

# South Hams Council



<b>Title:</b>	<b>Agenda</b>																														
<b>Date:</b>	<b>Thursday, 14th December, 2017</b>																														
<b>Time:</b>	<b>2.00 pm</b>																														
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>																														
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Cuthbert</p> <p style="text-align: center;"><b>Vice Chairman</b> 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	
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<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk																														

**1. Minutes**

**1 - 18**

to approve as a correct record and authorise the Chairman to sign the minutes of the meetings of the Council held on 28 September 2017 and the Special Council held on 31 October 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 (any such item to be dealt with under 'Business Brought forward by the Chairman');

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

'On 15 December 2016 it was:

**"RESOLVED**

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?

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

'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?'

**8. Notice of Motion**

**19 - 20**

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

**(a) By Cllrs Baldry and Bastone**

*'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.'*

*(NOTE: the aforementioned letter is available in the agenda reports pack)*

**(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.'*

**(c) By Cllrs Green 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](http://www.royalgreenwich.gov.uk/press/article/710/royal_borough_in_landmark_new_planning_policy_to_make_affordable_housing_viability_studies_more_transparent)

**(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.'*

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

*'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.'*

<b>9. Head of Paid Service Replacement</b>	<b>21 - 26</b>
<b>10. Standards Process - Appointment of Independent Persons</b>	<b>27 - 30</b>
<b>11. Reports of Bodies</b>	
to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies:	
* Indicates minutes containing recommendations to Council.	
<b>(a) Audit Committee - 21 September 2017</b>	<b>31 - 36</b>
<b>(b) Salcombe Harbour Board * - 25 September 2017</b>	<b>37 - 44</b>
<b>(c) Development Management Committee - 4 October 2017</b>	<b>45 - 52</b>
<b>(d) Overview &amp; Scrutiny Panel - 12 October 2017</b>	<b>53 - 60</b>
<b>(e) Licensing Committee * - 12 October 2017</b>	<b>61 - 64</b>

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<b>(f) Executive * - 19 October 2017</b>	<b>65 - 72</b>
<b>(g) Development Management Committee - 1 November 2017</b>	<b>73 - 80</b>
<b>(h) Salcombe Harbour Board - 6 November 2017</b>	<b>81 - 86</b>
<b>(i) Overview and Scrutiny Panel - 9 November 2017</b>	<b>87 - 100</b>
<b>(j) Development Management Committee- 29 November 2017</b> To follow	
<b>(k) Executive * - 7 December 2017</b> To follow	

# Agenda Item 1

## MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 28 SEPTEMBER 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

∅ Denotes apology for absence

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

### 30/17 **MINUTES**

The minutes of the meetings of Annual Council held on 11 May 2017 and the Special Council meeting on 27 July 2017 were both confirmed as a correct record and signed by the Chairman.

### 31/17 **URGENT BUSINESS**

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

### 32/17 **DECLARATIONS OF INTEREST**

Prior to Members being invited to declare any interests in the items of business to be considered during the course of the meeting, the Chairman invited the Deputy Monitoring Officer to provide advice in relation to Item 8(b): Notice of Motion (Minute 35/17(b) below refers).

In so doing, the Monitoring Officer advised that the key consideration for Members to take into account when weighing up if they should declare an interest in this matter was whether or not they had either a live planning application with the Council or whether they had a '*current intention*' to do so.

In light of this advice, Cllrs B F Cane and T R Holway both declared a Disclosable Pecuniary Interest and left the meeting room during consideration of this matter.

Cllr J I G Blacker declared a personal interest in this motion by virtue of owning land located within the Dartmoor National Park Authority area and, whilst remaining in the meeting during the debate, abstained from the vote on this matter.

33/17

### **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made reference to her recent Charity Golf Day at Bigbury Golf Club and thanked those Members and officers who had helped to make the event such a success.

At this point, the Leader also took the opportunity to pay tribute and thank Council officers for their dedication and hard work particularly over the last few years. In what had been a particularly difficult time, the fact that the Transformation Programme had been implemented within the approved budget was to the great credit of all staff. The Chairman and other Members proceeded to endorse these comments.

34/17

### **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 Birch to Cllr Tucker, Leader of Council**

*(a) 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?*

In response, Cllr Tucker advised that he had deliberately refrained from receiving updates during the consultation process and had chosen to wait until the results had been finalised after the deadline had passed on 8 October 2017.

Cllr Birch proceeded to ask a supplementary question relating specifically to Question 4 of the survey. In accordance with Council Procedure Rule 8.5, since this question did not arise directly from his original reply, Cllr Tucker did not choose to respond to this supplementary.



### **From Cllr Birch to Cllr Tucker, Leader of Council**

*(b) 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?*

As with his previous response, Cllr Tucker again advised that he had deliberately refrained from receiving updates during the consultation process and had chosen to wait until the results had been finalised after the deadline had passed on 8 October 2017.

Cllr Birch proceeded to ask a supplementary question relating to the actual cost of the telephone survey. In accordance with Council Procedure Rule 8.5, since this question did not arise directly from his original reply, Cllr Tucker did not choose to respond to this supplementary.

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

*(c) '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.'*

In response, Cllr Tucker informed that it was a matter for each political party to decide whether or not they instigated any whipping arrangements. For clarity, Cllr Tucker stated that the Conservative Group was not whipped by him.

Cllr Hodgson proceeded to ask a supplementary question that sought an assurance that the vote would not be politically biased. In reply, Cllr Tucker referred to the response that he had given to the original question.

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

*(d) '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?'*

In response, Cllr Tucker informed that he had liaised with the Case Officer, who had provided him with the following information:-

The Case Officer had been in regular contact with the Developer since the start of this year. This case involved not only the District Council, but also the County Council due to the Highways implications of the Wall. Meetings had been held with the COP Lead, local Ward Member, Highways Officer and Case Officer to discuss the Wall. Of particular note was that the Wall was on Highways land and that a suitable alternative vehicle restraint barrier would be needed if the Wall was removed. The District Council was on the point of taking formal action when the application by the Developer was submitted.

It was not considered good practice to take formal action when a planning application was being determined as it could be considered to be pre-determining the application. In the event of the planning application being refused, then the Council would take steps to require the removal of the Wall.

With regard to the second part of the question concerning planning by stealth, Cllr Tucker advised that:

If a developer or homeowner decided to build something that did not benefit from planning permission, then they had a right to submit a retrospective planning application as set out in the Town and Country Planning Act. The Council must consider this planning application on its own merits against the same planning policies and considerations as a planning application which was submitted prior to any development being undertaken. However, if planning permission was refused and the development already existed, then the Council could (and did) take action to require the development to be removed. This could be delayed by the submission of an Appeal against either a planning decision or an Enforcement Notice at which point any timescales would be determined by the Planning Inspectorate.

Cllr Hodgson proceeded to ask a supplementary question relating to why the Council had not acted more sooner to resolve this matter. In accordance with Council Procedure Rule 8.5, since this question did not arise directly from his original reply, Cllr Tucker did not choose to respond to this supplementary.

35/17

## **NOTICES OF MOTION**

It was noted that four motions had been received 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.'*

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

- his initial raising of this matter at the Overview and Scrutiny Panel meeting held on 27 July 2017 (Minute O&S.29/17 refers);
- broad details of the Wokingham Borough Council scheme;
- Torbay Council having introduced a similar model; and
- the urgent need for Social Housing in the South Hams.

During the ensuing debate, a Member welcomed the motion to raise the profile of affordable housing in the South Hams. The Member advised that officers had held discussions with the Managing Director of the Wokingham Housing Company in June 2017 and was informed that they had a 3 pronged approach:-

1. To develop housing (as a builder for third parties or the Council itself);
2. A 'for profit' registered housing provider; and
3. An affordable and social housing local housing company.

In addition, the Member highlighted that the Borough Council had started work on the formation of a company back in 2011 and it was estimated that the Council now employed 5 full time officers that were solely focused on this initiative.

