

South Hams Council



Title:	Agenda																														
Date:	Thursday, 28th September, 2017																														
Time:	2.00 pm																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Cllr Cuthbert</p> <p style="text-align: center;">Vice Chairman Cllr Hicks</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 Hopwood</td> </tr> <tr> <td>Cllr Bastone</td> <td>Cllr Huntley</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr May</td> </tr> <tr> <td>Cllr Blackler</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Bramble</td> <td>Cllr Pennington</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Saltern</td> </tr> <tr> <td>Cllr Foss</td> <td>Cllr Smerdon</td> </tr> <tr> <td>Cllr Gilbert</td> <td>Cllr Steer</td> </tr> <tr> <td>Cllr Green</td> <td>Cllr Tucker</td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Vint</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Wingate</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Wright</td> </tr> <tr> <td>Cllr Holway</td> <td></td> </tr> </table>	Cllr Baldry	Cllr Hopwood	Cllr Bastone	Cllr Huntley	Cllr Birch	Cllr May	Cllr Blackler	Cllr Pearce	Cllr Bramble	Cllr Pennington	Cllr Brazil	Cllr Pringle	Cllr Brown	Cllr Rowe	Cllr Cane	Cllr Saltern	Cllr Foss	Cllr Smerdon	Cllr Gilbert	Cllr Steer	Cllr Green	Cllr Tucker	Cllr Hawkins	Cllr Vint	Cllr Hitchins	Cllr Wingate	Cllr Hodgson	Cllr Wright	Cllr Holway	
Cllr Baldry	Cllr Hopwood																														
Cllr Bastone	Cllr Huntley																														
Cllr Birch	Cllr May																														
Cllr Blackler	Cllr Pearce																														
Cllr Bramble	Cllr Pennington																														
Cllr Brazil	Cllr Pringle																														
Cllr Brown	Cllr Rowe																														
Cllr Cane	Cllr Saltern																														
Cllr Foss	Cllr Smerdon																														
Cllr Gilbert	Cllr Steer																														
Cllr Green	Cllr Tucker																														
Cllr Hawkins	Cllr Vint																														
Cllr Hitchins	Cllr Wingate																														
Cllr Hodgson	Cllr Wright																														
Cllr Holway																															
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Member.Services@swdevon.gov.uk																														

1. Minutes

1 - 28

to approve as a correct record and authorise the Chairman to sign the minutes of the meetings of the Annual Council held on 11 May 2017 and the Special Council held on 27 July 2017.

2. Urgent Business

the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency;

3. 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;

4. 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;

5. Chairman's Engagements

6. Business Brought Forward by the Chairman

to consider business (if any) brought forward by the Chairman;

7. Questions

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

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

'By reference to the One Council Consultation Survey Questions, how many have participated to date? How many of the participants are from South Hams? How many of the South Hams participants have responded to Question 2 by stating they support the idea of creating a new Council and how many are opposed or are against the idea?'

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

'By reference to the telephone survey being undertaken in respect of the One Council Consultation how many have participated to date? How many of the participants are from

South Hams? How many have indicated they are in favour of the idea of creating a new Council and how many are opposed or are against the idea?’

(c) From Cllr Hodgson to Cllr Tucker, Leader of Council

‘Further to the many concerns that have been raised by South Hams residents that the public consultation on the formal joining of South Hams and West Devon has been biased towards a positive response, please could the Leader assure this Council that the vote taken on 31 October will not be politically whipped? Also that further measures and options to ensure the independent financial security of this council and its ability to continue to deliver front line services will be considered if the decision is taken to remain as South Hams District Council.’

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

‘Can the Leader give assurance that our Planning Enforcement is working as the illegal wall at Meadowside in Dartington remains in situ 15 months after being reported for investigation and apparently has now been put forward for planning. This planning by stealth undermines confidence and the good reputation of our planning system, how can we tighten up our system to avoid these planning mistakes being legitimatised?’

8. Notice of Motion

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

(a) By Cllrs Birch and Baldry

‘This Council resolves to investigate and report on the formation of a company, similar to that set up by Wokingham Borough Council, for the purpose of delivering social housing in order to meet the needs of those in South Hams who are finding it difficult to purchase their own property and/or find suitable rented accommodation.

An initial report is to be presented to the Executive and Overview and Scrutiny Panel within the next three months.’

(b) By Cllrs Green and Hodgson

‘This Council will:

require that all Councillors sign an agreement to refrain from submitting for planning permission which would lead to a

development within the District resulting in a market value gain of over £500,000 whilst being a District Councillor and for a period of one year after being a District Councillor. The agreement will include a penalty for failure to comply, equivalent to any resulting market value increase over £500,000, to be payable to the Council.'

(c) By Cllrs Hodgson and Green

'This Council is disappointed that our district council representative on DCC Health and Adult Care Scrutiny Committee recently voted against calls to refer the closure of community hospital beds to the Secretary of State for Health and in future we call on him to consult the Leader of this Council, if a County Council Health and Wellbeing Scrutiny Committee is debating and voting on a decision that affects the whole of Devon.

This Council also wants to remind the District Council representative on Devon County Council Health and Wellbeing Scrutiny Committee that he is there to represent the views of all District Councils not his own personal opinion.

This Council will write to their representative noting our disappointment at his vote to not refer the decision to the Secretary of State.'

9. Exclusion of Public and Press

"That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act";

10. Delivery of Best Value for Money Front Line Services

29 - 96

11. Re-admittance of Public and Press

12. 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.

	<i>Page No</i>
(a) Salcombe Harbour Board* - 10 July 2017	97 - 104
(b) Audit Committee - 20 July 2017	105 - 110
(c) Overview & Scrutiny Panel - 27 July 2017	111 - 120
(d) Development Management Committee - 2 August 2017	121 - 136
(e) Overview & Scrutiny Panel - 24 August 2017	137 - 150
(f) Executive* - 14 September 2017	151 - 158

This page is intentionally left blank

Agenda Item 1

MINUTES OF THE ANNUAL MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 11 MAY 2017

MEMBERS

* Cllr P C Smerdon – Chairman

* Cllr P K Cuthbert – Vice-Chairman

- | | |
|-----------------------|-----------------------|
| * Cllr K J Baldry | * Cllr J M Hodgson |
| * Cllr H D Bastone | * Cllr T R Holway |
| * 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 N A Hopwood | |

* Denotes attendance

Officers in attendance and participating:

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

01/17 **ELECTION OF THE CHAIRMAN OF COUNCIL**

RESOLVED

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

Cllr Cuthbert subsequently declared and signed her acceptance of office.

02/17 **ADDRESS BY THE NEW CHAIRMAN OF COUNCIL**

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

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

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

03/17 **VOTE OF THANKS TO RETIRING CHAIRMAN**

RESOLVED

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

04/17 **RESPONSE OF THE RETIRING CHAIRMAN**

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

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

05/17 **APPOINTMENT OF VICE CHAIRMAN OF COUNCIL**

RESOLVED

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

Cllr Hicks subsequently declared and signed his acceptance of office.

06/17 **MINUTES**

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

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

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

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

07/17

REPRESENTATION ON POLITICAL GROUPS

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

It was then:

RESOLVED

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

08/17

APPOINTMENT OF MEMBERS OF THE BODIES OF THE COUNCIL

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

It was then:

RESOLVED

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

09/17

ELECTION OF CHAIRMEN AND VICE CHAIRMEN OF THE BODIES OF THE COUNCIL

The Council received nominations from its Group Leaders for the

positions of Chairmen and Vice Chairmen of the Bodies of the Council.

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

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

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

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

It was then:

RESOLVED

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

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

10/17

APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

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

In the ensuing debate, reference was made to:-

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

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

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

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

It was then:

RESOLVED

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

11/17

APPOINTMENT OF OTHER GROUPS

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

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

Council then considered the appointments to the above bodies.

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

Having made the decision that the Waste and Recycling Working Group

should comprise of 4 Members, a Member was unhappy at the proposal for 2 of these appointments to be Executive Members. As a result, two nominations (Cllrs N A Hopwood and J M Hodgson) were presented to the meeting for the fourth (and final) position on the Working Group.

When put to the vote, it was declared **CARRIED** that Cllr N A Hopwood be appointed to serve on the Waste and Recycling Working Group.

It was then:

RESOLVED

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

12/17 **DECLARATIONS OF INTEREST**

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

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

13/17 **CHAIRMAN'S ANNOUNCEMENTS**

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

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

14/17 **QUESTIONS**

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

15/17 **NOTICE OF MOTIONS**

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

16/17

BUSINESS BROUGHT FORWARD BY THE CHAIRMAN

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

The Leader proceeded to make the following statement:

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

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

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

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

17/17

CALENDAR OF MEETINGS 2017/18

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

In discussion, reference was made to:-

- (a) a potential clash of Council meetings in February 2018. Whilst a Member asked that, to avoid a potential clash with a Devon County Council meeting, consideration be given to moving the Budget meeting of the Council in February 2018. In response, other Members highlighted the complexities associated with producing the Calendar and were therefore not supportive of this suggestion;
- (b) provision for additional Council meetings. Based upon the number of Special Council meetings that were arranged during 2016/17, a Member was of the view that four Council meetings per year was insufficient and provision should therefore be included for additional meetings that could be removed from Member diaries nearer the time if they were not required;
- (c) Executive Briefing meetings. Officers advised that the decision had been made to include the informal Executive Briefing meetings in the published Calendar in light of the working convention whereby local Ward Member(s) may be invited to attend these in the event of a parochial issue being on the agenda.
- (d) a minor amendment to the draft Calendar. In proposing its adoption, an amendment was included whereby an additional Special Council meeting be scheduled to take place on Thursday, 27 July at 2.00pm.

It was then:

RESOLVED

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

18/17

REPORTS OF BODIES

RESOLVED

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

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

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

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

It was then:

RESOLVED

That the amendments to the Council Constitution (as summarised in paragraph 2 of the presented agenda report to the Committee and fully outlined on the Council website) be approved, subject to the following addition:

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

- | | | |
|-----|----------------------------------|---------------|
| (c) | Overview and Scrutiny Panel | 6 April 2017 |
| (d) | Development Management Committee | 12 April 2017 |
| (e) | Executive | 20 April 2017 |

E.84/16: Annual Report

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

It was then:

RESOLVED

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

E.86/16: Parking Permit Review

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

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

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

It was then:

RESOLVED

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

(NB. the detailed amendments are as follows:

- Full and Commuter permits to be eliminated and replaced with Town Centre, Peripheral and Rural permits which will be limited to specific towns/villages. The cost of permits to be reduced to reflect the new restrictions;
- The costs of permits to be as detailed at Paragraph 5.3 of the presented agenda report to the Executive); and
- The 10% maximum occupancy of a car park no longer being applicable.)

(Meeting commenced at 2.00 pm and concluded at 3.10 pm)

Chairman

Membership of Council Bodies 2017/18**Appendix A****A. Audit Committee**

Cllr I Bramble
 Cllr J Brazil
 Cllr T R Holway
 Cllr J A Pearce
 Cllr J T Pennington

B. Development Management Committee

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

C. Executive

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

D. Licensing Committee

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

E. Overview and Scrutiny Panel

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

Representation on Outside Bodies 2017 / 2018**Appendix B**

	ORGANISATION	Nominee(s)
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 N A Hopwood)
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.	Employment Appeals Panel	Cllr M F Saltern
8.	Governance Board (South Devon Healthcare NHS Foundation Trust)	Cllr S A E Wright
9.	Greater Dartmoor Local Enterprise Action Fund	Cllr P C Smerdon
10.	Hope Harbour	Cllr S A E Wright
11.	iESE Transformation Limited	Cllr S A E Wright
12.	Joint Advisory Committee (JAC) on Housing for Local Needs in the Dartmoor National Park	Cllrs J I G Blackler and J Brazil
13.	Lange Local Liaison Committee	Cllrs J I G Blackler and D Brown
14.	Local Government Association:- (i) District Council Network – Leader (ii) General Assembly – Deputy Leader (iii) South West Branch – Leader (iv) Rural Commission – Leader or Deputy Leader (v) 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).	
15.	PATROL – Parking and Traffic Regulations Outside London	Cllr K J Baldry

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

Appointment of Other Groups 2017/2018**Appendix C**

- (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 N A Hopwood
 Cllr J T Pennington
 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

Calendar of Meetings 2017/18

Appendix D

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		27 (Special)		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	
SH Exec Briefing All at 3.30pm			15	6	24	21		23		18		1	12	
SH O&S All at 10am		18		6/27	24		5	9		18	8	22		3
SH Audit Committee All at 2pm			22	20		21				25		22		
SH Licensing Committee							12 2.00pm							
Salcombe Harbour All at 2.30pm				10		25		6			26		16	
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

**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 27 JULY 2017**

MEMBERS

* Cllr P K Cuthbert – Chairman

* Cllr M J Hicks – Vice-Chairman

- | | |
|-----------------------|-----------------------|
| * Cllr K J Baldry | * Cllr T R Holway |
| * Cllr H D Bastone | * Cllr E D Huntley |
| * 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 P C Smerdon |
| * 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 P W Hitchins | * Cllr K R H Wingate |
| * Cllr N A Hopwood | * Cllr S A E Wright |
| * Cllr J M Hodgson | |

* Denotes attendance

Officers in attendance and participating:

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

19/17 **URGENT BUSINESS**

The Chairman informed that she had no items of urgent business for consideration at this meeting.

20/17 **DECLARATIONS OF INTEREST**

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

Cllr M F Saltern declared a personal interest in Item 11: 'Sherford Community Trust' (Minute 28/17 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.

QUESTIONS

Whilst questions on notice were not normally permitted at Special Council meetings, the Chairman advised that she, in consultation with the Leader of Council, had exercised her discretion to enable for two questions to be considered at this meeting. These questions were as follows:-

From Cllr Vint to Cllr Tucker, Leader of Council

In light of the Grenfell Tower Fire tragedy:

1. *What action have Social Landlords in the South Hams taken to:*

- (a) ensure that all their properties comply with current Fire regulations; and other Health and Safety regulations; and*
- (b) ensure that all premises have undergone a recent Home Fire Safety Inspection and that tenants have a copy of the relevant Certificates.*

Cllr Tucker's response advised that:-

- All social landlords had been required by the Homes & Community Agency (HCA) to produce a report, listing the buildings that they had, which were 18 metres high or above. In South Hams, Devon and Cornwall Housing (DCH) had one block of purpose built flats (in Salcombe) which was below 18 metres but as a precaution had been assessed and found to be compliant. In addition, DCH had assessed all properties of 4+ storey's;
- Devon and Somerset Fire and Rescue Service (DSFRS) had risk assessed all buildings of 5+ storeys in the County. This was following a Fire HQ instruction. Elizabethan Court in Totnes was assessed and found to be compliant. The old Dartmouth Hospital had not been assessed but this was planned;
- The fire service have had a central role in this process and had made numerous press releases and had worked with local social landlords; and
- DCH had checked that all fire notices and action plans were in place and had reassured their tenants through their communication channels.

