

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on **Thursday, 14th December, 2017** at **2.00 pm** at the **Council Chamber - Follaton House**

Present: **Councillors:**

Chairman Cllr Cuthbert
Vice Chairman

Cllr Baldry	Cllr Birch
Cllr Blackler	Cllr Bramble
Cllr Brazil	Cllr Brown
Cllr Foss	Cllr Gilbert
Cllr Hawkins	Cllr Hitchins
Cllr Hodgson	Cllr Holway
Cllr Hopwood	Cllr May
Cllr Pearce	Cllr Pennington
Cllr Pringle	Cllr Rowe
Cllr Saltern	Cllr Smerdon
Cllr Tucker	Cllr Wingate
Cllr Wright	

In attendance:
Councillors:

Officers:
Head of Paid Service
Executive Director – Services Delivery & Commercial Development
Section 151 Officer
Deputy Monitoring Officer

45. **Appointment of Vice-Chairman**

45/17

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

It was then:

RESOLVED

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

46. **Minutes**

46/17

The minutes of the meetings of the Council held on 28 September 2017 and the Special Council meeting held on 31 October 2017 were both confirmed as a correct record and signed by the Chairman.

47. **Urgent Business**

47/17

The Chairman informed that she had agreed for one item of urgent business to be considered at this meeting that related to the Deputy Leader of Council providing a statement on the IT issues that were incurred by the Council on Wednesday, 13 December 2017. This update was considered in accordance with agenda item 6: '*Business Brought Forward by the Chairman*' (Minute 50/17 below refers).

48. **Declarations of Interest**

48/17

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

Cllr M F Saltern declared a personal item in Item 8(a): '*Notices of Motion*' (Minute 52/17(a) below refers) by virtue of being an advisor to the Police and Crime Commissioner and left the meeting during consideration of this agenda item;

Cllr R F D Gilbert declared a personal interest in Item 8(e): '*Notices of Motion*' (Minute 52/17(e) below refers) by virtue of being the Chairman of the Devon Pension Fund Committee and remained in the meeting and took part in the debate and vote thereon;

Cllr N A Hopwood declared a personal interest in Item 10: '*Standards Process – Appointment of Independent Persons*' (Minute 54/17 below refers) by virtue of one of the recommended appointments being a neighbour and remained in the meeting during the debate and took part in the vote thereon.

49. **Chairman's Announcements**

49/17

By way of updates, the Chairman made reference to:

(a)Mr Steve Jorden

Since this was the last Council meeting before Mr Jordan left the employ of the Council, Members wished to thank him for his hard work, commitment and dedication. In particular, reference was made to Mr Jordan's work in delivering the Transformation Programme on time and within budget and his major impact on the Joint Local Plan and Sherford projects and he was wished every success and happiness in the future.

(b) Mrs Sue Hitchins

Following the sad recent passing of Mrs Sue Hitchins, the Chairman informed that her funeral had been arranged to take place at St Michael and All Angels Church, Cornwood, Ivybridge at 12.30pm on Tuesday, 19 December 2017.

(c) Chairman's Civic Service

The Chairman thanked those Members who had attended her recent Civic Service for their support and contributions in making the event such a success.

(d) Woolwell Christmas Community Event

The Chairman highlighted the recent Christmas Community Event at Woolwell that she had attended. The Chairman congratulated the local Ward Member for arranging such a positively received Community Event.

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

50/17

As highlighted above (Minute 47/17 refers), the Chairman invited the Deputy Leader, in his capacity as lead Executive Member for Support Services, to provide a statement on the IT issues that were incurred by the Council on Wednesday, 13 December 2017.

In so doing, the Deputy Leader made reference to:-

- a significant IT failure being incurred at 9.20am that resulted in the loss of the telephony and all IT systems;
- residents and stakeholders being advised (via the Council website and different social media platforms) at 10.30am;
- the problem being attributed to a faulty piece of equipment;
- most services having been restored by 7.00pm;

- the system downtime being used as effectively as possible, with staff team meetings, training sessions and other business continuity exercises being held;
- the Senior Leadership Team having already requested a lessons learned paper and Action Plan (to mitigate future risk) be produced;
- all incoming emails having been held (and queued) in the Cloud; and
- despite being out of the county, both he and the Leader being kept fully informed throughout the day.

51.

