10% maximum occupancy of a car park no longer being applicable.

E.87/16 **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.88/16 **INSURANCE CONTRACT**

Members were presented with an exempt report that sets out the detail of the Council current insurance contracts.

In discussion, Members emphasised the importance of maximising the savings in this respect and therefore requested that the Council also look beyond Devon when investigating joint procurement opportunities.

It was then:

**RESOLVED**

That the current insurance contracts be extended by 3 months to end on 31 December 2017.

**(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.82/16 and E.84/16 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 11 MAY 2017, WILL BECOME EFFECTIVE FROM 5.00PM ON TUESDAY, 2 MAY 2017 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

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

\_\_\_\_\_  
Chairman

**This page is intentionally left blank**