At this point, the Member proposed the following amendment:

*'This Council resolves to investigate and report on the range of options for the purpose of delivering social/affordable 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 Overview and Scrutiny Panel within the next six months.'*

Having been invited by the Chairman, the proposer and seconder of the original motion confirmed their support for the amended wording, which therefore became the substantive motion and, when put to the vote, it was then:

## **RESOLVED**

This Council resolves to investigate and report on the range of options for the purpose of delivering social/affordable 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 Overview and Scrutiny Panel within the next six 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.'*

In his introduction, the proposer highlighted that there was a perception amongst the local community that elected Members were motivated by self-interest. Whilst emphasising that the intention of this motion was not concerned with previous incidents (and was not meant to be a personal slur against any fellow Member(s)), the proposer and seconder reiterated the importance of maintaining public confidence.

Whilst some Members supported the principle of its sentiments, other Members felt the motion to be divisive and discriminatory against landowners. Furthermore, the view was expressed that approval of this motion would be a disincentive for prospective candidates standing to be a Member. Finally, a Member felt that the existing Code of Conduct (and the consequent need to register and declare interests) ensured that sufficient controls were in place that negated the need for this motion.

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

**(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.'*

In her introduction, the proposer highlighted that:-

- there had been extensive press coverage over this issue; and
- a number of residents were of the view that the representative had based his decision on his own personal views and not the views of the District Councils that he represented.

In the ensuing discussion, reference was made to:-

- (a) the comments of the Leader. The Leader of the Council informed that he met regularly with the representative. Furthermore, it was confirmed that, in this instance, the representative was fully aware of the views of the Leader;
- (b) the Dartmouth Community Hospital consultation exercise. Some Members outlined the process that had been followed for the Dartmouth Community Hospital and it was highlighted that, on the whole, the local community was fully in favour of the new proposals;
- (c) the role of a District Council representative. In expressing the view that the criticism was unfair, a Member made the point that it was often impossible to make contact with Members from every District Council.

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

36/17

### **EXCLUSION OF PUBLIC AND PRESS**

Having been **PROPOSED** and **SECONDED**, a Member questioned the justification for the contents of the next agenda item being considered as exempt information and confirmed that he would not be voting in favour of the motion to exclude the public and press. Nonetheless, it was then:

#### **RESOLVED**

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

37/17

### **FRONT LINE SERVICE COMMISSIONING OPTIONS**

An exempt report was presented that sought a Council decision, based on the advice of the SH/WD Joint Steering Group, in relation to the manner in which front-line services were provided and designed.

In discussion, whilst some Members expressed individual concerns over the proposals, other Members were fully supportive of the recommendations.

It was then:

#### **RESOLVED**

1. That waste collection, recycling and cleansing services be tested using the competitive dialogue procurement route to achieve a partnership solution in accordance with the Collaboration Agreement dated 2015;

2. That the lead authority for the procurement in Recommendation 1 be 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. That South Hams District Council does not proceed with a wholly owned company bid for waste collection, recycling and cleansing services;
4. That the Memorandum of Understanding and project board remit (as outlined at Appendix D of the presented agenda report) be approved, subject to Cllr Gilbert replacing Cllr Wingate as a Member of the Project Board;
5. That 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. That Unearmarked Reserves are 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.

38/17

## **RE-ADMITTANCE OF PUBLIC AND PRESS**

### **RESOLVED**

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

39/17

## **REPORTS OF BODIES**

### **RESOLVED**

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

- (a) Salcombe Harbour Board 10 July 2017

Members highlighted the dangers associated with the fishing industry and wished to pay tribute to the fisherman who recently died near Eddystone Lighthouse.

### **SH.8/17: Governance of Salcombe Harbour**

### **RESOLVED**

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

- (b) Audit Committee 20 July 2017
- (c) Overview and Scrutiny Panel 27 July 2017

**O&S.31/17: Planning Enforcement Service Review**

In reply to a question, it was confirmed that the Member Drop-in Sessions would be arranged as soon as the newly appointed Enforcement Specialist Officer was in post.

**O&S.32/17: Street Naming and Numbering Policy**

**RESOLVED**

That the revised Street Naming and Numbering Policy be adopted.

- (d) Development Management Committee 2 August 2017
- (e) Overview and Scrutiny Panel 24 August 2017
- (f) Executive 14 September 2017

**E.23/17: The Government's Proposed 20% Increase in Planning Fees**

**RESOLVED**

1. That Planning fees be increased by 20% once primary legislation was confirmed; and
2. 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 the Leader of the Council.

**E.24/17: Business Rates Pilot and Pooling Arrangements for 2018/19**

**RESOLVED**

1. That the Council 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. That delegated authority be given 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 Section 151 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.26/17(a): Business Rates – Locally Administered Business Rate Relief Policy**

**RESOLVED**

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.

**E.26/17(a): Annual Review of Health and Safety Policy**

**RESOLVED**

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

(Meeting commenced at 2.00 pm and concluded at 3.20 pm)

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Chairman



**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT  
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON TUESDAY 31 OCTOBER  
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

∅ Denotes apology for absence

Officers in attendance and participating:

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

**40/17 URGENT BUSINESS**

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

**41/17 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.

**42/17 PROPOSAL FOR A SINGLE COUNCIL FOR SOUTH HAMS AND WEST DEVON**

The Council considered a report that sought approval to submit a proposal to the Secretary of State to form a single second-tier Council for South Hams and West Devon from 1 April 2020.

The Leader introduced the item and emphasised the significance of the matter being considered. In his introduction, the Leader informed that it was his duty to ensure that the Council continued to remain viable. In his opinion, the Leader felt that this proposal presented a real opportunity to prevent service cuts whilst maintaining the future viability of the Council.

At this point, the Chairman invited any questions from Members and, in so doing, reference was made to:-

- (a) the Council Tax differentials between those other second-tier councils who were pursuing the option to establish a combined authority;
- (b) confirmation that the affordable housing schemes and community grants referred to in the presented agenda report would be ringfenced for the South Hams community. The Leader also confirmed that this requirement would be part of any submission to the Secretary of State;
- (c) surprise that the published report did not include mention of the consultation responses received from local town and parish councils.

At the conclusion of Member questions, Part 1 of the recommendation contained within the published agenda papers was **PROPOSED** and **SECONDED**.

In the ensuing debate on Part 1, particular reference was made to:-

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

*'That Council be RECOMMENDED to submit a proposal to the Secretary of State no later than 30 November 2017 to form a single second-tier Council for South Hams and West Devon from 1 April 2020 (as set out in Section 3 of the presented agenda report), subject to the outcome of a public referendum in South Hams during this Council year that presents three options for Council Tax:*

**Option 1:** *to raise Council Tax by 40% to enable the proposed merger with West Devon Borough Council to go ahead;*

**Option 2:** *to raise Council Tax by 15% to provide adequate revenue to ensure current services can continue to be provided by SHDC and to provide for investment in affordable housing in the South Hams; and*

**Option 3:** *to keep Council Tax within a £5 (2%) annual rise and trim SHDC services to remain within current and anticipated budget restraints;*

In accordance with Council Procedure Rule 14.2 (Motion Similar to One Previously Rejected), some Members queried the legality of this amendment given that the below amendment was rejected at the Special Council meeting on 27 July 2017 (Minute 22/17 refers):

*“That the Council agree to holding a referendum in South Hams with a view to raising Council Tax to meet our current financial challenges to 2024.”*

Having considered this matter, the Deputy Monitoring Officer ruled that, since the new amendment presented three alternative options and was until 2020 (and not 2024), it was sufficiently different to enable it to be considered at this meeting.

In support of the amendment, some Members felt that, given the size of the decision, it would be appropriate (and democratic) to enable for a local referendum on the proposal. Whilst having sympathy with the amendment, some other Members felt that a referendum would not be a good use of public monies, particularly given what they considered to be an inevitable outcome.

In addition, other Members felt that the percentage figures stated in the amendment were incorrect and misleading and reference to wording such as ‘*trim services*’ was too vague and lacking in detail to warrant their support of this amendment.