Questions

51/17

It was noted that two questions had been received in accordance with Council Procedure Rule 8. These questions were as follows:-

From Cllr Baldry to Cllr Bastone, lead Executive Member for Development Management

(a) That this Council:

notes the ruling of the High Court (Case No: CO/2241/2016) in support of a housing policy known as 'H2. Full Time Principal Residence Requirement' as set out in St Ives Area Neighbourhood Development Plan and which provides that: 'New second homes and holiday lets will not be permitted at any time...' and

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

- 1. How many Neighbourhood Plans have been approved? How many include a policy on dwellings which are not the primary residence?*
- 2. Is the Executive Member aware of Parishes or localities which are working on Neighbourhood Plans and how many are considering including a St Ives type policy?*
- 3. In the spirit of the 15 December Resolution, will the Executive Member encourage appropriate parishes to adopt this type of policy?*

In the absence of Cllr Bastone, Cllr Hopwood replied and made the following points:-

- Currently, the Ivybridge Neighbourhood Plan (NP) was the only NP that had been subject of a Referendum. The Referendum had now been formally approved by the Executive at its meeting on 7 December 2017 (Minute E.40/17 refers) and Cllr Hopwood congratulated Ivybridge

accordingly;

- She was aware of a number of NPs that were currently considering the merits of including a St Ives type policy. However, she was not aware of the exact number at present;
- In the event of a NP wishing to pursue this type of policy, Cllr Hopwood confirmed that the Council would provide supporting evidence to supplement this wish.

In response to a supplementary question, Cllr Hopwood was of the view that it was not the responsibility of the Council to be actively encouraging NPs to include a St Ives type policy. That being said, she did also feel that the Council should do all it could to support those Groups who did wish to include the provision of such a policy.

From Cllr Birch to Cllr Tucker, Leader of Council

(b) Various reports show that the Council has incurred waste expenditure of over £250,000 following the failure and/or cancellation of the following four projects:

1. *Setting up of a Local Authority Controlled Company;*
2. *Proposed merger with West Devon Borough Council;*
3. *Commercial Property Investment Scheme; and*
4. *Kingsbridge Quayside K2 Project.*

Would it not have been better to have spent this sum on employing additional staff so as to improve the provision of Council services and especially in connection with planning and enforcement?

In reply, Cllr Tucker advised that he was of the view that, in order to meet the Council's severe budgetary pressures, it was necessary to investigate the merits of such projects. In addition, there was a need for adequate information to be gained before a fully informed decision could be reached on such matters. Finally, Cllr Tucker was also aware that the information gained through this expenditure was being utilised by officers on a daily basis and should therefore not be considered as being a waste of money.

Cllr Birch proceeded to ask a supplementary question as follows:

'Given the lack of officer resource (since there are currently over 300 enforcement cases), what is the lead Executive Member doing about this?'

In light of the lead Executive Member being absent from this meeting, a commitment was given that he would respond to Cllr Birch in the next few weeks.

52.

Notice of Motion

52/17

It was noted that five motions had been received in accordance with Council Procedure Rule 10.1.

(a) By Cllrs Baldry and Holway

'This Council fully supports and endorses the contents of the letter that was sent from the South Devon and Dartmoor Community Safety Partnership to the Office of the Police and Crime Commissioner regarding Neighbourhood Policing (dated 9 October 2017).

This Council therefore agrees to write to the Office of the Commissioner expressing its full support for the views contained within this letter.'

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

- the motion being presented in light of a request of the Overview and Scrutiny Panel at its meeting on 9 November 2017 (Minute O&S.68/17 refers); and
- his wish to thank the Head of Paid Service and the Senior Specialist (Democratic Services) for their help and support in compiling this motion.

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

- (i) The Council's representative on the Police and Crime Commissioners Scrutiny Panel gave a commitment to reflect the spirit of this letter at the next meeting of the Panel;
- (ii) In support of the motion, a number of Members highlighted the vital service that was provided by Police Community Support Officers;
- (iii) It was confirmed that a number of town and parish councils had already made similar representations to the Office of the Commissioner and all Members were asked to encourage their local town and parish councils to add their support to the contents of this letter.

It was then:

RESOLVED

This Council fully supports and endorses the contents of the letter that was sent from the South Devon and Dartmoor Community Safety Partnership to the Office of the Police and

Crime Commissioner regarding Neighbourhood Policing (dated 9 October 2017).

This Council therefore agrees to write to the Office of the Commissioner expressing its full support for the views contained within this letter.

(b) By Cllrs Birch and Brazil

'Due to the ever increasing number of electric powered vehicles on the roads in the UK and with the prospect of the numbers growing significantly in the future, this Council resolves to investigate and report on the feasibility of installing electric car charging points within the Council's public car parks.

A report is to be presented to the Overview and Scrutiny Panel within the next four months.'