2. *What action has this Council taken to:*

- (a) ensure that Social Landlords and any major private landlords are complying with all relevant Fire regulations and other Health and Safety regulations?*
- (b) ensure that Social Housing Tenants and the general public are aware of all relevant Fire regulations and other Health & Safety regulations and their associated rights as tenants?*

Cllr Tucker's response highlighted that:-

- Landlords on the House of Multiple Occupation (HMO) council list had been written to reminding them of their responsibilities. We also asked that they remind tenants on what to do in the event of a fire. There was also a section on smoke alarms. This letter would be followed up by an Environmental Health Specialist;
- Licenced HMO (3+ floors and 5 + tenants from 2+ households) were visited every five years, there were currently 11 in the South Hams. Where there was a significant time until the next inspection and it was felt it was higher risk, it would be visited as a priority outside of the established programme;
- For unlicensed HMO's where there were no statutory inspections, a desktop risk exercise had been undertaken and higher risk properties, particularly above commercial premises, would be visited over the coming months;
- Local social landlords had provided fire safety advice and reassurance for their tenants. All had claimed to have carried out fire risk assessments of their blocks of accommodation. This was not really applicable in the South Hams or West Devon due to the lack of high rise accommodation;
- The council had a statutory duty to respond to complaints from residents of poor housing conditions/ health and safety concerns. We had not seen a significant rise in complaints following the Grenfell fire; and
- The Council website was being updated with relevant links and information on fire safety.

In reply to a supplementary question, Members were given assurances that the Council had reminded each of its Registered Social Landlords of their Health and Safety responsibilities.

22/17

PROPOSAL FOR A SINGLE COUNCIL FOR SOUTH HAMS AND WEST DEVON

Members were presented with a comprehensive report that set out recommendations from the SH/WD Joint Steering Group (JSG) to agree in principle to establish a single second tier Council for South Hams and West Devon from 1 April 2020.

Prior to the introduction on this agenda item, the Chairman considered the request of a Member to suspend the five minute time limit for speeches. Having considered this request, the Chairman did not give her consent for the time limit to be suspended.

During their combined introduction, the Leader and Deputy Leader made reference to:-

- the recent Member event that had been held with representatives from the Department of Communities and Local Government (DCLG) and the Local Government Association (LGA). By way of an update, the Leader highlighted three key details arising from this event that had an impact on the content of the published agenda report. These details were as follows:

1. The implementation date for a new Council would need to be put back from the initially anticipated 1 April 2019 to 1 April 2020;
 2. The Local Government Boundary Commission for England review would need to be concluded before the new Council was formed, with the 2019 Borough and District Council elections being delayed by a year to 2020; and
 3. There was the potential to introduce a longer time period to equalise Council Tax.
- the potential for investment opportunities. In highlighting potential opportunities, the Deputy Leader cited an example whereby the proposals may enable for investment to be made in areas such as affordable housing for key workers.

In the ensuing debate, reference was made to:-

- (a) an amendment. The following amendment was **PROPOSED** and **SECONDED**:-

'That the Council:

1. *agree to consider establishing a single second-tier Council for South Hams and West Devon from 1 April 2020;*
2. *proceed to consultation with the public and stakeholders from early August to the end of September 2017 and the Council to agree the final contents of the consultation document prior to its publication;*
3. *agree to hold a local referendum on establishing a single second-tier Council for South Hams and West Devon from 1 April 2020; and*
4. *agree to bring to the Council as soon after the expiry of the referendum as is practically possible the result of the referendum for consideration by the Council.'*

In support of the amendment, the proposer and seconder were of the view that a local referendum would be a more democratic method of consultation on the proposal. In reply, other Members felt that the anticipated cost of holding a referendum (estimated to be in the region of £130,000) would not be a good use of public monies at this time.

When put to the meeting, the amendment was declared **LOST**;

- (b) a further amendment was then **PROPOSED** and **SECONDED** as follows:-

That the Council:

1. *agree to consider establishing a single second tier Council for South Hams and West Devon from 2024;*
2. *agree to holding a referendum in South Hams with a view to raising Council Tax to meet our current financial challenges to 2024; and*

3. *request to West Devon Borough Council that they also hold a referendum to raise their Council Tax to bring their financial situation into stability and on a par with South Hams District Council by 2024.*

Whilst recognising the spirit of the amendment, some Members were of the view that, such were the budgetary pressures facing both councils between now and 2024, that they would not be able to support this amendment.

When put to the meeting, the amendment was declared **LOST**;

- (c) the proposals effectively seeking to assist West Devon Borough Council. In opposing the proposal, a Member felt that it was inappropriate for South Hams District Council Taxpayers to effectively be asked to pay more in order to assist a neighbouring council. In response, other Members highlighted the budget gap facing South Hams District Council and, in light of the shared services agenda, the financial health of both councils was considered to be fundamentally interlinked;
- (d) the draft consultation document. A number of Members stated their disapproval at the quality of the draft consultation document. These Members felt that, as drafted, the document was disingenuous and unbalanced. In addition, a Member specifically asked that the published consultation document made it absolutely clear that an upwards equalisation in Council Tax would only affect residents who lived in the South Hams.

As a way forward, it was suggested that delegated authority should be given to the SH/WD Joint Steering Group (JSG) to agree the final contents of the consultation document prior to its publication. As a further assurance, it was agreed that all Members would be invited to make their comments on a revised draft document prior to the JSG taking its final decision, with the Chairman of Council and Chairman of the Overview and Scrutiny Panel also having a key advisory role in this process.

To ensure that, prior to its publication, any consultation document could be considered to be balanced, some Members felt that an independent person (e.g. a representative from the Local Government Association) should review the final draft version. As a consequence, the following addition was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED** and became part of the substantive motion:-

'That the Council task an independent person with reviewing the final version of the draft consultation document prior to its publication.'

In addition, some Members felt that, such were the extent of the changes required to the consultation document, that these would take time to be deemed acceptable. Therefore, the following addition was **PROPOSED** and **SECONDED**:

'That the consultation period runs for a six week period from 24 August to 5 October 2017.'

When debated, the majority of Members did not support this addition that would effectively shorten the consultation period and reference was made to some community consultation effects that would take place before 24 August 2017.

When put to the vote, this addition was declared **LOST**;

- (e) the Commercial Property Acquisition Strategy. Some Members expressed their disappointment that colleagues at West Devon Borough Council had recently decided to approve and implement a Commercial Property Acquisition Strategy. In the event of the One Council proposal being approved, these Members were frustrated that the risks associated with such a Strategy would then become a risk for South Hams residents;
- (f) alternative options to bridge the budget gap. A number of Members asked that all other possible alternative options be presented (and informally considered) before the One Council proposal was re-considered in October 2017.

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

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

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

Abstentions (1): Cllr Pearce

Absent (0):

It was then:

RESOLVED

That the Council:

1. agree to consider establishing a single second-tier Council for South Hams and West Devon from 1 April 2020;
2. proceed to consultation with the public and stakeholders from early August through to the end of September 2017, with delegated authority being given to the SH/WD Joint Steering Group to agree the final contents of the consultation document prior to its publication;

3. agree to bring back to Council for consideration (as soon after the expiry of the consultation period as is practically possible) the outcome of the consultation together with the final Proposal for submission to the Secretary of State; and
4. task an independent person with reviewing the final version of the draft consultation document prior to its publication.

23/17

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 paragraphs 3 and 5 of Schedule 12A to the Act is involved.

24/17

DELIVERY OF BEST VALUE FOR MONEY FRONT LINE SERVICES

Consideration was given to an exempt report that set out how the SH/WD Joint Steering Group had been tasked by both Councils to consider options to achieve financial sustainability and address the forecast budget deficit for both Councils; one of those options was to look at the way in which front line services were provided and designed.

In discussion, Members were given assurances that the proposed recommendations were not, at this stage, committing the Council to establishing a Wholly Owned Company.

It was then:

RESOLVED

That action is taken, based upon the advice of the SH/WD Joint Steering Group, to

1. test the front line services in scope through competitive dialogue processes with combined processes with combined procurements where the services allow;
2. consider the outcome of the market engagement, benchmark and report back to the next full Council the viability (subject to full compliance with the relevant laws) of a Wholly Owned Company preparing a bid if a competitive and sustainable price for service can be proven against benchmarked current costs with external market place; and

3. continue to test market costs and income opportunities during the summer period to further inform the market position.

25/17 **RE-ADMITTANCE OF PUBLIC AND PRESS**

RESOLVED

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

26/17 **COMMERCIAL PROPERTY ACQUISITION STRATEGY**

The Council considered a report that presented the draft Commercial Property Acquisition Strategy.

Having been invited to introduce the report, the lead Executive Member for Business Development advised that, having given the issue plenty of consideration since the recent meetings of the Audit Committee and the Overview and Scrutiny Panel, he would not be asking the Council to consider the report at this time.

It was therefore his wish that the proposal be deferred until the Council could better mitigate the risk concerns that had been identified, with the Strategy then being brought back to the Council if and when it was deemed appropriate.

27/17 **2017/18 TREASURY MANAGEMENT STRATEGY**

In light of the deferral of the Commercial Property Acquisition Strategy (Minute 26/17 above refers), Members were informed that the proposed revisions to the 2017/18 Treasury Management Strategy were no longer required at this time.

28/17 **ESTABLISHMENT OF THE SHERFORD COMMUNITY TRUST**

A report was presented that recommended that the Council approve the Constitution of the Sherford Community Trust and the Schedule of Payments.

In discussion, it was noted that some minor typographical errors had been picked up in the published Articles Of Association, which had subsequently been amended.

It was then:

RESOLVED

1. That the Constitution of the Sherford Community Trust and the Schedule of Payments be approved;

2. That the Commissioning Manager be appointed as a Director of the Sherford Community Trust;
3. That the Executive Director and Head of Paid Service be appointed (and given delegated authority) to act on behalf of the Council at Member meetings of the Sherford Community Trust.

29/17

REPORTS OF BODIES

RESOLVED

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

- | | | |
|-----|----------------------------------|-------------|
| (a) | Development Management Committee | 10 May 2017 |
| (b) | Overview and Scrutiny Panel | 18 May 2017 |

O&S.8/17: Overview and Scrutiny Annual Report

RESOLVED

That the Annual Report for 2016/17 be approved, subject to the Sherford Development paragraph (page 44 of the agenda report presented to the Panel refers) being amended.

- | | | |
|-----|----------------------------------|--------------|
| (c) | Licensing Committee | 25 May 2017 |
| (d) | Development Management Committee | 7 June 2017 |
| (e) | Audit Committee | 22 June 2017 |
| (f) | Executive | 29 June 2017 |

E.04/17: Events Policy Update

A Member sought clarification regarding the proposed standard administration fee for each event of £55. In reply, it was confirmed that, for repeat events, if each one was listed on an application, then a one-off fee of £55 would be incurred.

It was then:

RESOLVED

1. That the proposed policy (as detailed in Appendix 1 of the agenda report presented to the Executive) be approved, subject to minor wording changes being delegated to the Group Manager – Commercial Services, in consultation with the lead Executive Member;
2. That the Events Task and Finish Group be formally dissolved; and
3. That, once live, the Policy be reviewed annually and the fees levied be reviewed as part of the regular SHDC fee and charge setting process.

E.05/17: Pay and Display Charges Review

RESOLVED

That Pay and Display charges be amended in accordance with the revised Appendix 1 (of the agenda report presented to the Executive) following consultation with local communities.

E.06/17: Reports of Other Bodies

(a) Overview and Scrutiny Panel – 16 May 2017

(i) O&S.9/17: Task and Finish Group Updates – Waste and Recycling

RESOLVED

That a charge of £35 per container be imposed on new standard 180 litre wheeled bins for any newly built properties and for any householder requests to be in receipt of additional bins.

- | | | |
|-----|----------------------------------|--------------|
| (g) | Development Management Committee | 5 July 2017 |
| (h) | Overview and Scrutiny Panel | 6 July 2017 |
| (i) | Executive | 20 July 2017 |

E.15/17: Transfer of Land to Salcombe Town Council

RESOLVED

1. That the principle of an asset transfer of land in Salcombe (indicatively shown on the plan at Appendix 1 and described in paragraph 1.2 of the presented report) based on the detail set out in the presented agenda report be supported;
2. That a parcel of land be disposed of on the Berry for best consideration, outlined in blue in presented Transfer Plan 1 of the agenda report presented to the Executive;
3. That authority to conclude detailed negotiations and the disposal of the Area A land be delegated to the COP Lead Assets, in consultation with the Section 151 Officer, Head of Paid Service and Leader of Council.

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

Chairman

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT THE YACHT CLUB, SALCOMBE ON MONDAY, 10 JULY 2017**

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

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Salcombe Harbour Master, Commercial Services Group Manager, Assets Community Of Practice Lead, Deputy Monitoring Officer, Finance Business Partner and Senior Specialist - Democratic Services

SH.1/17 CHAIRMAN'S ANNOUNCEMENTS

On behalf of the Board, the Chairman welcomed those in attendance and thanked the Harbour Master for arranging a successful and informative tour earlier in the day.

SH.2/17 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 20 February 2017 were confirmed as a correct record and signed by the Chairman.

SH.3/17 CODE OF CONDUCT DISPENSATIONS

The Deputy Monitoring Officer reminded the Board of the implications under the adopted Code of Conduct. She went on to advise that having a mooring or payment of harbour dues constituted a contract with the Council, and therefore should be declared as a Disclosable Pecuniary Interest (DPI). In the event of declaring a DPI, a Member would have to update their Register of Interest forms immediately.