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

For the motion (6): Cllrs Birch, Green, Hodgson, Huntley, Pennington and Vint

Against the motion (24): Cllrs Baldry, Bastone, Blackler, Bramble, Brazil, Brown, Cane, Cuthbert, Foss, Gilbert, Hawkins, Hicks, Holway, Hopwood, May, Pearce, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Wingate and Wright

Abstentions (0):

Absent (1): Cllr Hitchins

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

*‘That Council be RECOMMENDED to submit a proposal to the Secretary of State no later than 30 November 2017 to form a single second-tier Council for South Hams and West Devon from 1 April 2020, as set out in Section 3 of the presented agenda report, subject to the proposal initially being considered by the Council’s Audit Committee.’*

During the debate on this amendment, it was apparent that there were conflicting views over the terms of reference for the Audit Committee. In particular, there were different interpretations expressed over the following constitutional reference:

*'The Audit Committee will provide independent assurance of the adequacy of the risk management framework.'*

In support of the amendment, some Members felt that the SH/WD Joint Steering Group had not been presented with an adequate risk assessment before making its recommendations. Furthermore, some disappointment was expressed that the wider membership had not been given the opportunity to view the risk scoring matrix for this project.

Other Members highlighted that the most recent version of the Strategic Risk Assessment was considered at the last Audit Committee meeting (that was held on 21 September 2017). In addition, the attention of the wider membership was also drawn to the detailed risk implications that were outlined in the published agenda report.

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

For the motion (7): Cllrs Baldry, Birch, Brazil, Green, Huntley, Pennington and Vint

Against the motion (21): Cllrs Bastone, Blackler, Brown, Cane, Cuthbert, Foss, Gilbert, Hawkins, Hicks, Hodgson, Holway, Hopwood, May, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Wingate and Wright

Abstentions (2): Cllrs Bramble and Pearce

Absent (1): Cllr Hitchins

- (c) the consultation responses. In opposition to the proposal, some Members emphasised that the views of residents and local town and parish councils should not be overlooked or ignored. Indeed, these Members questioned the purpose of undertaking such an extensive public consultation exercise should the majority of Members still then vote to approve this proposal.

In response, other Members countered by highlighting that 96.67% of residents did not wish to take part in the consultation exercise. As a consequence, these Members stated that this had provided them with a real dilemma over how much weight they should apply to such a low response rate;

- (d) the budget gaps. A Member was of the view that both councils could close their respective budget gaps without the need to pursue this proposal;

- (e) the next steps in the process. In the event of the proposal being approved at this meeting, a Member warned that this would merely be the start of the process and that, such was the extent of the local opposition, steps would be taken to make it as hard as possible for the Secretary of State to ultimately approve the proposal;
- (f) the shared services agenda. Such was the extent of the shared working agenda with West Devon Borough Council (WDBC) that this proposal was felt to be the natural conclusion of the partnership working agenda. A Member emphasised that any breakdown of the existing shared services agenda would be absolutely disastrous;
- (g) the Commercial Property Acquisition Strategy. Although WDBC had approved its Strategy, it was confirmed to Members that no projects had yet come forward and no monies had therefore been spent. Nonetheless, a Member was adamant that, such was the close linkages between the strategy and the Single Council proposal, clarity should be sought from WDBC over its commitment to this Strategy prior to any decision being taken on this proposal;
- (h) the wider strategic responsibilities of Members. In support of the recommendation, a number of Members were of the view that, on balance, the long-term future of the authority would be best served through this proposal. Whilst these Members accepted that the increases in Council Tax would be regrettable, service cuts would be even more unpalatable;
- (i) the unfortunate timing for this decision. When considering that it was less than a month away, a Member was of the view that there may be some details in the Autumn Statement that could have an impact on the financial position of both authorities. Whilst acknowledging that this had been the timetable effectively set by the Department for Communities and Local Government, the Member nonetheless felt it to be unfortunate;
- (j) the political campaign surrounding this proposal. A Member expressed her disappointment that the consultation exercise had proven to be so political and was also aware that some misinformation had been circulated during this period;
- (k) the differences between the two local authorities. Such was the differences in financial position and asset ownership between the two authorities, that a Member expressed his strong objections to the proposal. Furthermore, in light of the consultation results, the Member queried what mandate any of his colleagues had to vote in favour of the proposal.

In accordance with Council Procedure Rule 15.5, a recorded vote was then undertaken on Part 1 of the motion. The voting on this part of the motion was recorded as follows:-

For the motion (19): Cllrs Bastone, Blackler, Brown, Cane, Cuthbert, Foss, Gilbert, Hawkins, Hicks, Hopwood, May, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Wingate and Wright.

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

Abstentions (3): Cllrs Bramble, Holway and Pearce

Absent (1): Cllr Hitchins

Upon the declaration of the result, Part 2 of the recommendation contained within the published agenda papers was then **PROPOSED** and **SECONDED**.

In the ensuing debate on Part 2, some Members emphasised that, for them to be able to advocate approval of the Strategy, the Council Tax Equalisation must take place over the full ten year period.

In accordance with Council Procedure Rule 15.5, a recorded vote was then undertaken on Part 2 of the motion. The voting on this part of the motion was recorded as follows:-

For the motion (20): Cllrs Bastone, Blackler, Brown, Cane, Cuthbert, Foss, Gilbert, Hawkins, Hicks, Holway, Hopwood, May, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Wingate and Wright.

Against the motion (0):

Abstentions (10): Cllrs Baldry, Birch, Bramble, Brazil, Green, Hodgson, Huntley, Pearce, Pennington and Vint.

Absent (1): Cllr Hitchins

Upon the declaration of the result, Part 3 of the recommendation contained within the published agenda papers was then **PROPOSED** and **SECONDED**.

In the ensuing debate on Part 3, a Member suggested that the final wording of the proposal should be presented back to the Council for approval. Alternatively, another Member felt that the consultation should be extended to include the Chairman of the Audit Committee within the delegated authority requirements. In contrast, the majority of Members believed that the proposed delegated authority arrangements were appropriate in this instance.

In accordance with Council Procedure Rule 15.5, a recorded vote was then undertaken on Part 3 of the motion. The voting on this part of the motion was recorded as follows:-

For the motion (19): Cllrs Bastone, Blackler, Brown, Cane, Cuthbert, Foss, Gilbert, Hawkins, Hicks, Hopwood, May, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Wingate and Wright.

Against the motion (4): Cllrs Green, Hodgson, Pennington and Vint.

Abstentions (7): Cllrs Baldry, Birch, Bramble, Brazil, Holway, Huntley and Pearce.

Absent (1): Cllr Hitchins

It was then:

### **RESOLVED**

1. That the Council submits a proposal to the Secretary of State, no later than 30 November 2017, to form a single second-tier Council for South Hams and West Devon from 1 April 2020 (as set out in Section 3 of the presented agenda report);
2. That the Council Tax Equalisation Strategy (as set out in Section 5 of the presented agenda report) be approved; and
3. That approval of the final wording of the proposal to the Secretary of State be delegated to the Head of Paid Service, in consultation with the Leader, Deputy Leader and the Chairman of the Overview and Scrutiny Panel.

43/17

### **EXCLUSION OF PUBLIC AND PRESS**

Having been **PROPOSED** and **SECONDED**, some Members could see no reason for the next agenda item to be considered as exempt information. In reply, it was noted that the legal advice obtained had recommended that, until the procurement process had commenced in the upcoming days, then this item should be classified as being exempt.

Moreover, assurances were given to the meeting that Members would be notified as soon as it was deemed appropriate for the agenda report to be disclosed to the public and press.

It was then:

### **RESOLVED**

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

44/17

### **WASTE AND CLEANSING COMMISSIONING – SERVICE SCOPE**

An exempt report was presented that sought endorsement of the service scope principles that had been proposed by the Project Board for consideration during the commissioning process for waste collection, recycling and cleansing services.

Following a brief debate, it was then:

**RESOLVED**

That the service scope principles proposed by the Project Board for consideration during the commissioning process for waste collection, recycling and cleansing services be endorsed.