In his introduction, the proposer highlighted that:-

- some filling stations were starting to provide their own electric charging points;
- the Council had a role to play in providing electric car charging points within each of its public car parks;
- such provision would be a further incentive to encourage potential tourists to visit the South Hams and for local residents to purchase powered vehicles.

In discussion, a number of Members welcomed the intention of the motion (and receipt of a fully detailed officer report), but did not feel it appropriate for the Council to dictate to the Overview and Scrutiny Panel the contents of its future work programme.

Following a commitment given by the Overview and Scrutiny Panel Chairman that this matter would be considered for scheduling at its next meeting on 18 January 2018, the proposer and seconder of the motion were supportive of the suggestion whereby the last sentence be deleted and the substantive motion was updated accordingly.

It was then:

RESOLVED

Due to the ever increasing number of electric powered vehicles on the roads in the UK and, with the prospect of the numbers growing significantly in the future, this Council resolves to investigate and report on the feasibility of installing electric car charging points within the Council's public car parks.

(c) By Cllrs Baldry and Hodgson

'This Council resolves to oblige developers who submit residential planning applications which do not meet SHDC's affordable housing target to supply unredacted viability assessments for online publication at least two weeks prior to determination, to enable public scrutiny.

(NOTE. we understand Greenwich Council have done something similar):

http://www.royalgreenwich.gov.uk/press/article/710/royal_borough_in_landmark_new_planning_policy_to_make_affordable_housing_viability_studies_more_transparent

In his introduction, the proposer emphasised the importance of openness and transparency and was strongly of the view that developers should comply with this agenda as far as was practically possible.

As a Member of the Development Management Committee, the seconder echoed the importance of public confidence and felt it was inappropriate that the contents of viability assessments were not able to be made publicly available.

In the ensuing debate, widespread support was expressed for the sentiments of the motion. In addition, the Council was informed that this issue should be rectified by a Supplementary Planning Document (SPD) that was currently being drafted and would be one of the SPDs that would underpin the Joint Local Plan.

It was then:

RESOLVED

This Council resolves to oblige developers who submit residential planning applications which do not meet SHDC's affordable housing target to supply unredacted viability assessments for online publication at least two weeks prior to determination to enable public scrutiny.

(d) By Cllrs Baldry and Birch

'Residents of the South Hams are fortunate to live in or near an Area of Outstanding Natural Beauty. South Hams District Council has the duty, when making its planning decisions, to protect or enhance the AONB. Because of interpretation of planning policy, there have been occasions in the past where the Council's Development Management Committee has been advised by officers to approve planning applications for major housing schemes in the

AONB.

The Council for the Protection of Rural England (CPRE) in a recent report says: "Current development on AONB's shows little evidence that what's being built will actually solve the housing crisis which is more to do with affordability than lack of land."

This Council supports the CPRE call on Government to toughen up planning policy to prevent major housing schemes in AONBs in order to recognise the importance of our treasured landscapes. In supporting this call, the Council will make its views known to the Secretary of State CLG and to the local Members of Parliament.

This Council supports the CPRE request to councils to publish figures every year to show developments and changes in land use in AONBs in a similar form to those already published for Green Belt Land and in doing so, will publish the South Hams' figures on an annual basis.'

In his introduction, the proposer made reference to:-

- the duty of all Members to protect the AONB;
- a recent report indicating that the South Devon AONB was the 2nd most developed AONB in the United Kingdom (UK);
- the motion not suggesting that development should be prevented in the AONB; and
- the hope that approval of this motion would assist planning officers in their day to day work.

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

- (a) In setting the context whereby 66% of the UK lived within 30 miles of an AONB, the seconder expressed his concern at the trend whereby a significant number of sizeable developments were being approved in AONBs;
- (b) As an unintended consequence of approving the motion as drafted, a number of Members expressed their concerns that it would lead to it becoming even more difficult to develop exception sites, which were considered to be so critical to the sustainability of rural areas. In relation to affordable housing provision, further concerns were also expressed over the contradictory comments that were being attributed to the CPRE;
- (c) A Member stated his view that this motion intended to redress the current situation whereby the balance of power was currently too heavily weighted towards landowners and developers.

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

(e)By Cllrs Hodgson and Baldry

'In line with its commitment to mitigating climate change, this Council will ask Devon County Council to divest its pension funds away from fossil fuel companies and seek opportunities to invest in companies that support renewable energy. This is moving forward in line with other Local Authorities such as Southwark taking this important step.'

In her introduction, the proposer highlighted that:

- Southwark Council had approved a similar motion in December 2016;
- she had submitted a similar motion to Devon County Council, which had been referred to its next Cabinet meeting for further consideration; and
- the motion reflected the significant financial risks that were associated with investing in fossil fuels.