As a number of Board Members were in this position, the Deputy Monitoring Officer granted a dispensation to all Members to enable them to take part in the meeting, (as stated in Paragraph 8.1 (c) of the Members Code of Conduct) as otherwise the meeting would be inquorate. This dispensation would be in force until the next Annual Council meeting in May 2018.

SH.4/17 DECLARATIONS OF INTEREST

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

Cllr Wright, Ms Jones, Mr Marriage and Mr Thomson each declared a disclosable pecuniary interest in all related agenda items by virtue of having moorings or paying harbour dues to the Council. As a result of the Solicitor granting each Board Member a dispensation, they were all able to take part in the debate and vote on any related matters (Minute SH.3/17 refers).

Cllr R D Gilbert declared a personal interest in Item 7: 'Feedback from Harbour Community Forums' (Minute SH.6/17 below refers) and specifically the proposal to establish a Harbour Community Forum for East Portlemouth by virtue of his property ownership in the parish and remained in the meeting during consideration of this matter.

SH.5/17 PUBLIC QUESTION TIME

In accordance with the Public Question Time procedure rules, it was noted that there were no questions raised at this meeting.

SH.6/17 FEEDBACK FROM HARBOUR COMMUNITY FORUMS

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

Salcombe Kingsbridge Estuary Association (SKEA)

The Board noted that, to date, all attempts had been unsuccessful to reinvigorate the Forum. As a consequence, the Board agreed that SKEA should be deleted from the list of recognised Harbour Community Forums.

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

The Board was advised that one main issue had been raised at the most recent meeting of the SKECF that related to speeding boats in the South Pool Creek. The representative confirmed that this matter had already been reported to the Harbour Office.

South Devon & Channel Shellfishermen

It was noted that an operational Fish Quay meeting had been held recently and had been well received and had resulted in improved dialogue and working relations. Looking forward, it was felt that a more strategic level meeting would be useful and it was agreed that one would be arranged to take place on 4 October 2017 at 6.00pm. It was confirmed that all Board Members were welcome to attend this meeting and the Harbour Master was tasked with booking a venue.

In discussion, Cllr Gilbert advised that he served on the IFCA (Inshore Fisheries and Conservation Authority) Board and he was happy to provide a conduit link between the Board and Forum.

With regard to the practice of balloons being thrown during the Regatta Crabbers Race, concern had been raised that the balloons were not biodegradable. As a result, the Board agreed that a letter should be sent on its behalf to the Chairman of the Shellfishermen expressing support for the intention of the ban. In addition, a Member advised that he would also raise this issue with the Regatta Committee.

Kingsbridge and Salcombe Marine Business Forum

The Forum representative made reference to safety concerns at Batson Slipway especially during peak times when it became particularly congested with vehicles and pedestrians. Of particular concern was the potential for boats to career down the slipway and it was felt that straps from cars to boat trailers should be doubled up. In recognising the issues, it was agreed that the Harbour Office would give consideration to methods of enforcing safety improvements on the Slipway.

Secondly, the Forum had expressed confusion in respect of parking and restrictions between the Batson Units and the car park. In reply, the Assets Community Of Practice Lead advised that a meeting had been held with the Master Planning consultants who had concluded that car parking would drive solutions in the area. Furthermore, it was hoped that an indicative plan (before costings) would be available in a few months' time, with one of the key drivers being to create additional car parking capacity.

Specifically regarding the Batson Units, it was agreed that officers would keep the Forum representative aware of progress and officer committed to attending the next meeting of the Forum.

Kingsbridge Estuary Boat Club (KEBC)

The representative advised that he had no issues to report to this meeting.

East Portlemouth

The Chairman advised that he had received a formal request for an additional Harbour Community Forum to be formally recognised by the Board that would focus on issues related to East Portlemouth. In conclusion, the Board agreed to trial the Forum, with the Chairman being appointed as its representative.

SH.7/17

2016/17 YEAR END FINANCIAL REPORT

The Board considered a report that advised of the Harbour's final trading position in 2016/17 together with brief details of the main variations from the originally approved budget.

In discussion, reference was made to:-

- (a) pontoon berth hire. In reply to a question, the Board was advised that an incentive was in place for mooring holders to release their pontoon for alternative hire, with a 12-14% rebate being applied in such instances;
- (b) refuse collection / office cleaning. In response to a question, officers advised that they would provide an explanation for the £1,534 variation for the refuse collection / office cleaning expenditure outside of the meeting;
- (c) credit card handling charges. Officers informed that the variations in handling charges were attributed to the Harbour having been undercharged in previous years and then overcharged in 2016/17. The Board recognised the need to bear this in mind during the fee and charge setting process for 2018/19. It was confirmed that the merits of implementing a BACS payment system had been considered. However, it was felt that this system was not currently a feasible alternative;
- (d) the Marine Infrastructure Reserve. Officers advised that this Reserve balance stood at £93,879 at the end of March 2017. In highlighting the extent of the potential costs of the repair works to the Kingsbridge Quay wall, the Board noted that this Reserve may need to be used to help fund this project;
- (e) the overall trading surplus. The Board welcomed the surplus and wished to put on record its congratulations to the Harbour Office and the Finance Business Partner for this achievement.

It was then:

RESOLVED

1. That the income and expenditure variations for the 2016/17 financial year and the overall trading surplus of £46,621 be noted;
2. That the overall trading surplus be allocated to the Harbour's General Reserve Fund; and
3. That officers be congratulated for achieving an overall trading surplus.

SH.8/17

GOVERNANCE OF SALCOMBE HARBOUR

Consideration was given to a report that clarified the relationship between South Hams District Council and the Board. In particular, the report set out the individual and collective roles and responsibilities of Board Members and outlined the boundaries of their powers and delegated authorities.

In discussion, the following points were raised:-

- (a) For clarity, it was noted that the Council's Executive had no direct responsibility over the Harbour Board. It was also confirmed that all recommendations that were generated by the Board were ultimately presented to the full Council for determination;
- (b) A Member was of the view that the report did not contain sufficient detail regarding the Council's statutory and non-statutory duties and powers as the Statutory Harbour Authority for Salcombe Harbour. The relationship between the roles of the Council (as both a Local Authority and a Harbour Authority) was felt to be a particularly sensitive issue that needed ongoing careful consideration;
- (c) With regard to the role of the Harbour Master, the Board expressed some anxieties that the postholder was spending too much time away from the Harbour on other Council business. In light of these anxieties, Members requested receipt of a copy of the Harbour Master's Job Description and a supporting briefing note that highlighted the responsibilities associated with the Dartmouth Lower Ferry function and being the Council's Marine Officer;
- (d) In questioning its relevance, a Member asked that reference in the published agenda report to the rising costs of social care (that was a County Council function) should be ignored;
- (e) Some Members stated that asset ownership was of particular interest to the Board. As a consequence, a wish was expressed for consideration to be given to the Harbour Authority taking on responsibility for the 'ownership' of as many of these assets as was practically possible;
- (f) The Board was advised that Cornwall Council was currently in the process of developing a Hybrid Trust form of Governance. In recognising that this proposal was currently being considered by Parliament, the Board stated that a similar model could be appropriate for this Harbour Authority. As a result, the Board requested that this model be included in an options paper for consideration at a future meeting.
- (g) Officers gave assurances that the purpose of this agenda item was not to seek any final recommendations in respect of the intended financial plan and indicative revenue raising opportunities. As an additional assurance, it was also confirmed that further reports would be presented to the Board before any final recommendations were sought.

It was then:

RESOLVED

1. That the report be noted; and
2. That the Council be **RECOMMENDED** to adopt, in principle, the intended financial plan and indicative revenue raising opportunities (as outlined in paragraph 4 of the presented agenda report) to ensure long-term financial sustainability, with further reports to be presented to the Board prior to any final recommendations then being made.

SH.9/17

INTRODUCTION OF SAFETY AND ENVIRONMENTAL MANAGEMENT SYSTEM

Members considered a report that proposed that the existing Safety Management System and Environmental Management System be merged into a combined Safety and Environmental Management System (SEMS). The report noted that this was driven by the recognition that risks and hazards had both personnel and environmental consequences that are best mitigated holistically.

In discussion, the following points were raised:-

- (a) Members reiterated their concerns that were raised during the previous agenda item (Minute SH.8/17 above refers) in relation to the wider responsibilities of the Harbour Master. Since the Harbour Master (who was also the Principal Safety Officer for the Harbour Authority) had taken on wider corporate duties for the Council, assurances were sought that associated safety and risk implications were being mitigated as far as was practically possible.

As a further point, reference was made to the current management structure of the Harbour Authority and the Harbour Master was tasked with undertaking a review to ensure that there was a clear (and formal) chain of command and responsibility between the three Assistant Harbour Masters. In so doing, the Board requested that this be presented to its next meeting, with the approved way forward then being included in the SEMS;

- (b) the definition of a 'vessel'. Members asked that the Deputy Monitoring Officer provide a written legal opinion to the Board regarding whether or not MV Egremont should be defined as a 'vessel'.

It was then:

RESOLVED

1. That the updated Safety and Environmental Management System and the procurement of the associated safety and environmental management software system MARNIS be adopted, up to a cost of £4,000; and

2. That the Board consider at its next meeting the recommendations of the Harbour Master in respect of the current management structure to ensure a clear (and formal) chain of command and responsibility between the three Assistant Harbour Masters.

SH.10/17 **HARBOUR MASTER'S REPORT**

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

In discussion, reference was made to:-

- (a) an update on MV Egremont. In expressing its concerns over the condition of some of its pontoons, the Board requested that the Harbour Master write to the owners of the Egremont. It was felt that this letter should advise that some of the pontoons were dangerous and should be removed before the end of September 2017;
- (b) MV Rivermaid. It was noted that the Rivermaid Ferry had begun operating on Sunday, 9 July 2017 and Members requested that the Ferry be retained as a standing agenda item for the Board within the Harbour Master's Report;
- (c) the Annual Report. The Board was assured that a draft version of the Annual Report would be circulated separately to all Members with it then being formally presented to the Board at its next meeting on Monday, 25 September 2017;
- (d) the Kingsbridge Pontoon gates. It was confirmed that the issue with the gates had now been resolved and the Harbour Master was asked to check with the Kingsbridge Town Council Clerk regarding CCTV provision in the area of the pontoon.

It was then:

RESOLVED

That the report be noted.

(Meeting commenced at 2.30 pm and concluded at 4.20 pm)

Chairman

This page is intentionally left blank

**MINUTES OF A MEETING OF THE AUDIT COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 20 JULY 2017**

Members in attendance			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J A Pearce (Chairman)
*	Cllr J Brazil	*	Cllr J T Pennington (Vice-Chairman)
*	Cllr T R Holway		

Members also in attendance:
Cllrs H D Bastone, M J Hicks, R J Tucker and K R H Wingate

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Head of Paid Service; Section 151 Officer; Group Manager – Business Development; Solicitor (Commercial Contracts and Procurement); Finance Business Partner; and Senior Specialist – Democratic Services

A.10/17 MINUTES

The minutes of the meeting held on 22 June 2017 were confirmed as a correct record and signed by the Chairman.

A.11/17 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.12/17 URGENT BUSINESS

The Chairman advised that she had agreed for one item of urgent business to be raised at this meeting that was entitled: ‘Treasury Management Strategy 2017/18’. This item had been deemed urgent in light of the matter being scheduled for consideration at the Special Council meeting on 27 July 2017 and would be considered as agenda item 7 (Minute A.15/17 below refers).

A.13/17 DRAFT STATEMENT OF ACCOUNTS 2016/17

The Committee considered a report that advised of an overspend amounting to £45,000 that was generated in 2016/17 and that had been funded from the General Fund Balance.

In discussion, the following points were raised:-

- (a) When analysing the budget variations, Members were of the view that it would be beneficial for the headings to be indicatively split into those that were associated with statutory services and those linked to discretionary services;
- (b) A Member reiterated previously raised concerns in relation to the size of the variations arising from the Council's waste service. In wishing to put down a marker, the Committee stated the importance of the service issues being resolved by the Council;
- (c) With regard to the impairment and downward book valuations reducing by £448,000, the Committee requested a more detailed breakdown of this total;
- (d) Officers confirmed that the amendments that were initially suggested by the Committee to the draft Annual Government Statement at its last meeting (Minute A.6/17 refers) had been included in this updated version.

It was then:

RESOLVED

That the Draft Statement of Accounts and the Draft Annual Governance Statement for the financial year ended 31 March 2017 be endorsed.

A.14/17

GOVERNANCE AND RISK ASPECTS OF THE PROPOSED COMMERCIAL PROPERTY ACQUISITION STRATEGY

Following a request made by the Committee (Minute A.7/17 refers), Members considered a report that outlined the risk and governance aspects associated with the proposed Commercial Property Acquisition Strategy.

In discussion, it was apparent that the Committee had serious reservations over these aspects of the proposed Strategy and, in so doing, Members made particular reference to:-

- (a) the lack of adequate provision for investment in a variety of differing asset classes. A Member stated his view that the Strategy was not sufficiently addressing the need to invest in a spread of different asset classes in order to ensure that risk was mitigated as far as was practically possible. The Committee also requested that it be in receipt of the research paper produced by CBRE Global that was referred to in the presented agenda report entitled: '*What's in a number? How to achieve the optimum portfolio size?*';

- (b) skills and capacity. In light of the competitive nature of the industry, Members sought reassurance and an explanation on the statement in the presented agenda report that '*South Hams benefits from employing several officers who have significant experience of acquiring, managing and disposing of multi-million pound commercial properties, both in the private and public sector.*' Furthermore, Members queried the appointments process adhered to for the Invest to Earn Working Group and felt that, in the event of the Strategy being approved, the Terms of Reference and the Composition of the Group should be reviewed. Once this review had been undertaken, the Committee was also strongly of the view that its membership should then be revisited and determined on a 'fit for purpose' basis akin to the process adopted by the Salcombe Harbour Board;
- (c) the risk of legal challenge. Whilst the report highlighted that there was a risk of legal challenge, the view was expressed that the emphasis on this particular risk had been significantly underplayed;
- (d) the risk associated with a drop in capital value (e.g. Brexit impact, local economy implosion and market downturn). Such was the climate of uncertainty at present, that Members were adamant that the score associated with this risk should be increased from a definition of 'manage' to 'escalate'. As a general point on the risk analysis of the Strategy, the Committee raised further queries over some of the associated scores. As a consequence, the Committee concluded that these changes would necessitate an updated Risk Analysis being produced and circulated to all Members of the Council before the Special meeting on 27 July 2017;
- (e) the anticipated low profit margins when comparing costs with yields. A Member highlighted the risk associated with a reduction in rental income (void / tenant default / tenant liquidation) and was of the view that such an income stream was too unpredictable to warrant his support of the Strategy;
- (f) the exit strategies. Members were also dissatisfied at the lack of information concerning exit strategies arising from both the purchase of each individual Commercial Property and the loan commitment;
- (g) regular reviews of the Strategy. In the event of the Strategy being approved by the Council, Members emphasised the importance of regular reviews being undertaken during each tranche of the project.