(Meeting commenced at 4.30 pm and concluded at 7.00 pm)

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Chairman



## South Devon and Dartmoor Community Safety Partnership

South Devon and Dartmoor CSP  
Teignbridge District Council,  
Forde House,  
Brunel Road,  
Newton Abbot,  
Devon,  
TQ12 4XX

**Alison Hernandez**  
**The Office of the Police and Crime Commissioner,**  
Alderson Drive,  
Exeter,  
EX2 7RP

9<sup>th</sup> October 2017

Dear Alison,

As you are aware the South Devon and Dartmoor CSP felt strongly that it would like to canvas the views of its members to feed into the Neighbourhood Policing Review.

On the 19<sup>th</sup> June the CSP held a listening event for CSP members. Thirteen representatives met and discussed Neighbourhood Policing using the methodology piloted with Police staff in South Devon. This model reviewed what the representatives considered neighbourhood policing must, should and could deliver. Another key factor of this meeting was that members felt that other stakeholders in our CSP area had valuable contributions to make. It was therefore agreed that we would host an additional event to canvas the views of community stakeholders using the same model. This meeting was held at South Hams District Council on the 7<sup>th</sup> July and 46 delegates attended.

The outcomes from the two listening events were then presented to the CSP in a report (attached as Appendix one). At that meeting it was agreed that I would write to you with a summary of our views.

We made every effort whilst promoting and hosting the events to emphasise that we wanted to gather views on what were the most effective elements of Neighbourhood Policing and some excellent conversations occurred. However, it is important that I express the consensus view that a reduction in PCSOs would be dangerous and we urge you to reconsider planned reductions to 150 PCSOs.

The CSP members in July also asked me to share with you what they felt to be the most valued elements of neighbourhood policing -

- Intelligence gathering and engagement in multi-agency processes such as MACSE, Early Help and Prevent
- The importance of maintaining a rural presence to reassure the community
- Links to young people and education
- Use of well supported volunteers including the Special Constabulary
- The importance of being clear in the multi-agency context about who is doing what and how to make contact

All CSP partners were also clear that they have a role to play in community safety for neighbourhoods and would like to be involved in discussions about how things may be able to be delivered differently. It was strongly felt that any decision to cease functions in neighbourhood policing would have to be considered in the context of the impact it may have on partner agencies and reciprocal agreements that would then have to be produced.

As requested at our CSP a copy of this letter and appendix will be sent to those invited to take part in our listening events, the Chief Constable and our Members of Parliament.

We would welcome engagement throughout Operation Genesis and hope you will take our views into consideration.

Yours sincerely,

Rebecca Hewitt

**Chair of South Devon and Dartmoor CSP**

Cc Shaun Sawyer, Chief Constable

Cc Anne Marie Morris MP

Cc Dr Wollaston MP

Cc Gary Streeter MP

Cc Geoffrey Cox MP

Cc Mel Stride MP

# Agenda Item 9

Report to: **Council**  
Date: **14 December 2017**  
Title: **Head of Paid Service Replacement**  
Portfolio Area: **Cllr John Tucker – Leader of the Council**

Wards Affected: **All**

Relevant Scrutiny Committee:

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

Date next steps can be taken: Immediately following this meeting.

Author: **Steve Jorden** Role: **Executive Director, Strategy and Commissioning & HoPS**

Contact: **Telephone/email: [steve.jorden@swdevon.gov.uk](mailto:steve.jorden@swdevon.gov.uk)**

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## **Recommendations:**

### **That it be RESOLVED that:-**

1. the Council designates the Executive Director for 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. a report be bought back to the Council towards the end of the interim period to consider the permanent strategic leadership and senior management arrangements.
3. the Executive Director for Service Delivery and Commercial Development receives an uplift of £3,000 in recognition of the Head of Paid Service responsibilities.
4. Members approve a further salary uplift of £10,000 for the Executive Director 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. the Executive Director for 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. a review of the arrangements takes place after 6 months to ensure that all responsibilities are being satisfactorily covered.

## 1. **Executive summary**

- 1.1 The Council has a statutory duty to designate a Head of Paid Service to replace the incumbent officer who has tendered his resignation.
- 1.2 The report proposes that the Council adopts an interim arrangement to secure a period of stability and continuity and designates the current Executive Director for Service Delivery and Commercial Development the Head of Paid Service for the remainder of this administration (until May 2019).
- 1.3 If Members agree the recommendations the new Head of Paid Service will need to ensure that enough capacity is maintained within the Senior Leadership team to undertake all the functions necessary to continue moving the organisation forward.
- 1.4 This will necessitate asking a number of existing Senior and Extended Leadership Team to 'act up', the details of which will be agreed by the HoPS, in consultation with the Leader and Deputy Leader.
- 1.5 In recognition of the extra duties that will be incurred as a result of having only one Executive Director, Members may wish to enhance the salary of the Executive Director for Service Delivery and Commercial Development by £10,000 per annum, for the duration of the interim period.

## 2. **Background**

- 2.1. On 16<sup>th</sup> November 2017, the Executive Director for Strategy and Commissioning and Head of Paid Service tendered his resignation. His last day of employment with the Councils will be 18<sup>th</sup> February 2018.
- 2.2. Under the provisions of section 4 of the Local Government and Housing Act 1989, the Council must designate a Head of Paid Service. This duty currently attracts a salary supplement of £3,000 per annum.
- 2.3. The current structure consists of two Executive Directors, and 4 Level 2 officers making up the Senior Leadership Team.

## 3. **Outcomes/outputs**

- 3.1. Over the next 18 months, the Council will be facing a number of significant challenges and opportunities. Alongside business as usual and completing the T18 programme, it needs to address a budget deficit, undergo a procurement exercise to find our next ICT partner and consider (and commission) the future delivery of waste and recycling services.
- 3.2. Given the scale of the challenges, it is important that the Council retains stability and continuity in its strategic leadership and senior management capacity.

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

- 4.1. There are three principal options available to the Council, each of which would involve some interim arrangements being in place until the option is implemented.
- 4.2. First, the Council could seek to replace the incumbent post holder and retain the existing senior leadership structure.
- 4.3. Second, it could move to a different structure to replace the current Executive Director arrangements.
- 4.4. Third, it could agree a longer, interim approach (until the end of the current administration in 2019) and designate the Head of Paid Service and the Strategy and Commissioning responsibilities to the existing Executive Director for Service Delivery and Commercial Development with appropriate support from the Senior and Extended Leadership Team.
- 4.5. The first option would involve a costly recruitment campaign to identify and attract a suitable candidate and a short period of interim arrangements would be necessary.
- 4.6. The second option would involve making both Executive Director roles redundant and recruiting to a new structure; this would also involve a short period of interim arrangements and may incur redundancy costs.
- 4.7. By adopting the third option, the Council would secure stability and continuity. Other members of the senior and extended leadership team can be given additional responsibilities (including the role of deputising for the remaining Executive Director) to ensure the Council maintains sufficient strategic leadership and senior management capacity. It would also achieve a temporary saving by holding one of the Executive Director roles vacant. However, it is proposed that approximately 40% of that saving be set aside to cover any special responsibility allowances that are put in place for the interim period.
- 4.8. The third proposal would be intended to give continuity until the end of this political administration. After the interim period, the Council can determine the best long term solution. It is anticipated that there will be more clarity about key financial issues (such as Business Rates retention and the fair funding formula by 2019 which would inform the future structure).
- 4.9. It is proposed that, should the 3<sup>rd</sup> option be agreed, then a review of the interim arrangements is carried out after 6 months to make sure that responsibilities are being covered satisfactorily.
- 4.10. The options have been discussed by the Leader and Deputy Leader, in consultation with the Leader and Deputy Leader of West Devon Borough Council.

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

- 5.1. It is proposed that the Council adopts an interim arrangement to replace the current Executive Director and Head of Paid Service until the end of this administration in May 2019 by designating the existing Executive Director for Service Delivery and Commercial Development as Head of Paid Service. There should be an option to extend this for a short period should Members of the new administration wish to do so.