During the debate, reference was made to:

- (a) the first duty of the Pension Fund Committee being to its fund members. In so doing, it was noted that there were over 100,000 participants in the fund that amounted to a value of over £4 billion;
- (b) the Devon Pension Fund seeking to engage with companies to ensure long-term sustainable financial returns;
- (c) the view that Devon County Council should be seeking to do the right thing by divesting away fossil fuel companies.

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

53. **Head of Paid Service Replacement**

53/17

The Council considered a report that sought approval to designate the Executive Director (Service Delivery and Commercial Development) as the Head of Paid Service for an interim period until the end of the current Council administration (May 2019).

In discussion, there was widespread support expressed for the proposals.

It was then:

RESOLVED

1. That the Council designates the Executive Director (Service Delivery and Commercial Development) to be the Head of Paid Service for an interim period until the end of the current administration (May 2019), with an option to extend for a further period if required;
2. That a report be brought back to the Council towards the end of the interim period to consider the permanent strategic leadership and senior management arrangements;
3. That the Executive Director (Service Delivery and Commercial Development) receives an uplift of £3,000 in recognition of the Head of Paid Service responsibilities;
4. That approval be given to a further salary uplift of £10,000 for the Executive Director (Service Delivery and Commercial Development) in recognition of the extra duties that will need to be undertaken as a result of there being only one Executive Director during the interim period;
5. That the Executive Director (Service Delivery and Commercial Development) maintains strategic leadership and senior management capacity by allocating additional responsibilities to members of the Senior and Extended Leadership Team, in consultation with the Leader and Deputy Leader;
6. That a review of the arrangements be undertaken after six months to ensure that all responsibilities are being satisfactorily covered.

54. **Standards Process - Appointment of Independent Persons**

54/17

A report was considered that sought to confirm the appointment of two Independent Persons in order to assist the Council in promoting and maintaining high standards of conduct amongst its elected Members and town and parish councillors.

During discussion, officers confirmed that the quality of all twelve applicants had been excellent and there had been applications received from both male and female prospective candidates.

It was then:

RESOLVED

That, with immediate effect, Mr Peter Boreham and Mr Trevor Kirkin be appointed as two of the Council's

Independent Persons for the initial period to the date of the Annual Council meeting in May 2019.

55.

Reports of Bodies

55/17

RESOLVED

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

(a) Audit Committee 21 September 2017

(b) Salcombe Harbour Board 25 September 2017

SH.16/17: 2018/19 Budget

RESOLVED

That the proposed 2018/19 Budget (as set out in the agenda report presented to the Board meeting) be approved.

SH.17/17: Proposed Charges 2018/19

The Board Chairman informed that a Workshop would be held in the New Year to informally consider proposed fees and charges beyond 2018/19.

It was then:

RESOLVED

That the proposed charges (as set out in the agenda report presented to the Board meeting) be approved to take effect from 1 April 2018.

(c) Development Management Committee 4 October 2017

(d) Overview and Scrutiny Panel 2 August 2017

(e) Licensing Committee 12 October 2017

L.9/17: Approval of Policy in Relation to the Licensing of Taxi Drivers and Vehicles

RESOLVED

That the draft Taxi Licensing Policy be adopted for implementation on 1 April 2018.

(f) Executive 19 October 2017

E.32/17: Kingsbridge Quayside Masterplan Update

RESOLVED

That the funding for Stage 2B (approximately £80,000) be financed from the Capital Programme Earmarked Reserves.

E.34/17: Consider the Adoption of a Policy in Relation to Dealing with Anti-Social Behaviour and the Adoption of Public Spaces Protection Orders

RESOLVED

1. That the Anti-Social Behaviour Policy be adopted;
2. That the Public Spaces Protection Orders (PSPOs), including the updated PSPO for Consumption of Alcohol and associated maps, be adopted for implementation on 1 January 2018;
3. That the penalty set on a fixed penalty notice is set at £100 for all offences covered by the Anti-Social Behaviour, Crime and Policing Act 2014; and
4. That a budget of £5,000 be made available for the advertisement of the PSPOs.

E.38/17: Review of Management Arrangements for Residential Property Portfolio

RESOLVED

1. That the cost of placing homeless households in temporary accommodation be reduced in accordance with Section 5 of the agenda report presented to the Executive;
2. That authority be delegated to the COP Lead (Assets), in consultation with the Section 151 Officer and the Leader of Council any future disposal of properties if assessed as appropriate, with the funding being re-invested in more appropriate accommodation; and

3. That the Council proceed with the disposal and sale of those properties identified in Section 5 of the agenda report presented to the Executive.