In response to these reservations, officers attempted to allay a number of the concerns expressed and reminded the Committee that the Strategy had been designed to provide a sufficient income stream to cover a meaningful proportion of the Council's predicted budget gap. Nonetheless, Committee Members remained unanimous in their concerns over the risk and governance aspects of the proposed Strategy and wished for these views to be reflected in a resolution that would be presented to the Special Council meeting on 27 July 2017 and it was consequently **PROPOSED** and **SECONDED** and put to the vote declared **CARRIED**:

RESOLVED

That the Audit Committee:

1. has considered the Council's draft Commercial Property Acquisition Strategy and expresses its particular concerns that the risks attached to the following areas have not been adequately addressed or mitigated:
 - (a) The Exit Strategies arising from both the purchase of each individual Commercial Property and the loan commitment;
 - (b) The Strategy not making adequate provision for investment in a variety of different asset classes; and
 - (c) The anticipated low profit margins when comparing costs with yields;
2. requests that an updated Risk Analysis of the Strategy be produced and circulated to all Members of the Council before its meeting on 27 July 2017; and
3. **RECOMMEND** to Council that the Terms of Reference and Composition of the Council's Invest to Earn Member Working Group be reviewed, with Working Group Members then being appointed to serve on a newly constituted Group on a 'fit for purpose' basis.

A.15/17

TREASURY MANAGEMENT STRATEGY 2017/18

As previously advised (Minute A.12/17 above refers), the Committee considered (for information purposes) an urgent report that sought ultimate Council approval of a revised Treasury Management and Investment Strategies for 2017/18 together with their associated prudential indicators.

In discussion, the following points were raised:-

- (a) Members acknowledged that the proposed revisions to these Strategies were wholly dependent upon the approval of the Commercial Property Acquisition Strategy;
- (b) In light of inflation rising, some surprise was expressed at the interest rate forecast figures contained in the agenda report. In response, the Section 151 Officer advised that the published figures had been obtained by Capita Asset Services (the Council's appointed Treasury Advisor) only the day before this Committee meeting.

It was then:

RESOLVED

That the report be noted.

(Meeting commenced at 2.00 pm and finished at 4.40 pm)

Chairman

This page is intentionally left blank

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 27 JULY 2017**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr E D Huntley
*	Cllr J P Birch	*	Cllr D W May
*	Cllr J I G Blackler	*	Cllr J T Pennington
*	Cllr B F Cane	*	Cllr K Pringle
*	Cllr J P Green	*	Cllr M F Saltern (Chairman)
*	Cllr J D Hawkins	*	Cllr P C Smerdon (Vice Chairman)
*	Cllr M J Hicks		

Other Members also in attendance:
Cllrs H D Bastone, I Bramble, J Brazil, D Brown, P K Cuthbert, T R Holway, N A Hopwood, J A Pearce, R C Steer, R J Tucker and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service; Executive Director (Service Delivery and Commercial Development); and Senior Specialist – Democratic Services
8	O&S.30/17	Group Manager – Customer First and Support Services and Section 151 Officer
9	O&S.31/17	Group Manager – Customer First and Support Services
10	O&S.32/17	Group Manager – Customer First and Support Services
11	O&S.33/17	Specialist – Performance and Intelligence

O&S.26/17 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 6 July 2017 were confirmed as a correct record and signed by the Chairman, subject to the following amendment to minute O&S.16/17 ‘Section 106 Agreements’ discussion point (f):

Whilst acknowledging that the close proximity of the next meeting made the request unfeasible, the proposer of the motion had in fact moved that a Schedule that listed all Section 106 Agreements (irrespective of whether or not payment had been received) be produced for consideration at ‘*the next*’ Panel meeting and not ‘*a future*’ Panel meeting as had been stated.

O&S.27/17 DECLARATIONS OF INTEREST

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

O&S.28/17 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, there were no issues raised for consideration at this meeting.

O&S.29/17 DRAFT EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan and, in discussion, made reference to:-

- (a) the 'Request for Section 106 Spend – Affordable Housing' agenda item. Having noted that this item related to a specific individual spend, a Member made reference to a recent article that he had viewed from Wokingham Borough Council (WBC). The Member highlighted that WBC had set up a local housing company to provide an income stream back to its council through developing affordable housing and he felt that this should also be considered by South Hams District Council. As a way forward, it was agreed that the article should be circulated to all Members for their information and officers advised that colleagues had already been in touch with WBC and this matter would be looked at during the upcoming draft budget setting process;
- (b) the 'Transformation Programme Closedown' agenda item. The Panel noted that this item was to be deferred from the next Executive meeting agenda. As a consequence, Members asked that the Panel consider this item at its meeting on 9 November 2017 prior to its presentation to the Executive.

O&S.30/17 TRANSITIONAL RESOURCES MONITORING REPORT

Consideration was given to a report that provided Members with an update on the impact of the temporary, fixed-term transitional resources that were approved by the Council in June 2016 (Minute 25/16 refers).

In discussion, reference was made to:-

- (a) resources in the Development Management (DM) service. In light of increasing volumes of work, officers still had concerns over the current capacity in the DM service and they anticipated that a further report would be presented to Members in the future that sought funding for additional resources in DM. A Member felt that certain aspects of the service (e.g. planning validation) were being undertaken by both Specialists and Case Managers and requested that such duplication of effort be eliminated. Whilst of the view that duplication was not as significant as had been indicated, officers did agree that there was scope for further service efficiency improvements to be made;

- (b) the Customer Contact Centre. Some Members who had accepted the recent invite to visit the Centre paid tribute to the excellent work being undertaken by the team but noted that some working practices were resulting in a duplication of effort. In reply, officers accepted the point and informed that an external advisor was currently in the Centre observing current processes and making recommendations to improve efficiency. The Panel acknowledged that staff retention was an issue in the Centre and it was agreed that the merits of imposing a condition on new members of staff not being able to apply for other internal posts for a prescribed period of time should be explored;
- (c) backlogs in the revenue and benefits service. Officers highlighted that an automated software system was currently being phased in that was expected to ease the backlog in casework for the revenue and benefits service;
- (d) the figures in the presented agenda report. A non-Panel Member felt it to be unacceptable that the figures contained in the report were only up to the end of March 2017 and were therefore four months out of date. In reply, the Section 151 Officer advised that the delay was attributed to the time lag associated with accruals, agency staffing charges and shared services recharges. The Panel proceeded to request that, as part of the Transformation Programme Closedown report being presented to the meeting on 9 November 2017, the most up to date figures be included;
- (e) the impact of Universal Credits. Whilst noting that the rollout had been delayed from October 2017 to January 2018, some Members expressed a number of concerns regarding the potential impact arising from Universal Credits and it was agreed that officers would provide an update via a future Members' Bulletin edition.

It was then:

RESOLVED

That the Panel:

1. endorse the contents of the Transitional Resources Monitoring Report and the progress to 31 March 2017;
2. insist that the Transformation Programme Closedown report (to be presented to the Panel meeting on 9 November 2017) include the most up to date available figures; and
3. ask officers to produce an update briefing note on Universal Credits for all Members.

O&S.31/17 PLANNING ENFORCEMENT SERVICE REVIEW

The Panel considered a report that provided an update on the current workload position and revisions to the Planning Enforcement Service in order to address the business need.

In discussion, the following points were raised:-

- (a) The Panel felt that the Council's Locality Team could be upskilled further and become even more involved in supporting the Planning Enforcement Service;
- (b) The Panel reiterated that there was a need for greater interaction between Members and those officers working in Planning Enforcement. In an attempt to keep resource implications to a minimum, the Panel requested that, initially as a pilot, a drop-in session be arranged for Members to be able to pre-book a timeslot with an Enforcement Officer to enable for an open discussion on live cases within their local ward;
- (c) It was confirmed that the proposed additional resource would be funded from within existing budgets largely by virtue of a re-allocation of duties within the Environmental Health Community Of Practice. In doubting whether even this additional resource would be sufficient, some Members asked lead officers and the lead Executive Member to keep a close watching brief on the case backlog;
- (d) A number of Members expressed their support for the creation of a Local Enforcement Plan. However, a Member felt that the proposed targets for 'Medium Priority' and 'Low Priority' investigations to commence were too long. Instead of the suggested one month and three months, the Member felt that these should be reduced to two weeks and four weeks respectively;
- (e) Upon the production of the latest schedule of enforcement cases, a Member requested that a brief progress update be added for each case.

It was then:

RESOLVED

That the Panel:

1. support the actions proposed and the ongoing monitoring of the Service by the Community Of Practice Lead and the Case Management Manager; and
2. request that a Member Drop-in pilot session be arranged to provide the opportunity for Members to discuss with an Enforcement Officer any live cases within their local ward.

O&S.32/17 STREET NAMING AND NUMBERING POLICY

The Panel considered a report that sought to recommend adoption of a revised Street Naming and Numbering Policy.

In discussion, the following points were raised:-

- (a) A number of Members expressed their support for the revised Policy but the request was made that, prior to its adoption, a final proofread be carried out to ensure that, where reference was made to consulting with the local town/parish council, local Ward Member(s) also be included;
- (b) It was confirmed that, in the event of the proposed 21 day consultation period not enabling a local town/parish council the opportunity to formally consider a proposed street name, then a local Ward Member was able to object to the proposal;
- (c) Officers gave a commitment to advise Members outside of the meeting as to whether or not property developers were sent a copy of the adopted policy upon the determination of their planning application(s).

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that the revised Street Naming and Numbering Policy be adopted.

O&S.33/17 QUARTER 1 2017/18 PERFORMANCE REPORT

The Panel considered a report that presented the Performance Indicators for Quarter 1 of 2017/18.

During discussion, reference was made to:-

- (i) the percentage of calls answered within 20 seconds. As part of the upcoming Performance Measures Task and Finish Group Review, Members asked that the merits of the 20 seconds target be given particular consideration;
- (ii) long-term sickness absence. It was noted that an overview of the monitoring process for sickness absence was currently scheduled on the Panel Work Programme for consideration at its next meeting on 24 August 2017;
- (iii) the increased number of online transactions. In welcoming this upward trend, the Panel was informed that this was mainly attributed to two factors: the new Council website; and the ability to be able to create an online account automatically.

It was then:

RESOLVED

That the Panel endorse the performance levels against target communicated in the Balanced Scorecard and the performance figures supplied in the Background and Exception reports.

O&S.34/17 SH/WD JOINT STEERING GROUP UPDATE

A report was considered by the Panel that presented the latest notes arising from recent meetings of the SH/WD Joint Steering Group (JSG).

In the ensuing debate, reference was made to:-

- (a) the proposal for the Panel to review the outputs of the consultation process. In stressing the importance of this proposal, it was noted that this review would be scheduled on to the Panel Work Programme for the meeting to be held on 5 October 2017;
- (b) the need for the published final consultation document to be fair, balanced and honest. Without wishing to pre-empt the debate on the Single Council proposal at the Special Council meeting later in the day, a number of Members expressed their disappointment regarding the quality of the latest draft version of the consultation document that had been produced. As an assurance, the Panel was advised that an updated recommendation was to be presented to Special Council that would seek to give delegated authority to the JSG to agree the contents of the published consultation document. In addition, there would be an opportunity for all Members to feed in their views to the JSG and it was agreed that the Chairman of the Council and the Chairman of the Panel would be specifically engaged in the formulation of the questions that would be included within the final document;
- (c) the work of the SH/WD JSG. A Member expressed his belief that the JSG had not fully explored all potential options to reduce the funding gap. Furthermore, the Member was of the view that this work should be conducted independently of West Devon Borough Council and it was therefore inappropriate to use the JSG for this purpose. As a consequence, the Member **PROPOSED** that:

'Disappointment be expressed at the lack of progress being made by the SH/WD Joint Steering Group to bring forward other alternative options to reduce the Council's funding gap.'

Whilst this proposal was not seconded, it was agreed that officers would provide Members with the background information concerning the formation of the JSG and its terms of reference.

In addition, it was agreed that the need for JSG meeting notes to be given exempt classification would be reconsidered by the Council's Monitoring Officer. Finally, the current practice whereby JSG meetings were hosted either in Totnes or Tavistock was asked to be reviewed, with a request made for all future meetings to be held in Ivybridge.

It was then:

RESOLVED

That, in the event of the Council agreeing to pursue the Single Council proposal, the Panel review the outputs of the consultation process and provide feedback at its meeting on 5 October 2017.

O&S.35/17 TASK AND FINISH GROUP UPDATES

(a) Dartmouth Lower Ferry

By way of an update, the Chairman of the Task and Finish Group advised that a detailed report would be presented to the next Panel meeting on 24 August 2017.

In addition, the Group Chairman informed the Panel that:-

- a Trade Union representative was due to meet with Lower Ferry staff on Friday, 28 July 2017. Subject to the outcome of that meeting, it was anticipated that the proposed £100,000 savings in the Medium Term Financial Strategy would be realised;
- if agreed, the proposed changes to staff terms of reference would come into effect in September 2017; and
- the proposals would ensure that staff were not working an excessive number of hours, whilst ensuring the highest safety standards were met and excellent customer service was delivered.

In the ensuing debate, a local Ward Member (who was also a Member of the Task and Finish Group) expressed his total support for the current proposals.

(b) Discretionary Grant Funding

As the Chairman of the Task and Finish Group, Cllr Brown was invited to provide an update. In so doing, he advised that the Group had held its first meeting and had requested that the lead officer gather relevant information in time for the next meeting that would be held in mid-September.

Ultimately, it was the aim of the Group to present its final recommendations to the Panel meeting on 5 October 2017.

(c) Performance Measures

By way of an update, it was noted that the West Devon Borough Council Overview and Scrutiny Committee had also agreed the proposal to establish a joint Task and Finish Group. In light of this decision, officers were now in the process of setting a date for the first Group meeting.