- 5.2. It is further proposed that the Executive Director for Service Delivery and Commercial Development, in consultation with the Leader and Deputy Leader of both Councils, allocates strategic leadership and senior management responsibilities to other members of the current senior and extended leadership team to maintain sufficient capacity. It is recommended to set aside £40,000 for special responsibility allowances (£20,000 each Council). This is further explained in the Financial Implications in Section 6.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council has a statutory duty under section 4 of the Local Government and Housing Act 1989 to designate a Head of Paid Service.
Financial		<p>If the proposal (the third option) is approved, there is an interim saving of £108,000 per annum by not appointing to the vacant Executive Director role and also modelling in a salary increase of £13,000 in recognition of the extra duties that will be incurred as a result of having only one Executive Director, this includes the salary supplement for the Head of Paid Service role.</p> <p>It is recommended to set aside £40,000 for special responsibility allowances as detailed in 5.2 (£20,000 each Council), producing a net saving position of £68,000 (shared 50%/50% across both Councils).</p> <p>It is for each Council to decide whether to make a temporary saving of £34,000 (this is only an interim arrangement) or whether to use this amount to improve services/increase capacity (again only temporary).</p> <p>It should be noted that if the second option is selected then the cost of redundancy for the remaining Executive Director may be incurred.</p>
Risk		<p>The report needs to clearly set out all the significant risks associated with the decision. Significant risk can be defined as the chances of something going wrong that has a material impact on the Council.</p> <p>Risks may fall under any of the following categories: performance/customer satisfaction,</p>

		<p>legal/legislative compliance, finance, project management/management of significant change, procurement, staffing, partnerships/relationships with other bodies, information technology, property, equipment and infrastructure and fraud and corruption.</p> <p>Where the risk information is an integral part of the main body of the report reference to the relevant sections should be made.</p> <p>Guidance: Where the risks associated with the decision are significant input into their assessment and if required, the wording of this section would be appropriate from the Council's SLT Rep, S151 Officer and Legal CoP</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no Equality and Diversity implications.
Safeguarding		There are no Safeguarding implications.
Community Safety, Crime and Disorder		There is no potential positive or negative impact on crime and disorder reduction
Health, Safety and Wellbeing		
Other implications		

**Supporting Information**

None

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Report to: **Council**

Date: **14 December 2017**

Title: **Standards Process – Appointment of Independent Persons**

Portfolio Area: **Support Services**

Wards Affected: **All**

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

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

Date next steps can be taken: Immediately following this meeting.

Author: **Darryl White** Senior Specialist - Democratic Services

Contact: **Email: [darryl.white@swdevon.gov.uk](mailto:darryl.white@swdevon.gov.uk)**

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## **RECOMMENDATION**

**That Council RESOLVES 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.**

### **1. Executive summary**

- 1.1 This report seeks 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.

### **2. Background**

- 2.1 The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members;
- 2.2 One of the most significant changes to the system related to the need to appoint Independent Persons. These Independent Persons are consulted on the decision of whether or not any complaints

alleging breaches of the Members' Code of Conduct should be investigated and may also be consulted on other related matters, including by a Member who is subject to an allegation.

- 2.3 As a consequence of these changes, it was agreed at a special meeting of the Council held on 28 June 2012 that (Minute 23/12 refers):-

*'The Monitoring Officer takes steps to advertise for and appoint three Independent Persons.'*

- 2.4 Following the resignations of two of the three initially appointed Independent Persons (Ms Sandra Bell and Mr Mike Fowkes), the Council was only left with one remaining Independent Person (Mr George Barnicott) and it was therefore deemed necessary to undertake a recruitment process to fill the two vacancies.

### **3. Recruitment Process**

- 3.1 In order to maximise the recruitment opportunities for interested parties, adverts were placed in the local press as well as on the Council's website. A recruitment pack was created which, amongst other things, set out the requirements to be an Independent Person and clear instructions for making an application.
- 3.2 Twelve applications were subsequently received and the Council shortlisted and then interviewed six applicants.
- 3.3 The interviews took place on Friday, 3 November 2017, with the Panel consisting of the Deputy Monitoring Officer and the Senior Specialist –Democratic Services.
- 3.4 As a result of the interview process, Mr Peter Boreham and Mr Trevor Kirkin were assessed by the Panel as the two most suitable applicants for appointment. The Interview Panel has also requested that the incredibly high quality of all candidates is acknowledged.

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

- 4.1 By recruiting two more Independent Persons, the Council is building sufficient resilience into its formal standards complaints investigation process.
- 4.2 It is intended that appropriate training provision will be arranged for the successful candidates to ensure that they are able to make as smooth a transition into the role as is practically possible.

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

- 5.1 The Council is asked to confirm the appointments of Messrs Boreham and Kirkin to the role of Independent Persons for the initial period to the Annual Council meeting in May 2019.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory Powers – Local Government Act 2000 and Localism Act 2011
Financial	N	Each Independent Person is entitled to claim a Special Responsibility Allowance of £500 per annum
Risk	N	These are addressed in the body of the report
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	Not applicable
Safeguarding	N	Not applicable
Community Safety, Crime and Disorder	N	Not applicable
Health, Safety and Wellbeing	N	Not applicable

## **Supporting Information**

### **Appendices:**

None

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**MINUTES OF A MEETING OF THE AUDIT COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 21 SEPTEMBER 2017**

<b>Members in attendance</b>			
* 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		

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

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Executive Director (Service Delivery and Commercial Development); Section 151 Officer; Group Manager (Customer First and Support Services); Finance Community Of Practice Lead; Internal Audit Manager; KPMG Representatives; and Senior Specialist – Democratic Services

**A.16/17 MINUTES**

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

**A.17/17 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.18/17 KPMG EXTERNAL AUDIT REPORT 2016/17**

The Committee considered a report that summarised the key findings of KPMG in relation to its 2016/17 External Audit at the Council.

The report had concluded that an ‘unqualified opinion’ would be issued on both the Council’s financial statements and Value for Money.

When questioned, the representatives confirmed that the initially identified deficiencies in Housing Benefit controls had since been sufficiently mitigated in time for the Year End.

The Committee proceeded to thank the representatives for producing such a comprehensive and positive report.

**A.19/17 KPMG PRESENTATION – ROLE OF EXTERNAL AUDITOR**

KPMG representatives undertook a presentation on the role of the External Auditor. In so doing, the presentation highlighted the following methods whereby KPMG added value to the Council:-

- Supporting the authority as a 'critical friend' by:
  - o Ongoing liaison with officers;
  - o Regular attendance at the Audit Committee;
  - o Identifying and sharing best practice (locally and through national reports);
  - o Undertaking advisory work on request;
  
- Advising in areas of expertise that included:
  - o Cost improvement plan reviews;
  - o Organisational redesign and restructuring;
  - o Strategic partnering and alternative delivery models;
  - o VAT and taxation;
  - o Forensic services;
  - o Valuations; and
  - o Business risk services.

With no questions or issues being raised on the contents of the presentation, the Chairman thanked the representatives for their informative and interesting presentation.

**A.20/17 ANNUAL STATEMENT OF ACCOUNTS 2016/17**

A report was considered that presented a summary of net revenue and capital expenditure for Members' attention and that sought approval of the audited Statement of Accounts for 2016/17. The report also required the Committee to consider the content of the Letter of Representation.

In discussion, reference was made to:-

- (a) very minimal changes being required since the draft versions had been initially considered by the Committee. Officers confirmed that these minimal changes included: the inclusion in the Statement of Accounts to a link to the Devon Building Control Partnership and changes to the numbering of the Annual Governance Statement;
  
- (b) the work of finance officers. In recommending approval of each of these documents, all Members in attendance wished to pay tribute to the hard work, effort and commitment of the Council's Finance Community Of Practice;

It was then:

**RESOLVED**

That approval be given to:-

1. the wording of the Letter of Representation (as outlined at Appendix A of the presented agenda report);
2. the audited Statement of Accounts for the financial year ended 31 March 2017 (as outlined at Appendix B of the presented agenda report); and
3. the Annual Governance Statement post audit (as outlined at Appendix C of the presented agenda report).