(g) Development Management Committee 1 November 2017

(h) Salcombe Harbour Board 6 November 2017

(i) Overview and Scrutiny Panel 9 November 2017

(j) Development Management Committee 29 November 2017

(k) Executive 7 December 2017

E.43/17: Quarter 2 Revenue Budget Monitoring 2017/18

For clarity, the Leader informed that the joint meeting of the Overview and Scrutiny Panel and Development Management Committee would be presented with additional detailed information in relation to the Draft Budget for 2018/19.

It was then:

RESOLVED

That the underspend on Homelessness Prevention be transferred into the Homelessness Earmarked Reserve at the end of the 2017/18 Financial Year (this is expected to be £60,000).

E.48/17: Heart of the South West – Joint Committee

In opposition to the recommendation, a Member was of the view that the proposals constituted a further unnecessary level of bureaucracy. In repeating his previously raised concerns over the role and value of the Local Enterprise Partnership (LEP), the Member also proceeded to question whether or not these proposals represented value for money.

In response, the Leader of the Council did sympathise with some of the points made but did feel that these were outweighed by the importance of the Council continuing to be involved in the Devolution agenda. Specifically regarding the LEP, the Leader informed that the organisation was currently undergoing a governance

review that was seeking to address concerns including Board member transparency and accountability and district council representation on the Board.

It was then:

RESOLVED

1. That the recommendation of the Heart of the South West (HotSW) Leaders (meeting as a Shadow Joint Committee) be approved to form a Joint Committee for the HotSW;
2. That the arrangements and Inter-Authority Agreement documents for the establishment of the Joint Committee (as set out in Appendices A and B of the agenda report presented to the Executive) be approved, with a commencement date of Monday, 22 January 2018;
3. That the Leader and the Deputy Leader of the Council be appointed as the Council named representative and substitute named representative on the Joint Committee;
4. That Somerset County Council be appointed as the Administering Authority for the Joint Committee for a two year period commencing on 22 January 2018;
5. That approval be given to the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 Financial Year, subject to approval of any expenditure by the Administering Authority;
6. That approval be given to an initial contribution of £1,400 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
7. That it be agreed that the key function of the Joint Committee is to approve the Productivity Strategy (NB. it is intended to bring the

Strategy to the Joint Committee for approval by February 2018);

8. That authority be given to the initial Work Programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy; and
9. That the proposed meeting arrangements for the Joint Committee, including the timetable of meetings for the Joint Committee (as proposed in paragraph 2.14 of the agenda report presented to the Executive), be agreed.

E.49/17: Formation of a Community Lottery for South Hams and West Devon

A Member reaffirmed his previously raised views that he could not support the proposed formation of a Community Lottery. In addition, his viewpoint had only been reinforced following the recent report from the National Audit Office that the participation in all various forms of Lottery was on the decline.

It was then:

RESOLVED

1. That the proposed Business Case for the establishment of a joint South Hams and West Devon local community lottery scheme be approved and implemented (subject to approval from West Devon Borough Council);
2. That Gatherwell Ltd be appointed as an External Lottery Manager (ELM) and Aylesbury Vale District Council (AVDC) be appointed to assist with project implementation (subject to a successful Contract Exemption application);
3. That the Head of Paid Service be given delegated authority to nominate two officers to hold the Council's lottery licence and submit the necessary application to the Gambling Commission; and
4. That the Group Manager (Business Development) be given delegated authority, in consultation with the lead Executive Member

for Business Development, to approve the bespoke lottery business model policies required in order to submit a valid application to the Gambling Commission to obtain a lottery licence.

E.50/17: Low Cost Self and Custom Build Initiative for Local People

RESOLVED

1. That the custom self-build initiative be implemented through the current policy (AH5) and the emerging policy TTV31;
2. That the initiative be included in the emerging Supplementary Planning Document; and
3. That it be acknowledged that the New Burdens Funding is committed to additional staff resource.

(NOTE: in accordance with Council Procedure Rule 15.6: 'Right to Require Individual Vote to be Recorded', Cllr K R H Wingate requested that it be noted that he had abstained from the vote on this matter.)

E.51/17: Council Tax Reduction Scheme 2018/19

RESOLVED

That the Council continue with the existing Council Tax Reduction Scheme for 2018/19, with the uprate of Personal Allowances, Premiums and Non Dependent deductions in line with national welfare benefits.

The Meeting concluded at 3.45 pm

Signed by:

Chairman