O&S.36/17 ACTIONS ARISING / DECISIONS LOG

The contents of the latest version of the Log was presented.

When questioned, the Head of Paid Service gave a commitment to establish exactly when officers would be in a position to present to the Panel the Schedule listing all Section 106 Agreements (Minute O&S.16/17 refers).

O&S.37/17 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 Single Council Consultation Outcome agenda item would be considered by the Panel at its meeting on 5 October 2017;
- (b) With regard to representatives from the NEW Devon and South Devon and Torbay Clinical Commissioning Groups attending a future Panel meeting, it was agreed that it would be more appropriate for this item to be scheduled on to the agenda for a future Informal Council session;
- (c) It was agreed that the Ombudsman Annual Review Letter should be scheduled for consideration by the Panel at its next meeting on 24 August 2017;
- (d) With regard to the Transformation Programme Closedown, the Work Programme was updated to ensure that this agenda item was included on the Panel agenda for 9 November 2017 meeting;
- (e) Whilst noting that a Joint Local Plan Update was due for consideration by the Panel on 5 October 2017, it was requested that, in the meantime, a brief progress update be circulated to all Members on behalf of the Joint Steering Group;
- (f) It was agreed that the Panel Chairman should exercise his discretion to schedule a future agenda item on to the Work Programme in relation to the Devon Building Control Partnership;

- (g) In response to a request regarding Air Quality and Air Pollution, it was agreed that, in the first instance, a Briefing Note should be produced and circulated to all Members outside of this meeting.

(Meeting started at 10.00 am and concluded at 11.55 am)

Chairman

This page is intentionally left blank

MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 2 AUGUST 2017

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr I Bramble	∅	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr D Brown	∅	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 (<i>pm only</i>)	*	Cllr R J Vint

Other Members also in attendance:

Cllrs Baldry, Birch, Hicks, Tucker and Wright

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Planning Senior Specialist, Planning Specialists, Deputy Monitoring Officer, Affordable Housing Specialist; and Senior Specialist – Democratic Services
	1593/17/VAR	Head of Paid Service and Senior Specialist – Place and Strategy

DM.13/17 MINUTES

The minutes of the meeting of the Committee held on 5 July 2017 were confirmed as a correct record and signed by the Chairman.

DM.14/17 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 D Brown declared a Disclosable Pecuniary Interest in application number **1785/17/HHO** 'Installation of a new dormer and rooflights with existing loft conversion – 77 Mewstone Avenue, Wembury' by virtue of the applicants being his parents and left the meeting during consideration of this item;

Cllr D Brown declared a personal interest in application number **1593/17/VAR** 'Section 73 application to remove/vary conditions relating to the Sherford New Community – Land South/South West of A38, Deep Lane and East of Haye Road, Elburton, Plymouth' by virtue of being a local Ward Member, who also served on the Local Liaison Committee, and remained in the meeting and took part in the debate and vote thereon;

Cllr R J Vint declared a personal interest in application number **2021/17/PAT** 'Prior notification of proposed developments by telecommunications code system operators for 17.5m shrouded monopole, 2 no. microwave dishes and 2 no. equipment cabinets – Highways land off Babbage Road, Totnes' by virtue of being an acquaintance of the registered objector for this application and remained in the meeting and took part in the debate and vote thereon; and

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

- **1554/17/OPA**: Application for approval of Outline Planning Permission (all matters reserved except for access) for the development of 13 no. age restricted dwellings and 6 no. affordable dwellings to be accessed via School Road, Stoke Fleming – Land off School Road, Stoke Fleming TQ6 0PR;
- **25/1720/15/O**: Outline application with some matters reserved for erection of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works – Progressed Development Site at SX 612 502, land north of Church Hill, Holbeton;
- **25/1721/15/O**: Outline application with some matters reserved for erection of 11 no. dwellings, village hall with car park, access and associated works – Progressed Development Site East of Vicarage Hill at SX 614 503, Vicarage Hill, Holbeton; and
- **3139/16/OPA**: Outline planning application for the erection of 12 dwellings to include 6 affordable units for the over 55s – Land adjacent to Parsonage Farm, Parsonage Road, Newton Ferrers.

Cllr R J Foss declared a personal interest in application numbers **25/1720/15/O**: Outline application with some matters reserved for erection of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works – Progressed Development Site at SX 612 502, land north of Church Hill, Holbeton and **25/1721/15/O**: Outline application with some matters reserved for erection of 11 no. dwellings, village hall with car park, access and associated works – Progressed Development Site East of Vicarage Hill at SX 614 503, Vicarage Hill, Holbeton by virtue of his landlord employing the same agent as the applicant and remained in the meeting during the debate and vote on these applications.

DM.15/17 PUBLIC PARTICIPATION

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.16/17 **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:

1554/17/OPA Land off School Road, Stoke Fleming

Parish: Stoke Fleming

Application for approval of Outline Planning Permission (all matters reserved except for access) for the development of 13 no. age restricted dwellings and 6 no. affordable dwellings to be accessed via School Road, Stoke Fleming

Case Officer Update:

- contrary to the report, the AONB team had not made any comments on this application;
- The first condition of the Section 106 should read: '6 Affordable housing units – 4 *Affordable* Rent and 2 Intermediate';
- 3 additional letters of support and 1 additional letter of objection – no new issues raised; and
- South West Water had been contacted in response to issues raised during the Site Inspection and reiterated that they had no objections to this application.

Speakers included: Objector – Mrs Gail Dorrington; Supporter – Mrs Judith Newman Andrew Rowe; Stoke Fleming Parish Council – Cllr Lady Mary Newman; and local ward Member – Cllr Hicks

Recommendation: Delegate to COP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application

In discussion on the planning merits of this application, some Members expressed the following concerns:

- There was felt to be no justification for the two access points into the development site that would, in effect, segregate the open market housing from the affordable housing;

- The proposals would have an adverse effect on the street scene and the AONB;
- Regardless of the views of the County Highways Authority, road safety was a cause for concern;
- There was felt to be no demonstrable housing need evidence for the development of such additional age restricted housing;
- The proposals were contradictory to the content of the emerging local Neighbourhood Plan.

Such were the concerns over the access points, that it was **PROPOSED** and **SECONDED** that:

'The application be deferred to ask the developer to consider addressing the on-site access concerns.'

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

It was then (by virtue of a Chairman's Casting Vote) declared **CARRIED** that:

Committee Decision: Delegate to COP lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP to refuse to application in the absence of an agreed S106 Agreement.

The Section 106 would secure the following:

- 6 Affordable housing units – 4 Affordable Rent and 2 Intermediate;
- A commitment to the provision of 4 no. 2-bed affordable homes and 2 no. 3 bed affordable homes;
- A trigger to agree the precise bedroom mix between tenures prior to submission of the Reserved Matters Approval application;
- The AH Units will be built to the HCA Design and Quality Standards;
- Sport and recreation – for the 6 affordable units - £595 per occupier for pitches and £380 for play; for the 13 age restricted units - £595 per occupier toward playing pitches – contributions will be towards provision of a new play area off School Road and improvement to the Bird Walk;
- Landscape and Ecology Management Plan and SUDs outside of private curtilages- implementation and on on-going management; and
- Age Restriction – over 55, on the open market units.

Conditions:

- Standard time limit;
- Reserved Matters;
- Accord with plans;
- External materials;
- Boundary treatments;
- Drainage details: percolation tests;
- Groundwater monitoring;
- Surface water drainage management system permanent;
- Surface water drainage management system construction;
- Tree and hedgerow protection;
- Ecology Report mitigation compliance;
- No street lighting;
- Completion of footpaths and visibility splays;
- Construction Management Plan;
- Estate roads and other details required;
- Off-site highway works;
- Unsuspected contamination;
- Removal of permitted development rights;
- Arboricultural Impact Assessment and Method Statement; and
- Landscape and Ecology Management Plan to be agreed.

**1593/17/VAR Sherford New Community – Land South/South
West of A38, Deep Lane and East of Hay Road,
Elburton**

Parish: Brixton

**S73 application to remove/vary conditions 2, 5, 6, 16, 20 and 21 of PCC
outline planning permissions ref, 16/00247/OUT and conditions 3, 6,
12, 14, 17, 26 and 57 of SHDC outline planning permission ref.
0484/16/VAR relating to the ‘Sherford New Community’, including
amendments to documents as listed within the approved drawings
conditions in respect of the Town code and Sustainability chapters**

Case Officer Update: - Plymouth City Council Development
Management Committee had voted to refuse its
equivalent planning application and an amended
recommendation was therefore necessary;
- The draft Code had been further revised to
replace reference to the word ‘*should*’ to imply
that the requirements were more mandatory.

Speakers included: Objector – Mr Ben Bolgar; Supporter – Mr John
Brindley; local ward Member – Cllr Brown

Recommendation: To delegate authority to the COP Lead Development Management, in consultation with the Chairman of the Development Management Committee, to grant conditional approval subject to a satisfactory Section 106 which substitutes the obligations in Schedule 10 with the revised Town Code and the obligation to pay contributions to enable Independent Review of the Neighbourhood Design Codes and retain all other obligations within the principal deed, and to:

1. Agree to minor alterations and corrections of typological errors within the submitted documents;
2. Make minor alterations to the planning conditions; and
3. Refuse if s106 is not signed within six months.

In the ensuing debate, a Member asked that the comments of the supporter (regarding his assurances that the quality of the development would not be diminished through these proposals) be formally recorded.

Committee Decision: To delegate authority to the COP Lead Development Management, in consultation with the Chairman of the Development Management Committee, to grant conditional approval subject to a satisfactory Section 106 which substitutes the obligations in Schedule 10 with the revised Town Code and the obligation to pay contributions to enable Independent Review of the Neighbourhood Design Codes and retain all other obligations within the principal deed, and to:

1. Agree to minor alterations and corrections of typological errors within the submitted documents;
2. Make minor alterations to the planning conditions; and
3. Refuse if s106 is not signed within six months.

Conditions

1. Original outline conditions imposed on 0484/16/VAR reiterated, plus amendments to reflect revised documents (as set out in the published agenda report);

Informatives:

1. Documents and Plans (amended to reflect revised documents);
2. DRN Plans (amended to reflect revised documents);
3. S106;
4. "Neighbourhoods"; and
5. Pro-active.

S106 Obligation:

1. Supplementary; and
2. Design review contribution.

25/1720/15/O

Proposed Development Site at SX 612 502, Land North of Church Hill, Holbeton

Parish: Holbeton

Page 126

Outline application with some matters reserved for erection of 14no. dwellings, provision of community car park, allotment gardens, access and associated works

- Case Officer Update:
- minor revisions to the Section 106 to include reference to SUDS and an amendment to the play area requirement to read: '£380 per occupier for improvements to Holbeton play area and provision of a skate facility on the playing field *or other play facilities to be agreed by the local Parish Council*';
 - One further letter of representation had been received.

Speakers included: Objector – Mr Martin Battershill; Supporter – Mr Anthony Mildmay-White; Holbeton Parish Council – Cllr Peter Hearn; and local ward Member – Cllr Baldry

Recommendation: Delegate to COP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application.

Committee Decision: Delegate to COP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application.

The Section 106 should secure the following:

- 35% on site provision of affordable housing;
- £38,306 towards infrastructure at Ivybridge Community College
- £13,851 toward school transport;
- Ongoing management and maintenance of open space, landscape, SUDS, and wildlife features in accordance with LEMP in perpetuity;
- Provision of footpath link to Church Hill;
- £380 per occupier for improvements to Holbeton play area and provision of a skate facility on the playing field or other play facilities to be agreed by the local Parish Council;

- £595 per occupier for improvements to the Holbeton playing field to allow increased use for sports;
- Public access and on-going management of the allotment area in perpetuity; and
- Public access, use in perpetuity and ongoing maintenance and management of the car park.

Conditions

- Standard outline time conditions (3 years + 2 years);
- Accords with plans;
- Access and visibility splays to be constructed and laid out and maintained for that purpose, in accordance with approved plan and details;
- Pre-commencement – Construction Environmental Management Plan;
- Pre-commencement – details of road construction to be agreed;
- Pre-commencement – suitable highway drainage scheme to be agreed and then implemented;
- Pre-commencement – ground investigation to be undertaken to prove that the 1:2:5 batter slopes adj. the car park are safe;
- Pre-commencement – Programme of percolation test to be agreed and undertaken in consultation with LLFA;
- Pre-commencement – detailed design of permanent surface water drainage management system to be agreed with LLFA;
- Pre-commencement – Details of adoption and maintenance arrangements for proposed surface water drainage management system to be agreed with LLFA;
- Pre-commencement – detailed design of surface water management during construction to be agreed with LLFA;
- Pre-commencement - LEMP to be agreed;
- Details of allotments to be agreed and implemented;
- Unsuspected contamination;
- Details of footpath to be agreed and implemented;
- Pre-commencement – Arboricultural Impact Assessment to be submitted, agreed and implemented;
- Pre-commencement – Arboricultural Method Statement to be submitted, agreed and implemented;
- Pre-commencement – Tree protection plan to be submitted, agreed and implemented;
- Removal of PD – roof alterations, means of enclosure, hardstandings and boundary treatments;
- Garages and parking areas to be provided in accordance with approved details prior to occupation;
- Vehicular access and road to be provided in accordance with phasing plan to be agreed;
- No external lighting in public areas other than that agreed in lighting strategy;
- Development in accordance with Ecology Report;
- Materials to be agreed; and

- Boundary treatments.

25/1721/15/O Proposed Development Site East of Vicarage Hill at SX 614 503, Vicarage Hill, Holbeton

Parish: Holbeton

READVERTISEMENT (Revised Plans Received) Outline application with some matters reserved for erection of 11no. dwellings, village hall with car park, access and associated works

- Case Officer Update:
- an amendment to the Section 106 to read: '£380 per occupier for improvements to Holbeton play area and provision of a skate facility on the playing field *or other play facilities to be agreed by the local Parish Council*;
 - County Highways Officers were now satisfied and raising no objections to this application;
 - Inclusion of an additional section 106 requirement related to woodland planting.