A.21/17

**CONSULTATION ON AUDITOR APPOINTMENT FROM 2018/19**

The Committee considered a formal communication that had been received by the Council's Head of Paid Service and Section 151 Officer to consult on the auditor appointment from 2018/19. The communication sought to consult with the Council on the appointment of Grant Thornton (UK) LLP to audit the accounts of the Council for five years from 2018/19.

In discussion, the Committee noted that it was hoped that the Council would see a small reduction in its Audit fees through these revised arrangements.

It was then:

**RESOLVED**

That the Committee is satisfied with the proposed appointment of Grant Thornton (UK) LLP to audit the accounts of the Council for five years from 2018/19.

A.22/17

**STRATEGIC RISK ASSESSMENT – REGULAR UPDATE**

In accordance with the adopted Joint Risk Management Policy, a report was considered that presented the required six-monthly update to Members. The report included the current corporate strategic risk assessment and a summary of the management and mitigating actions to address the identified risks.

In discussion, reference was made to:-

- (a) the delivery of the Local Plan. The Committee was of the view that the score attributed to this Corporate Risk should be increased and it was further emphasised that this matter must continue to be closely monitored;

- (b) the procurement risk. The Committee requested that officers review the ratings given to this Corporate Risk and was of the view that the total should be scored higher than currently illustrated;
- (c) inadequate asset maintenance. Specifically regarding the sea wall at Hope Cove, Members were given assurances that its condition was being kept under close (and regular) review.

It was then:

**RESOLVED**

That the Committee has reviewed the strategic risks and has made comments (as detailed in the minutes above).

**A.23/17 INTERNAL AUDIT CHARTER AND STRATEGY 2017/18**

The Committee considered a report that provided it with the opportunity to review and comment upon the Internal Audit Charter and Strategy for 2017/18.

In noting that the review was proposing only very minor tweaks to the Charter and Strategy, it was then:

**RESOLVED**

That the Internal Audit Charter and Strategy 2017/18 be approved.

**A.24/17 UPDATE ON PROGRESS ON THE 2017/18 INTERNAL AUDIT PLAN (including an update on the Strategic Debt Review)**

A report was considered that informed the Committee of the principal activities and findings of the Council's Internal Audit team for 2017/18 to 24 August 2017.

In discussion, the following points were raised:-

- (a) The Committee sought greater clarity on the 'fundamental weaknesses' audit opinion that had been issued in relation to Section 106 Agreements. In reply, officers informed that, since that opinion had been issued, mitigating measures had been put into place and the Committee particularly welcomed the recruitment of a designated S106 Officer. Once the Officer had been appointed, it was agreed that all Members and town and parish council clerks would be informed, with contact details also being provided. The importance of the successful recruit working closely with Members and clerks was also recognised;



- (b) With regard to the ICT Audit findings, it was noted that, in some instances, auditors could not identify a system owner within the business. When questioned, officers confirmed that actions were being taken to address this weakness;
- (c) Specifically on the Strategic Debt Review update that had been presented to the Committee, Members wholeheartedly supported the proposal to create a centralised Debt Recovery Unit by 1 October 2017. However, when considering the Age of Debt profile, some Members expressed their concerns that debts in excess of £250,000 had still not been recovered since 2015/16.

It was then:

**RESOLVED**

That the progress made against the 2017/18 Internal Audit Plan and any key issues arising be approved.

(Meeting commenced at 1.00 pm and finished at 2.20 pm)

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Chairman

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**MINUTES OF THE MEETING OF  
THE SALCOMBE HARBOUR BOARD  
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY, 25 SEPTEMBER 2017**

<b>Members in attendance</b>			
* 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

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Executive Director: Service Delivery and Commercial Development; Salcombe Harbour Master; Deputy S151 Officer; and Senior Specialist - Democratic Services

**SH.11/17 MINUTES**

The minutes of the meeting of the Salcombe Harbour Board held on 10 July 2017 were confirmed as a correct record and signed by the Chairman.

A Co-Opted Member, who was not in attendance at the previous meeting, queried to what extent the role of the Harbour Master had been discussed at this meeting (Minute SH.8/17 extract (c) refers). In response, Board Members were content that the minute extract (as written) was a fair reflection, but did advise that an extensive debate had taken place during the Annual Harbour Inspection on the morning of 10 July 2017.

**SH.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 the following were made:

Cllr Wright, Ms Jones, Mr Mackley, Mr Marriage, Mr Taylor 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).

In accordance with the Public Question Time Procedure Rules, the following members of the public addressed the Board:

**(a) Anna Turns**

Ms Turns provided Board Members with a paper that she spoke to that outlined the issues associated with tackling the issue of ocean plastics in the Estuary.

Of particular note during her introduction, Ms Turns advised that the current practice of balloons being thrown into the Estuary during the annual Crabbers Race was totally contrary to the Eco Port status gained by the Estuary in 2014. Ms Turns also informed that balloons branded as being 'biodegradable' were not actually biodegradable and there was a need for education and promotion of good working practices to reduce the volume of plastic entering the Estuary. Furthermore, Ms Turns asked the Board to give consideration to imposing some form of penalty on individuals who were found to be throwing plastics into the Estuary.

In the ensuing discussion, reference was made to:-

- (i) the role of the Shellfishermen. Members felt that this matter should also be presented to a future meeting of the Shellfishermen Committee. In addition, a Member made the point that the Shellfishermen brought in a great deal of waste and plastic and they were generally supportive of the importance of tackling this issue;
- (ii) the imposing of a Marine Litter Byelaw. The view was expressed that use of a Byelaw would be a particularly heavy penalty;
- (iii) the Eco Port status. In recognising the importance of the status, some Members requested that a regular item be included on the agenda for Board meetings in relation to: '*Updates and Issues Relating to the Estuary being an Eco Port*'. Indeed, such was the significance of this matter, that Members commented that it should be taken seriously by both the Harbour Authority and the Town Council;
- (iv) the extent of litter and plastics amassing by the wall at the end of the Charleton Marsh. In expressing concerns, a Member asked that consideration be given to addressing the amount of litter and plastics at the end of the Charleton Marsh;
- (v) the lack of an obvious biodegradable alternative for the balloons used during the Crabbers Race. The Board agreed that Mr Mackley would be assigned the task of looking into potential alternative solutions.

In the meantime, the Board agreed that it would be disappointed to see balloons being used in future races. Moreover, the Harbour Master was directed to co-ordinate an open letter from the District Council; the Town Council; the Board; the Shellfishermen; and other key Stakeholders stating our combined opposition to the use of single use plastics and balloons in particular.

**(b) Dick Martin**

Mr Martin introduced himself to Members and, aware that the Egremont had been discussed at recent Board meetings, was in attendance to respond to any questions.

By way of an update, Mr Martin expressed his confidence that the Egremont would return to Salcombe in the future and would be fitted to a very high standard that would be a real asset to the Estuary. However, in light of the project being so extensive, coupled with the vessel needing more repair work than had initially been envisaged, the exact timing of its return was proving difficult to predict.

In the ensuing questioning, reference was made to:-

- assurances over the funding streams. In response to a request, Mr Martin confirmed that he was happy to provide a cast iron assurance that the funding streams were in place. Furthermore, Mr Martin advised that, as a goodwill gesture, his finance partners were happy to commit 10% towards the Mooring Fee and it was agreed that the Board would make a decision on this matter at its next meeting;
- anticipated timescales. Mr Martin estimated that the works would constitute a 9/10 month project and it was therefore unlikely that the vessel would be able to return before the May 2018 deadline. Whilst it would be ready to return before October 2018, it was acknowledged that there would be too many vessels in the Estuary to ensure that it could return safely. Nonetheless, Mr Martin assured the Board that all interested parties would be made aware of whether or not the vessel would be ready to return before the start of next summer at the very latest;
- its pontoon. Mr Martin informed that he had received verbal assurances that the pontoon was safe and that this could be supported through written guarantees. The Harbour Master advised that a surveyor was to make a report on the state of all pontoons and the importance of them being secure and safe was emphasised;
- the Kingsbridge / Salcombe Ferry. Having now completed a season of operating, Mr Martin advised that the trading position for the Ferry was far better than he had anticipated. In addition, Mr Martin stated that he was negotiating with the Ferry owner in an attempt to complete a deal with the current owner. In taking encouragement from this update, some Members wished Mr Martin well in this regard and asked that consideration be given to the window of operation being extended. Finally, Members requested that Mr Martin maintain regular lines of communication with the Board and Harbour Master;

- Jubilee Quay. Whilst it served its functional purpose, the Board requested that the Council take a far greater interest in the Quay;
- the 'Plymouth Princess' activity. Mr Martin made reference to an opportunity to bring the 'Plymouth Princess' to Salcombe, which would provide the option of ferry trips to places such as Dartmouth and Plymouth. As a principle, Members felt this opportunity to be exciting but recognised some fundamental constraints (e.g. the lack of room in the harbour to accommodate the vessel safely). As a consequence, Mr Martin was encouraged to make a formal application for discussion by the Board at a future meeting.

## SH.14/17 **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 Conservation Forum (SKECF)**

The Board was advised that the Forum was next meeting on 26 September 2017 and the main agenda items for this meeting were highlighted to the Board.

### **South Devon & Channel Shellfishermen**

It was noted that a strategic Fish Quay meeting had been arranged to take place on 11 October 2017 and an agenda had been prepared. The view was expressed that the effectiveness of this meeting should be gauged with a decision then being taken regarding how frequently future meetings were held. The representative advised that a consistent theme from the Shellfishermen was that their issues and concerns did not currently feed up to the Fish Quay decision-makers.

The operational Fish Quay meetings were progressing well and the Board representative was thanked for his efforts

### **Kingsbridge and Salcombe Marine Business Forum**

The representative informed that the Forum now comprised of over 40 marine based businesses and dialogue between these continued to improve.

In reflecting some concerns raised by Stand Up Paddleboarders and Kayakers, the representative advised that a vast number of power boats were racing up and down the harbour. To act as a deterrent, the Forum had therefore called for increased speed patrols to take place and an increase in CCTV coverage. In response, a number of Members raised concerns at this apparent trend and concluded that a 'three strikes' approach should be imposed, with a mooring taken away from any repeat offenders.

The Forum had also asked that the Board give consideration to making it compulsory for vessel users to wear kill cords and life jackets. In discussion, the importance of education was highlighted and it was agreed that this matter required further consideration and would be appropriate for consideration at a future Board Workshop. In the meantime, it was agreed that the Harbour Master should raise this matter with colleagues at the upcoming South West Regional Ports Association meeting with the feedback reported back to Members.

Finally, the representative highlighted the need for clarification over the charges for Commercial Pontoon users at Batson and it was agreed that a draft policy would be presented to a future Board meeting.

### **Kingsbridge Estuary Boat Club (KEBC)**

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

### **East Portlemouth**

The Chairman advised that this new Harbour Community Forum had yet to hold its first meeting.

## **SH.15/17 APPOINTMENT OF A DEPUTY HARBOUR MASTER**

Prior to the report being introduced, Board Members were of the view that there were a number of related issues that would require much greater consideration outside of this Board meeting.

As a result, it was agreed that a Board Workshop would be held to informally consider staffing and remuneration issues with relevant Council officers at 11.30am on Monday, 6 November 2017. It was also agreed that the outcome(s) of this Workshop would be reported back to the Board.

It was then:

### **RESOLVED**

That a Board Workshop be convened to enable for informal consideration of staffing and remuneration issues at 11.30am on Monday, 6 November 2017.

## **SH.16/17 2018/19 BUDGET**

Consideration was given to a report that sought to recommend to the Council that the proposed 2018/19 Budget be approved.

In discussion, the following points were raised:-

- (a) The Board was informed that the reason for the proposed rent variances was attributed to the Harbour Office having previously been overlooked as a rentable asset. As a consequence, the Harbour Authority had effectively been undercharged by the Council;

- (b) A Member felt that it would be useful in the future to provide the Board with a summary of capital budgets (including current loans);
- (c) In respect of potential increases in employee costs (in the event of the Pay Award being higher than the projected 1%), Members were of the view that reserves should be used during the year before any impacts were then built into the Budget for following years;
- (d) In highlighting that the levels of reserves were looking relatively healthy, a Member asked that future discussions take place regarding how these should be most appropriately used.

It was then:

### **RECOMMENDED**

That the Council be **RECOMMENDED** that the proposed 2018/19 Budget (as set out in the presented agenda report) be approved.

## **SH.17/17 PROPOSED CHARGES 2018/19**

Members considered a report that presented the proposed charges to the Council that would take effect from 1 April 2018.

In discussion, particular reference was made to the proposed 6% increase on vessels up to 4.5 metres. As part of a lengthy debate, a Member advised that he was fundamentally opposed to this proposed increase, which would unduly penalise local residents and small boat users. The Member proceeded to make the point that the additional income raised by this increase could be offset by measures such as imposing an additional charge on high horse powered vessels or increasing the monthly charges on pontoons. Some other Members were sympathetic to this view and felt that such a suggestion was in line with the Eco Port status of the Estuary.

Whilst the principle was felt right, other Members recognised the difficulties with assessing the actual horse power of each vessel. Furthermore, a number of Members felt that such detailed discussions should have been undertaken informally before the proposed Charges had been presented to the Board for further consideration.

In conclusion, the majority of Members were unhappy that the time constraints were such that there were effectively being forced into making a recommendation at this meeting and requested that, in the future, an annual Workshop be scheduled well in advance of September to enable for informal consideration of the proposed fees and charges.



It was then:

**RECOMMENDED**

That the Council be **RECOMMENDED** that the proposed charges (as outlined in the presented agenda report) be implemented from 1 April 2018.

SH.18/17 **PONTOON DEVELOPMENT**

The Harbour Master presented a report that outlined the rationale, business case, procurement model and intended development timetable for the replacement of Dentrige Deep Water (DW) pontoons and extensions to both Shadycome and Batson Pontoons.

In discussion, the following points were raised:-

- (i) A Member stated that the area at Dentrige was a sailing hotspot and the importance of maintaining a small gap was felt to be critical;
- (ii) In respect of the ability to raise the moorings cap at Batson, a Member felt it would be useful for both options to be costed.

It was then:

**RESOLVED**

1. That a consultation exercise be undertaken on the detail of the proposed pontoon development; seek invitations to tender and planning approval / MMO licence in tandem; and
2. That it be noted that a formal business case be presented to a future Board meeting, with the intention that it be forwarded to the Council in advance of any works being undertaken.

SH.19/17 **1<sup>ST</sup> QUARTER PERFORMANCE INDICATORS**

A report was considered that summarised Salcombe Harbour's Performance Indicators (PIs) for the period 1 April to 30 June 2017.

In discussion, reference was made to:-

- (a) the two reported accidents being relatively minor in nature;
- (b) income generated from moorings. The Board requested that the PI relating to income generated from moorings be reinstated.

It was then:

**RESOLVED**

1. That the latest Performance Indicators be noted; and
2. That the Performance Indicator relating to 'income generated from moorings' be re-instated to future performance reports.

SH.20/17 **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) staff changes. The Board noted that replacement members of staff had now been appointed to replace the two previous employees who had recently left the employ of the Harbour Authority;
- (b) Egremont. Further to Mr Martin's responses to Member questions earlier in the meeting (Minute SH.13/17(b) above refers), the Board was of the view that it needed further discussions with Mr Martin in respect of the future business model for the Egremont;
- (c) the next South West Regional Ports Association meeting. The Harbour Master extended an invite to any interested Members to attend the next Association meeting in Salcombe on 11 October 2017;
- (d) the Annual Report. The 2017 Annual Report was felt to be a positive reader friendly document that provided a useful current position statement for the Harbour;
- (e) the merits of combining the Harbour Guide and the Tourist Information Guide. Whilst noting that this would be further discussed over the winter months, a Member did wish to highlight that there were potential ramifications associated with combining the Guides;
- (f) the Shadycombe Car / Boat Park review. Interested Members were invited to attend a Workshop on the review at 9.30am on Wednesday, 11 October 2017. With regard to timescales for this review, the Harbour Master advised that these had not yet been confirmed.