Speakers included: Objector – Ms Sandi Marshall; Supporter – Mr Anthony Mildmay-White; Holbeton Parish Council – Cllr Mr Peter Hearn; and local ward Member – Cllr Baldry

Recommendation: Delegate to COP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application

In discussion, it was apparent that some Members were not in agreement with the officer recommendation with the objections that had been raised by the AONB team and an ecological survey having concluded that the site was an incredibly rich bio-diverse area being identified as particular causes for concern. In addition, the levels of local objections raised were felt to be considerable.

Whilst accepting that this was a finely balanced application, other Members stated that the Council's Landscape Specialist had raised no objections to the application and they felt it was important (in order to ensure the long-term sustainability of villages such as Holbeton) that there was some growth in footfall.

At the conclusion of the debate, a proposal to refuse this application was **PROPOSED** and **SECONDED** and when put to the vote was declared **LOST**.

It was then:

Committee Decision: Delegate to COP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application

The Section 106 should secure the following:

- 35% affordable housing to be provided at the Church Hill site with appropriate phasing and commencement restrictions;
- Ongoing management and maintenance of landscape, wildlife features and any Suds features within public areas, in accordance with the LEMP in perpetuity;
- Footpath link from village hall/site into playing field to be provided and maintained in perpetuity;
- Village hall site to be provided and managed as public amenity land until hall is constructed;
- The provision of the village hall site on a long term lease to be offered to the Parish Council;
- £380 per occupier for improvements to Holbeton play area and provision of a skate park or other play facilities to be agreed by the local Parish Council;
- £596 per occupier for improvements to the Holbeton playing field;
- £9424 towards school transport;
- £30,097 towards school infrastructure; and
- Woodland Planting – 0.2 hectares of native woodland planting (on a site to be agreed with the local planning authority) to be retained and managed in perpetuity in accordance with an updated Conservation Action Statement (including a Woodland Management Plan).

Conditions

- Standard time outline time conditions;
- Submission of reserved matters;
- Accords with plans;
- Materials to be agreed;
- Boundary treatments to be agreed;
- Development to take place in accordance with ecology report;

- Full details of pedestrian access to Vicarage Hill to be agreed as a reserved matter;
- Pre-commencement - Percolation testing to be carried out;
- Pre-commencement – Detailed design of permanent surface water drainage to be agreed;
- Pre-commencement - Detailed design of construction phase drainage to be agreed;
- Pre-commencement – full details of the adoption and maintenance arrangements for the surface water management to be agreed;
- Pre-commencement – CEMP to be agreed including details of all construction mitigation measures;
- Pre-commencement – LEMP to be agreed;
- Pre-commencement – Copy of licence (Badgers) from Natural England authorising works to be submitted or a written statement from NE of suitably qualified ecologist to effect that they do not consider the works will require a licence;
- Unsuspected contamination of land;
- Pre-commencement – Arboricultural Impact Assessment to be submitted, agreed and implemented;
- Pre-commencement – Arboricultural Method Statement to be submitted, agreed and implemented;
- Pre-commencement – Tree protection plan to be submitted, agreed and implemented;
- Removal of PD – roof alterations and extensions, means of enclosure, hardstandings;
- Garages and parking areas to be provided in accordance with approved details prior to occupation;
- Interim landscaping proposal for village hall site to be submitted to be agreed and implemented;
- Vehicular access and road, visibility splays and footways to be provided prior to occupation of any dwelling;
- No external lighting in public areas other than that agreed in lighting strategy;
- Detailed construction of roads, verges, footways etc;
- Highway drainage to be agreed; and
- Village hall – hours of use between 8am and 10pm Mon to Thurs and 8am to 11pm Fri to Sun only.

2021/17/PAT Highways Land off Babbage Road, Totnes

Parish: Totnes

Prior notification of proposed development by telecommunications code system operators for 17.5m shrouded monopole, 2no. Microwave dishes and 2no. Equipment cabinets

Case Officer Update: A number of additional objection letters received – no new issues raised and a couple of letters of support received

Speakers included: Objector – Ms Bernadette Checkley; and local ward Members – Cllrs Birch and Vint

Recommendation: Prior Approval NOT Required

In discussion, Members were of the view that alternative (and potentially more appropriate) sites had not been suitably considered and the lack of meaningful consultation by the applicants was felt to be regrettable. In also highlighting the likely prominence of the mast from Borough Park, a number of Members stated that they were unable to support the officer recommendation whereby prior approval was not required for this application.

Committee Decision: That prior approval IS required.

3139/16/OPA Land adjacent to Parsonage Farm, Parsonage Road, Newton Fetters

Parish: Newton and Noss

Outline planning application for the erection of 12 dwellings to include 6 affordable dwellings with tenure restricted to over 55 year olds

Case Officer Update: - apologies for the confusion over the site location during the recent Committee Site Inspection. The proposal had been assessed thoroughly by previous case officers.

Speakers included: Supporter – Mr Andrew Birkett; Newton and Noss Parish Council – Cllr Alan Cooper; and local ward Member – Cllr Baldry

Recommendation: Delegate to COP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application

Committee Decision: Delegate to COP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application

0266/16/FUL 5 Christina Parade, Totnes

Parish: Totnes

Erection of 3 bed terrace house with garden and relocation of garages

Case Officer Update: **APPLICATION WITHDRAWN FROM THIS MEETING AGENDA**

1801/17/FUL Fulling Mill, Woodland Road, Harbertonford

Parish: Harberton

Change of use from B1(c) light industry to C3 Dwelling house

Case Officer Update: - Additional conditions relating to ground contamination and an Ecology report; and
- Clarification that the application site was partially within Site Zone 2 – no flood concerns envisaged.

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions

1. Time limit;
2. Approved plans;
3. Samples of materials;
4. Details of rooflights;
5. Details of flue;
6. Implementation of approved remediation scheme;
7. Unsuspected contamination; and
8. Compliance with recommendations of ecology report.

1785/17/HHO 77 Mewstone Avenue, Wembury

Parish: Wembury

Householder application for installation of a new dormer and rooflights within existing loft conversion

Case Officer Update: None
Speakers included: None
Recommendation: Conditional Approval
Committee Decision: Conditional Approval

Conditions

1. Standard time limit;
2. Adherence to plans; and
3. Materials to match

DM.17/17 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report and felt the Green House, Newton Ferrers appeal decision was particularly interesting.

DM.18/17 **PERFORMANCE INDICATORS**

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

In making reference to the recent Planning Enforcement Service Review by the Overview and Scrutiny Panel (Minute O&S.31/17 refers), some Members expressed their disappointment at the upward trend in enforcement cases. Some Members reiterated the concerns expressed by the Panel that resources were currently not sufficient to address the case backlog.

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 2 August 2017

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
1554/17/OPA	Land off School Road, Stoke Fleming	Deferral to ask the Developer to consider addressing the on-site access concerns.	Cllrs Brown, Holway, Rowe and Vint (4)	Cllrs Bramble, Brazil, Foss and Steer (4) (NB. the Chairman exercised his discretion to vote 'no' on this motion)		Cllrs Cuthbert, Hitchins, Hodgson and Pearce (4)
Page 135 1554/17/OPA	Land off School Road, Stoke Fleming	Conditional Approval, subject to completion of a S106 Agreement	Cllrs Bramble, Foss, Rowe and Steer (4) (NB. the Chairman exercised his discretion to vote 'yes' on this motion)	Cllrs Brazil, Brown, Holway and Vint (4)		Cllrs Cuthbert, Hitchins, Hodgson and Pearce (4)
1593/17/VAR	Sherford New Community, Land south/south west of A38, Deep Lane and East of Haye Road, Elburton	Conditional Approval, subject to completion of a satisfactory Section 106 Agreement	Cllrs Bramble, Brown, Foss, Holway, Rowe and Steer (6)	Cllr Vint (1)	Cllr Brazil (1)	Cllrs Cuthbert, Hitchins, Hodgson and Pearce (4)
25/1720/15/O	Proposed Development site at SX 612 502, Land north of Church Hill, Holbeton	Conditional Approval, subject to completion of a satisfactory S106 Agreement	Cllrs Bramble, Brazil, Brown, Foss, Hitchins, Holway, Rowe and Steer (8)		Cllr Vint (1)	Cllrs Cuthbert, Hodgson and Pearce (3)

25/1721/15/O	Proposed Development site East of Vicarage Hill at SX 614 503, Vicarage Hill, Holbeton	Refusal	Cllrs Brazil, Brown and Vint (3)	Cllrs Bramble, Foss, Holway, Rowe and Steer (5)	Cllr Hitchins (1)	Cllrs Cuthbert, Hodgson and Pearce (3)
25/1721/15/O	Proposed Development site East of Vicarage Hill at SX 614 503, Vicarage Hill, Holbeton	Conditional Approval, subject to completion of a satisfactory S106 Agreement	Cllrs Bramble, Foss, Holway, Rowe and Steer (5)	Cllrs Brazil, Brown and Vint (3)	Cllr Hitchins (1)	Cllrs Cuthbert, Hodgson and Pearce (3)
2021/17/PAT	Highways land off Babbage Road, Totnes	Prior Approval is Required	Cllrs Bramble, Brazil, Brown, Foss, Hitchins, Holway, Rowe, Steer and Vint (9)			Cllrs Cuthbert, Hodgson and Pearce (3)
31/09/16/OPA	Land adjacent to Parsonage Farm, Parsonage Road, Newton Ferrers	Conditional Approval, subject to completion of a S106 Agreement	Cllrs Bramble, Brown, Foss, Holway, Rowe, Steer and Vint (7)		Cllr Brazil (1)	Cllrs Cuthbert, Hitchins, Hodgson and Pearce (4)
1801/17/FUL	Fulling Mill, Woodland Road, Harbertonford	Conditional Approval	Cllrs Bramble, Brazil, Brown, Foss, Holway, Rowe, Steer and Vint (8)			Cllrs Cuthbert, Hitchins, Hodgson and Pearce (4)
1785/17/HHO	77 Mewstone Avenue, Wembury	Conditional Approval	Cllrs Bramble, Brazil, Brown, Foss, Holway, Rowe, Steer and Vint (8)			Cllrs Cuthbert, Hitchins, Hodgson and Pearce (4)

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 24 AUGUST 2017**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
∅	Cllr K J Baldry	*	Cllr E D Huntley
*	Cllr J P Birch	*	Cllr D W May
*	Cllr J I G Blackler	*	Cllr J T Pennington
*	Cllr B F Cane	*	Cllr K Pringle
*	Cllr J P Green	*	Cllr M F Saltern (Chairman)
∅	Cllr J D Hawkins	*	Cllr P C Smerdon (Vice Chairman)
*	Cllr M J Hicks		

Other Members also in attendance:
Cllrs I Bramble, J Brazil, R D Gilbert, T R Holway, N A Hopwood, J A Pearce, R C Steer, R J Tucker, K R H Wingate and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service and Senior Specialist – Democratic Services
6	O&S.40/17	Assets Senior Specialist
7	O&S.41/17	South Devon College Principal and Vice-Principal
8(b)	O&S.42/17(b)	Specialist – Revenues
8(c)	O&S.42/17(c)	Assets Senior Specialist
9	O&S.43/17	Specialist Manager
10	O&S.44/17	HR Specialist
11 and 12	O&S.45/17 and O&S.46/17	Monitoring Officer
13	O&S.47/17	COP Lead – Environmental Health
16(a)	O&S.50/17	Group Manager – Commercial Services

O&S.38/17 MINUTES

The minutes of the meetings of the Overview and Scrutiny Panel held on 20 and 27 July 2017 were confirmed as a correct record and signed by the Chairman.

Having been agreed, two points of clarity were raised as follows:

1. Minute O&S.25/17: '*Commercial Property Acquisition Strategy*' discussion point (c). Whilst not disputing the accuracy of the discussion point, a Member felt that the response given at the meeting had been misleading and it was agreed that this matter would be clarified outside of this meeting; and

2. Minute O&S.37/17: 'Annual Work Programme 2017/18' discussion point (g). Whilst acknowledging that a briefing note on Air Quality and Air Pollution had been circulated to all Members, a Member was of the view that a formal agenda item was to be considered at the Panel meeting on 18 January 2018. In reply, other Members did not recall that this had been agreed but highlighted the ability of the Panel to amend and update its own Work Programme as it evolved throughout the year.

O&S.39/17 **DECLARATIONS OF INTEREST**

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

O&S.40/17 **PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, the following three questions had been received from Kingsbridge Town Council for consideration at this meeting as follows:

Reference Agenda Item 8(c) (Minute O&S.42/17(c) below refers):

Paragraph 5: 'Stakeholder and Community Consultation (Stage 4):

5.6 Bullet point 7: "Recognition that development of Kingsbridge Quayside is needed to support costs of improvements to public realm and provision of affordable housing."

Question 1: Kingsbridge Town Council has concluded that SHDC is holding the Kingsbridge Community to ransom in unnecessarily linking development of the Kingsbridge Quayside to support costs of improvements to public realm and provision of affordable housing. Adequate funding is available for the latter given SHDC's recent monies from Central Government. What percentage and form of consultation responses constitute 'recognition' that this 'is needed'?

Question 2: What is the basis from the consultation that allow SHDC to assert that there is a 'recognition' that this project is needed?

Question 3: Has SHDC agreed to our demand that they defer consideration of the Quayside Development to allow public contribution?

The Assets Senior Specialist was invited to respond to the three questions and, in so doing, made the following comments:

Question 1:

'There are two parts to this question:

1. *I think it is unfortunate that the term 'ransom' has continued to appear within 'formal' comments submitted by Kingsbridge Town Council and would add that this is not reflective of the face-to-face discussions that we have been having. Furthermore, the current model is based upon:*
 - *Compliance / investigation in line with the current site allocation (100 homes);*
 - *Delivery of a high quality of affordable / community housing (40% target); and*
 - *Analysis of finance associated with delivering this as a whole and including some public realm.*

2. *This question was also raised at the public meeting that officers attended at the request of Kingsbridge Town Council. With respect to the reference to central government money, officers understanding is that we have £1.8 million for across the South Hams and that this relates to a community housing model only and will be used in a variety of ways including:*
 - *Supporting the delivery of existing community housing projects;*
 - *Building a new community housing team; and*
 - *Buying suitable sites or securing options with landowners to facilitate projects.*

Question 2:

'Again, there are two parts to this question:

'Firstly, we need to take a step back and recap on the purpose of this Stage 1 which was:

1. *The site is previously allocated;*
2. *The Council are a major landowner and so it is sensible to review assets for the long-term;*
3. *The outcome is to provide a summary of constraints and opportunities, illustrative concept layouts and associated financial assessments to better inform where we move to the next stage;*
4. *It is not about putting a financial solution on to the community.*

The term 'recognition' appears to relate to bullet point 7 and in particular Question 8:

Question 8: Do you, in principle, support development of the Kingsbridge Quayside recognising the some development would be needed to support the cost of improvements to public realm and affordable housing?

Age:	Yes:	No:
<i>All</i>	<i>35%</i>	<i>65%</i>
<i>Under 46s</i>	<i>49%</i>	<i>51%</i>
<i>Over 46s</i>	<i>25%</i>	<i>75%</i>

With regard to whether the project is needed to meet the needs of the community, the officer suggested that it was. To expand on this view, the public realm and affordable housing aspects received very positive responses, highly in favour, and aligning with the aspirations of the town council.

In terms of delivering the site allocation or something similar, the officer advised that the purpose of the Masterplan has been to demonstrate how this could be achieved.

Whilst in isolation, the survey results do not appear positive, the purpose of the consultation was to try and be transparent and to enable key concerns to be raised.

This has clearly sparked a high level of discussion within the community, with the issues of: quayside development; affordable housing model; and loss of parking.

I believe that there is now an opportunity for these concerns to be further explored within Stage 2 and hopefully, we can still work together to develop a scheme that meets the needs of all parties.

Given the potential change that could be implemented (in accordance with allocation), this will be a challenge, however this is to be expected.

Question 3:

'Yes, we have. However, officers need to discuss with the town council their expectation in terms of being able to review the final report.

Further to this response, the Leader also advised that:

- He had agreed that this agenda item would be deferred to the Executive meeting on 19 October 2017;
- It was the intention to now sign-off this phase before looking at a revised plan;
- As part of a revised plan, officers would be tasked with mitigating concerns related to loss of car parking and affordable housing;
- The Council had listened to the consultation feedback and would continue to talk to the town council and local residents.

In welcoming these responses, the Town Council representatives in attendance did not wish to take up the offer of asking a supplementary question, but did state that they were looking forward to making progress in this respect, in line with the wishes of the local community.

O&S.41/17 SOUTH DEVON COLLEGE PRINCIPAL PRESENTATION

The South Devon College Principal and Vice-Principal were in attendance to conduct a presentation to the Panel that included reference to the following headings:-

- College learners;

- The College Mission Statement;
- The Vocational and Technical Curriculum Offer;
- Working with Businesses;
- Recent Satisfaction Survey Responses;
- Higher & Degree Apprenticeships;
- Financial Information 2016/17;and
- Capital Developments – going forward.

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

- (a) A number of Members congratulated the representatives on the progress being made by the College and the particular focus that was being given to apprenticeship schemes;
- (b) In the event of Members having any suggestions that they felt could further improve the service provided by the College, they were invited to contact the Principal outside of this meeting;
- (c) The Panel noted the intention of the College to give greater future consideration to all aspects of student rights to Higher Education provision. As part of this exercise, the representatives informed that they were keen to consider part-time learning and supported online courses. In reply to a question, Members were advised that the College did have provision for some bursary packages for disadvantaged students. Furthermore, it was also confirmed that central government was actively looking at methods of providing travel support for apprentices and the College representatives gave a commitment to explore the potential and encourage the use of reinstating the 'Wheels to Work' scheme;
- (d) With regard to the membership of the South Devon College Governing Body, the representatives emphasised the importance of key service sectors being represented;
- (e) The Leader highlighted the meetings that took place between Council and College representatives and felt that they were a very effective means of communication between the two organisations.

In conclusion, the Chairman wished to thank the representatives for their informative presentation and responses to Member questions.

O&S.42/17 **DRAFT EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan and, in discussion, made reference to the following amendments:-

- (a) As highlighted during the Public Forum agenda item (Minute O&S.40/17 above refers), the Kingsbridge Quayside Phase 2 agenda item had been deferred to the Executive meeting on 19 October 2017;

- (b) The Chairman reminded Members that both the Transformation Programme Closedown and IT Procurement reports would be considered by the Panel at its meeting on 9 November 2017 before then being presented to the Executive meeting on 7 December 2017.

(i) Medium Term Financial Strategy for the Five Year Period 2018/19 to 2021/22

The Chairman advised that this agenda item had been deferred for consideration at the next Panel meeting on 12 October 2017.

(ii) Business Rates – Locally Administered Business Rate Relief Policy

A report was considered that sought to recommend adoption of the locally administered Business Rate Relief Policy.

During discussion, particular reference was made to:-

- (a) the proposed date for the policy review. Members felt that the proposal to review the policy in December 2017 was too soon after it would have been adopted by the Council. As a consequence, Members felt that the proposed review should be extended to April 2018;
- (b) the decision-making process. Some Members were of the view that the decision-making process (including the right to appeal) was too reliant upon the Leader of the Council and there was a need for a greater number of Members to be involved in the process. As a way forward, the following suggested amendments to the process were made:
- That Discretionary Payment awards under the Policy be determined by the Leader of the Council and the lead Executive Member; and
 - That all appeals be determined by the Leader of the Council; the lead Executive Member and the Chairman of the Overview and Scrutiny Panel.

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that, following consultation with Devon County Council, Devon and Cornwall Police and Devon and Somerset Fire and Rescue, the locally administered Business Rate Relief Policy be adopted subject to the following amendments:

- The policy review being extended from the end of December 2017 to the end of April 2018; and
- The decision-making process being amended in accordance with discussion point (b) above.

(iii) Quayside Phase 2 Consultation

The Panel considered a report that provided a summary of the work that had been undertaken as part of the Kingsbridge Masterplan project.

The Chairman introduced the report and reminded those present that the outcome of the public forum agenda item (Minute O&S.40/17 above refers) had significantly impacted upon this agenda item.

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

- (a) Some Members expressed their concerns that the production of revised plans would result in additional costs to the Council and have a detrimental effect on the overall viability of the scheme. In reply, the Panel was assured that the Council was not in a position to effectively subsidise sites and any additional cost implications would require the approval of full Council;
- (b) In support of the revised approach, the local Ward Members were pleased that the outcome of the consultation exercise had been acknowledged;
- (c) A Member emphasised that the Council and local community must not lose sight of the definite need for affordable housing in Kingsbridge. In highlighting the different views depending on age, the Member emphasised the importance of the younger generation also having its views heard as part of this process.

It was then:

RESOLVED

That the Panel:

1. endorse the consultation exercise to date and is satisfied that the results have been duly acknowledged; and
2. fully supports the further consultation exercise that is being proposed.

O&S.43/17 NEIGHBOURHOOD PLANNING – SUPPORT TO GROUPS

Consideration was given to a report that outlined the support the Council was providing to Neighbourhood Planning Groups within the South Hams and outlined future plans to secure support at this level.

In discussion, the following points were raised:-

(a) A Member outlined a number of her concerns in relation to the published agenda report and the Council's corporate approach to Neighbourhood Planning. In summary, the Member raised the following concerns:

- The Council was not adhering to the 'Neighbourhood Planning Offer of Service to Communities' that it launched in September 2016. In particular, the information on the Council website was sadly lacking;
- The dedicated officer resource and support for Neighbourhood Planning was wholly insufficient;
- Neighbourhood Planning Groups were in desperate need of immediate help and support.

In response, officers acknowledged the concerns related to the website and informed that a revised set of webpages would be launched in September 2017. With regard to the officer resource and support available, the previous recruitment problems were stressed and measures to improve capacity and resilience were highlighted.

Having been advised of the proposal for Strategic Planning Officers to be able to provide the equivalent of one day per week of additional support, the Member also highlighted her belief that this was an unrealistic expectation;

(b) The local Ward Member for Woolwell wished for her disappointment to be formally recorded at the lack of any reference in the published agenda report to her local area potentially acquiring over 2,000 additional properties;

(c) In light of the specialist knowledge and expertise involved in Neighbourhood Planning, a number of Members echoed the need for the Council to provide Groups with additional professional officer support. As an alternative view, a Member did remind those present that town and parish councils did have the ability to buy in their own external advice and support to progress their respective Neighbourhood Plans;

(d) In reply to a question, officers accepted the point that it would now be timely for the Council to review its Offer of Service to Communities.

It was then:

RESOLVED

That the Panel:

1. expresses its concern over the adequacy of resources to address the level of support required to meet the statutory requirement of Neighbourhood Planning;

2. supports the proposal for the Council to review its Neighbourhood Planning Offer of Service to Communities; and
3. require a review of the resources and information provided and a further overview in six months' time.

O&S.44/17 **SICKNESS ABSENCE MONITORING**

The Panel considered a report that provided an update on the level of sickness absence amongst Council employees and the measures in place to manage and monitor short and long term absence.

In discussion, reference was made to:-

- (a) overall staff absenteeism in the Council. Some Members felt that the increases related to long-term sickness absence and overall absenteeism (when compared to the Local Government average) were causes for concern. In response, officers informed that the Senior Leadership Team was particularly mindful of these statistics and was working closely with managers and the Human Resources Community Of Practice in an attempt to reverse these trends;
- (b) the counselling service. Officers confirmed that the Council offered a counselling service with staff having the ability to self-refer themselves. Having been informed that the Council did not obtain regular feedback on the service, the Panel strongly suggested that officers review both usage levels and whether or not the Council was receiving value for money for this service;
- (c) staff workload. Whilst the staff survey results had illustrated a number of improvements, some Members cited the feedback related to workload pressures and insufficient staff capacity as being alarming. A Member highlighted the correlation between this feedback and the significant increases in cases of stress and depression. Officers responded by reminding Members that, whilst the Transformation Programme had resulted in a 30% reduction in the Council's workforce, some service areas had seen a 20% increase in demand. As a consequence, it was inevitable that some members of staff would be struggling with their workload and there was a need to strike a better balance between capacity and demand. Officers also reminded Members that they had a key role to play in this regard by both ensuring that they adhered to using the Transformation Programme operating model and by being realistic and supporting and co-operating with members of staff;
- (d) staff enjoyment of their job. Whilst the debate had focused on some areas of concern, a Member did wish to provide some balance by highlighting that the staff survey had also indicated that 84% of staff had stated that they enjoyed their job.

It was then:

RESOLVED

That the Panel:

1. acknowledges that the Council continues to proactively manage and monitor short and long-term absence and that the HR Lead Specialist continues to report to the Senior Leadership Team on a monthly basis; and
2. recognises that the trends related to increases in long-term sickness absence and stress and depression levels are causes for concern that must be kept under close review.

O&S.45/17 OMBUDSMAN ANNUAL REVIEW LETTER 2017

The Panel considered a report that presented the Local Government Ombudsman's Annual Review Letter. The Letter outlined the details concerning Ombudsman complaints received against the Council for the period 1 April 2016 to 31 March 2017.

In introducing the report, the Panel noted that, whilst there had been an increase in the number of complaints made to the Ombudsman in comparison to last year, the previous two years were very much higher. Members acknowledged the impact of the revised complaints procedures and the emphasis on ownership and early resolution and appreciation was extended to the Executive Director (Service Delivery and Commercial Development) and the Monitoring Officer.

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

- (a) Members acknowledged the Annual Review Letter and, whilst of the view that there was always room for improvements to be made, felt that its contents were sound;
- (b) A Member stated his surprise that the complaint listed against a fellow Member had been dealt with by the Ombudsman and not by the adopted normal practice of the Council's Standards procedures. In asking for an explanation for this decision, it was agreed that the Monitoring Officer would meet with the interested Member outside of this meeting.

It was then:

RESOLVED

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

O&S.46/17 **REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 POLICY AND UPDATE**

The Panel considered a report that sought to:-

- Review the Council's RIPA Policy and approve guidance on Social Networking Sites in investigations;
- Update Members on the use of RIPA;
- Report on the role of the Office of Surveillance Commissioners; and
- Report on training for officers.

During discussion, reference was made to:-

- (i) use of these Powers. A Member repeated his previously raised objections to the use of covert surveillance, which he considered to be intrusive. As an assurance, officers advised that these Powers could only be used in very limited circumstances;
- (ii) the Records Management Policy. Unless otherwise stated, the Monitoring Officer confirmed that the default position was that records had to be kept for a minimum of six years.

It was then:

RESOLVED

1. That the Executive be **RECOMMENDED** to approve the guidance on Social Networking Sites in investigations (as outlined at Appendix B of the presented agenda report) and included in the Council's RIPA policy; and
2. That it be noted that there have been no RIPA Authorisations in the last three years.

O&S.47/17 **ANNUAL REVIEW OF HEALTH AND SAFETY POLICY**

A report was considered by the Panel that presented the annual review of the Council's Health and Safety Policy.

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

- (a) Panel Members emphasised the importance of reporting near misses and welcomed the efforts of lead officers to breed a culture of Health and Safety awareness throughout the Council;
- (b) It was confirmed that the contents of the Health and Safety Policy were relevant to both Members and officers and, in accordance with the Policy, Members were also eligible to receive a refund for the cost of an eye test;

- (c) Officers advised that work was progressing on the creation of a specific Lone Worker Policy for Members and it was agreed that the Deputy Leader and Cllr Green should be consulted on its content prior to it being presented for approval;
- (d) Officers advised that pages 197 and 198 of the presented agenda papers had been published in error and should not therefore be considered to be part of the draft Policy.

It was then:

RESOLVED

That the Executive **RECOMMEND** to Council that the revised policy be adopted and signed by the Head of Paid Service and the Leader of the Council.

O&S.48/17 SH/WD JOINT STEERING GROUP NOTES

In light of the most recent Joint Steering Group meeting only taking place on Tuesday, 22 August 2017, the Chairman advised that these notes would be presented to the next Panel meeting on 12 October 2017.

O&S.49/17 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 1 of Schedule 12A to the Act is involved.

O&S.50/17 TASK AND FINISH GROUP UPDATES

(a) Dartmouth Lower Ferry

The Panel considered an exempt report that presented the conclusions of the Lower Ferry Task and Finish Group.

In discussion, reference was made to:-

- (i) the meeting with the Unions. Officers advised that the meeting had still to take place and had been scheduled to be held on Monday, 4 September 2017;

- (ii) the lack of detail in the exempt report. In response to a Member's concerns at the lack of information in this concluding report, it was agreed that officers would circulate every relevant background paper to the interested Member.

It was then:

RESOLVED

1. That the Panel endorse the direction of travel and the outcomes of the Task and Finish Group and formally disband the Task and Finish Group, with Lower Ferry Service updates being provided to the Panel as and when requested;
2. That Executive be **RECOMMENDED** that if for any reason union agreement cannot be achieved, the final offer is the Councils' binding offer and new contracts replace existing terms and conditions to that effect; and
3. That Executive be **RECOMMENDED** that regular consultation with the Lower Ferry workforce continues to inform service improvements and tariff setting proposals

O&S.51/17 READMITTANCE OF THE PRESS AND PUBLIC

It was then:

RESOLVED

That the press and public be readmitted to the meeting.

O&S.52/17 TASK AND FINISH GROUP UPDATES

(b) Discretionary Grant Funding

A Member of the Task and Finish Group expressed his view that there was some scope for savings to be made as part of this review.

(c) Performance Measures

By way of an update, it was noted that the first Group meeting had been held with the lead Specialist. The main outcome of this meeting was that each Group Member had been assigned an individual service area of the Council to focus upon.

It was noted that the ultimate aim of the Group was to present its final recommendations to the Panel meeting on 9 November 2017.

O&S.53/17 ACTIONS ARISING / DECISIONS LOG

The contents of the latest version of the Log was presented and it was agreed that the lead officer should populate it with target dates for completion.

O&S.54/17 ANNUAL WORK PROGRAMME 2017/18

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

- (a) As highlighted above (Minute O&S.42/17(i) refers), the Medium Term Financial Strategy was added to the Programme for consideration at the next Panel meeting on 12 October 2017;
- (b) It was agreed that consideration of the 'Joint Local Plan Progress Update', the 'General Data Protection Regulations' and the 'Concluding Recommendations of the Discretionary Grant Funding Review Group' should be deferred to the Panel meeting on 9 November 2017;
- (c) Due to the length of the meeting agenda on 9 November 2017, Members were supportive of the proposal for the annual updates from the Citizens Advice Bureau and the Council for Voluntary Service to be deferred to the Panel meeting on 8 February 2018;
- (d) The Panel requested that the ICT Procurement Options be presented to its meeting on 9 November 2017 before then being presented to the Executive;
- (e) In response to Member frustration at the lack of progress being made on the 'Future Use of Follaton House – to include heating' agenda item, the Head of Paid Service advised that he would pursue an update;
- (f) In respect of the 'Section 106 Agreement Schedule', it was agreed that the Chairman would be tasked with assigning this item on to a specific Panel meeting agenda. As part of this item, Members also requested an update on the work of the *'appointed person to be responsible for the monitoring, control and liaison with both local Ward Members and town and parish councils as part of the process for spending S106 funds'* (Minute O&S.16/17 refers).

(Meeting started at 10.00 am and concluded at 1.25 pm)

Chairman

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY 14 SEPTEMBER 2017**

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr H D Bastone	*	Cllr R J Tucker
*	Cllr R D Gilbert	*	Cllr S A E Wright
*	Cllr N A Hopwood	*	Cllr K R H Wingate

Also in attendance and participating		
Item 6	E.22/17	Cllrs Brazil, Cuthbert, Green, Pearce, Pennington and Saltern
Item 8	E.24/17	Cllrs Baldry, Green, Hodgson and Pennington
Item 9	E.25/17	Cllrs Pearce and Pennington
Item 12	E.28/17	Cllrs Baldry, Brazil, Hodgson and Pearce
Also in attendance and not participating		
Cllrs Blackler, Bramble, Brown, Foss, Hicks, May and Steer		

Officers in attendance and participating		
All items		Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services
Item 6	E.22/17	Specialist (Place Making)
Item 7	E.23/17	Specialist Manager
Item 8	E.24/17	Section 151 Officer
Item 12	E.28/17	Group Manager – Commercial Services and Lead Specialist (Waste Strategy)

E.19/17 MINUTES

The minutes of the Executive meeting held on 20 July 2017 were confirmed as a true record and signed off by the Chairman.

E.20/17 DECLARATIONS OF INTEREST

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

E.21/17 PUBLIC QUESTION TIME

It was noted that one public question had been received by Cllr Baldry as follows:

'Please can the Leader let us have an interim report on responses so far to the One Council Consultation?'

In reply, Cllr Tucker advised that the consultation period ran until Sunday, 8 October 2017 and over twenty community consultation events had been arranged. To date, it was noted that public attendance at those events already held had been variable. However, the support of (both local Ward and Executive) Members and officers at these sessions had been commendable. Finally, Cllr Tucker stressed that the purpose of these events was to raise awareness of the One Council proposal and was not a lobbying exercise.

E.22/17

RELEASE OF S106 FUNDS FOR AFFORDABLE HOUSING PROJECTS

Members were presented with a report that requested the release and allocation of Section 106 funds over £30,000 for two affordable housing projects: Butterpark in Ivybridge and East Portlemouth Community Land Trust.

The Lead Member for Customer First introduced the report and responded to some Member questions.

In the ensuing debate, reference was made to:-

- (a) the Butterpark, Ivybridge project. A number of Members paid tribute and congratulated Ivybridge Town Council for leading upon and progressing this initiative. In taking the point a step further, Members also hoped that other town councils could follow the lead of Ivybridge Town Council and progress similar schemes in their own towns;
- (b) the East Portlemouth Community Land Trust proposal. Some Members were uncomfortable with the principal of effectively using Section 106 funds to subsidise rents. However, these Members also recognised that the scheme had been initially delivered without any public subsidy and they did not wish to penalise tenants, but nonetheless stated that they would prefer to allocate the proposed £60,000 to support the delivery of future schemes by the Trust.

As a way forward, it was therefore concluded that a decision on this matter should be deferred to a future meeting, with an informal meeting being held in the meantime between lead officers; the lead Executive Member; the local Ward Member, Cllr Hopwood; and representatives from the Trust;

- (c) the proposed delegated authority for future Section 106 spends. An amendment was **PROPOSED** and **SECONDED** to part 3 of the officer recommendation to reflect the point that not all Section 106 spends were used from within the Ward that they were derived. The amended wording read as follows:

'That, for future Section106 spends below £30,000, authority be delegated to the Place Making Community of Practice Lead in consultation with local Ward Member(s) for the projects *and (if different) where the Section 106 monies were derived from.*

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

It was then:

RESOLVED

1. That approval be given to the release or allocation of Section 106 funds for Affordable Housing projects as set out below:
 - a. £31,291 – from the 23 Western Road, Ivybridge development to spend on an affordable housing scheme at Butterpark, Ivybridge;
 - b. £97,845 – from Torhill Cottages, Godwell Lane, Ivybridge to spend on an affordable housing scheme at Butterpark, Ivybridge;
2. That a decision on whether to release or allocate £60,000 from the Gara Rock Hotel development to spend on East Portsmouth Community Land Trust be deferred to a future meeting to enable for further negotiations to take place; and
3. That, for future Section106 spends below £30,000, authority be delegated to the Place Making Community of Practice Lead in consultation with local Ward Member(s) for the projects and (if different) where the Section 106 monies were derived from.

E.23/17

THE GOVERNMENT'S PROPOSED 20% INCREASE IN PLANNING FEES

Members were presented with a report that recommended that Council increase its planning fees by 20% when the legislation was amended to allow for such an increase. It was further recommended that an appraisal be undertaken of resource and performance levels across the wider planning function to ascertain the best use of the additional resource, to be approved by the Head of Paid Service in consultation with the Section 151 officer and Leader of Council.

The Lead Member for Customer First introduced the report.

In the subsequent discussion, Members expressed their support for these proposals and emphasised the importance that Central Government be lobbied to ensure that this legislation was in place as soon as was practically possible.

It was then:

RESOLVED

That Council be **RECOMMENDED** that:

1. Planning fees be increased by 20% once primary legislation was confirmed; and
2. An appraisal be undertaken of resource and performance levels across the wider planning function to ascertain the best use of the additional resource, to be approved by the Head of Paid Service, in consultation with the Section 151 Officer and the Leader of the Council.

E.24/17

BUSINESS RATES PILOT 2018/19 AND POOLING ARRANGEMENTS FOR 2018/19

Members were presented with a detailed report that recommended to Council to apply to become a business rates pilot for 2018-19, as part of a Devonwide business rates pilot bid, to pioneer new pooling and tier-split models.

The Leader introduced the report and emphasised that, in the event of the pilot being unsuccessful, then the Council would seek to be reinstated into the Devon Business Rates Pool for 2018-19.

In discussion, reference was made to:-

- (a) the support of other local authorities. It was confirmed that the bid could only be submitted if it had the support of all the local authorities in Devon;
- (b) the 100% Business Rates Retention Scheme. Members acknowledged that one of the benefits of being in the pilot would be the ability to help shape the new Scheme. That being said, some Members did express their scepticism that the Scheme would ever be implemented.

It was then:

RESOLVED

That Council be **RECOMMENDED**:

1. to apply to become a business rates pilot for 2018-19, as part of a Devonwide business rates pilot bid, to pioneer new pooling and tier-split models;
2. to delegate to the Section 151 Officer, in consultation with the Leader, Deputy Leader and Head of Paid Service, to agree the detail of the business rates pilot bid (in conjunction with Devon Local Authority s151 colleagues) with respect to the financial aspects and overall governance of the pilot bid; and
3. that, in the event of the Devon pilot bid being unsuccessful, South Hams District Council applies to re-join the Devon Business Rates Pool for 2018-19.

E.25/17

LOCAL AUTHORITY CONTROLLED COMPANY (LACC) PROJECT REVIEW AND CLOSURE REPORT

Members were presented with a report that set out a review of the Local Authority Controlled Company Project and closure of that project.

The Leader introduced the report and, in discussion, the following points were raised:-

- (a) It was confirmed that the Project Review and Closure Report had been inadvertently published as an exempt paper and, upon the conclusion of this meeting, this document would be released into the public domain;
- (b) A Member was disappointed that the report was focused on process as opposed to outcomes. In citing some examples where she felt that the project had failed, the Member hoped that lessons had been learned for the future. In response, the Leader advised that such projects had to be investigated in an attempt to bridge the Council's budget gap and he saw such work as a fundamental part of the role of a Senior Officer. In addition, the Leader stated that the detailed pensions information had not been available any earlier in the process and the agenda papers and notes arising from meetings of the SH/WD Joint Steering Group were now made available to the wider membership.

It was then:

RESOLVED

That the Local Authority Controlled Company project closure report be noted.

E.26/17 **REPORTS OF OTHER BODIES****(a) Overview and Scrutiny Panel – 24 August 2017****O&S.42/17 Draft Executive Forward Plan****(ii) Business Rates – Locally Administered Business Rate Relief Policy****RESOLVED**

That Council be **RECOMMENDED** that, following consultation with Devon County Council, Devon and Cornwall Police and Devon and Somerset Fire and Rescue, the locally administered Business Rate Relief Policy be adopted, subject to inclusion of the following amendments:

- The policy review being extended from the end of December 2017 to the end of April 2018; and
- The decision-making process be amended whereby:

Discretionary Payment awards under the Policy be determined by the Leader of the Council and the lead Executive Member; and

That all appeals be determined by the Leader of the Council; the lead Executive Member and the Chairman of the Overview and Scrutiny Panel.

O&S.46/17 Regulation of Investigatory Powers Act (RIPA) 2000 Policy and Update**RESOLVED**

That the guidance on Social Networking Sites in investigations (as outlined at Appendix B of the agenda report presented to the Panel) be approved and included in the Council's RIPA policy.

O&S.47/17 Annual Review of Health and Safety Policy**RESOLVED**

That Council be **RECOMMENDED** that the revised policy be adopted and signed by the Head of Paid Service and the Leader of the Council.

O&S.50/17 Task and Finish Group Updates**(c) Dartmouth Lower Ferry**

RESOLVED

1. That, if for any reason union agreement cannot be achieved, the final offer is the Councils' binding offer and new contracts replace existing terms and conditions to that effect; and
2. That regular consultation with the Lower Ferry workforce continues to inform service improvements and tariff setting proposals.

E.27/17 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 paragraphs 3 and 5 of Schedule 12A to the Act is involved.

E.28/17 FRONT LINE SERVICES COMMISSIONING OPTIONS

Members were presented with an exempt report that set out a number of options relating to the procurement and commissioning of front line services.

The Lead Member for Commercial Services introduced the report and he and officers responded to a number of detailed questions.

In discussion, reference was made to:-

- (a) the upcoming Member Workshop. Whilst it was acknowledged that the timeline was particularly tight when considering that the Council was being asked to make a decision on this issue at its meeting on 28 September 2017, disappointment was expressed that some Members would not be able to attend the informal Member workshop on 21 September 2017. In reply, officers informed that they were willing to meet with these Members separately (either individually or in small groups) on an alternative date and time;
- (b) experiences from a previous local authority. A Member informed that she had a number of experiences from her time at another local authority (that had been quoted in the exempt papers) that she would be willing to share with lead officers. In response, officers welcomed this offer and confirmed that they would make contact with the Member.

- (c) the decision-making process. Members were given assurances that, if approved by the Council, the Project Board would consistently present options and reports back to the wider membership for a decision.

It was then:

RESOLVED

That Council be **RECOMMENDED** that:

1. Waste collection, recycling and cleansing services are tested using the competitive dialogue procurement route to achieve a partnership solution in accordance with the Collaboration Agreement dated 2015;
2. The lead authority for the procurement in Recommendation 1 is West Devon Borough Council for the reasons outlined in paragraph 2.6 of the presented agenda report and in accordance with the Collaboration Agreement 2015;
3. South Hams District Council does not proceed with a wholly owned company bid for waste collection, recycling and cleansing services;
4. The Memorandum of Understanding and project board remit attached at Appendix D of the presented agenda report be approved;
5. The two councils continue to explore the establishment of a wholly owned company or joint venture arrangement for the delivery of grounds maintenance, building and facilities maintenance and other related services considered in the scope of the work stream; and
6. Unearmarked Reserves be used to meet any additional costs of procurement over and above those available within the base budget, with a payback mechanism being agreed once annual service costs are identified.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.23/17, E.24/17, E.26/17 AND E.28/17 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 28 SEPTEMBER 2017, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 25 SEPTEMBER 2017 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 11.50 am)

Chairman