It was then:

**RESOLVED**

That the report be noted.

(Meeting commenced at 2.00 pm and concluded at 5.35 pm)

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 4 OCTOBER 2017**

<b>Members in attendance</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway
*	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	*	Cllr R J Vint

**Other Members also in attendance:**

Cllrs Green, Tucker and Wright

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management, Planning Senior Specialist, Planning Specialist, Deputy Monitoring Officer and Specialist – Democratic Services
	0549/17/OPA	Specialist – Place Making; AONB Manager;

**DM.19/17 MINUTES**

The minutes of the meeting of the Committee held on 2 August 2017 were confirmed as a correct record and signed by the Chairman.

**DM.20/17 DECLARATIONS OF INTEREST**

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

**DM.21/17 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.22/17 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:

**0549/17/OPA**

**Development site at SX 710 394, adjacent to**

## **Malborough Park, Malborough**

### **Parish: Malborough**

#### **Outline application with some matters reserved for erection of circa 50no. dwellings and means of access (all other matters reserved)**

Case Officer Update:

##### **Proposed change to recommendation – Section 106 Heads of Terms:**

A pedestrian link from the site into Malborough Park or Portlemore Close shall be provided in accordance with details approved by the Local Planning Authority prior to the occupation of the first dwelling or other phasing that may be agreed in writing.

Changes following Member debate:

##### **Additional clause for 106 proposed:**

The 50/50 option tenure split for affordable housing should only be used if it is demonstrated that the 30/30/40 split cannot be delivered.

##### **Amendment to proposed 106 clause to read:**

Access to and ongoing management and maintenance of POS, southern boundary hedgerow and SUDs in perpetuity

##### **Amendment to proposed informative 2:**

Any reserved matter(s) application should provide a mix of housing tenures, types and sizes to help support the creation of a mixed, balanced and inclusive community. The Council would normally seek a mix on the following basis:

35% 1 and 2 bedroom properties

35% 3 bedroom properties

30% 4 bedroom properties;

unless it can be demonstrated that the local need is for a different mix.

##### **Additional informatives:**

Any reserved matters application should reflect the need to provide a robust hedgerow/Devon bank along the southern site boundary and this hedgerow should not be included within any domestic curtilage but should be managed and maintained as part of the public open space management scheme.

Any reserved matters application should demonstrate adequate parking for residents and visitors. The Malborough Neighbourhood Plan proposes a policy that garages should not be counted as parking spaces and this should be taken into consideration.

Any future reserved matters application should have regard to the applicants Design and Access Statement, with particular reference to the provision of houses up to 1.5 stories only on the southern site boundary.

**Additional condition:**

Any reserved matters submission shall include details of how layout has sought to maximise passive solar gain

Speakers included: Supporter – Mr Richard May; Malborough Parish Council – Cllr John Sampson; and local ward Members – Cllrs Pearce and Wright

**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 the absence of an agreed s106 Agreement.

**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 in the absence of an agreed S106 Agreement.

**The Section 106** should secure the following:

- 30% on-site affordable housing or 16 dwellings whichever is the greater; of which the mix will be either 50/50 affordable rent to shared ownership or
  - 5 social rent
  - 5 affordable rent
  - 6 intermediate (i.e., market discount at 75%)
 To be allocated in accordance with local allocations policy giving Band A-E preference to Parish applicants.
- The 50/50 option tenure split for affordable housing should only be used if it is demonstrated that the 30/30/40 split cannot be delivered.
- £164,407 towards secondary school infrastructure
- £23,332 towards secondary school transport
- £12,500 towards early years education
- £380 per resident towards improvements to the adjacent existing play area.
- £595 per resident towards improvements to Malborough Playing Fields.
- Access to and ongoing management and maintenance of Public Open Space, southern boundary hedgerow and SUDs in perpetuity.

- Implementation of LEMP in perpetuity
- £5000 for speed limit TRO
- £300 per dwelling for travel plan vouchers
- A pedestrian link from the site into Malborough Park or Portlemore Close shall be provided in accordance with details approved by the Local Planning Authority prior to the occupation of the first dwelling or other phasing that may be agreed in writing.

**Conditions:**

- Std time outline time conditions
- Submission of reserved matters
- Accords with plans
- Materials to be agreed
- Boundary treatments to be agreed
- CEMP
- Roads to be constructed in accordance with details to be agreed
- Development in accordance with phasing programme to be agreed
- Off-site highway works to be completed prior to occupation of any dwellings
- No other development to commence until access road and footway on the public highway has been provided to base course level and site compound and car park constructed.
- Visibility splays to be provided
- Unsuspected contamination
- No development until a programme of archaeological work in accordance with a written scheme of investigation has been submitted and agreed. Development to take place in accordance with the agreed details.
- No development until a programme of percolation tests has been carried out and approved.
- No development until detailed design of proposed permanent surface water drainage management system is submitted and approved in writing.
- No development until detailed design of construction phase drainage scheme is submitted and agreed
- No development until details of adoption and maintenance arrangements for permanent surface water drainage scheme has been submitted and approved
- Pre-commencement – LEMP
- Pre-commencement - tree/hedgerow protection during construction
- Retention of all hedgerows except where their removal is permitted though this or subsequent planning consents
- Garages and parking areas to be provided in accordance with approved details prior to occupation and retained in perpetuity.
- Removal of PD – roof extensions, means of enclosure, hardstandings
- Lighting strategy to be submitted and agreed
- No external lighting in public areas other than that agreed in lighting strategy

- Arboricultural Impact assessment including details of hedgerow works to facilitate new access to be submitted and agreed
- Development in accordance with EclA
- Any reserved matters submission shall include details of how layout has sought to maximise passive solar gain

**0266/16/FUL                      5 Christina Parade, Totnes**

**Parish: Totnes**

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

Case Officer Update:

- Land ownership has been established.
- Appropriate notices have been served on other landowners.
- Certificates have been appropriately signed.
- No further representations have been received.
- Some of the shrubs and undergrowth behind the existing garages will be removed to accommodate the new garages, all of which is in the applicants ownership.
- It will not result in the loss of any significant trees.
- The garages have been widened to 3 metres.

Speakers included:                      local ward Members – Cllrs Green and Vint, and Cllr Birch (statement read)

**Recommendation:**                      Conditional Approval

**Committee Decision:**                      Conditional Approval

**Conditions**

1. Time limit
2. Approved plans
3. Final drainage scheme
4. Garages not be used for commercial purposes
5. Removal of permitted development rights for means of enclosure
6. Construction Management Plan to be submitted
7. No external lighting on the garages
8. Landscaping scheme
9. Once completed a bat roost shall be provided

**2686/17/VAR      Admiral Court, Nelson Road, Dartmouth**

**Parish: Dartmouth**

**Application for variation of condition 2 of granted planning consent  
0901/16/FUL**

Case Officer Update:    -    None

Speakers included:      None

**Recommendation:**      Conditional Approval

**Committee Decision:**    Conditional Approval

**Conditions**

- Accord with plans
- Drainage to be agreed
- Materials to match existing units within site
- Unsuspected contamination
- Details of hard surfacing to be agreed
- Parking to be provided and retained

**DM.23/17      PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management updated Members on a recent High Court decision.

**DM.24/17      PERFORMANCE INDICATORS**

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. A number of Members were concerned about the increasing number of enforcement cases.

It was then:

**RESOLVED**

That the latest set of performance indicators be noted.

(Meeting commenced at 2.00 pm and concluded at 4.30 pm)

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Chairman



## Voting Analysis for Planning Applications – DM Committee 4 October 2017

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
0549/17/OPA	Development site at SX 710 394, adjacent to Malborough Park, Malborough	Conditional Approval	Cllrs Steer, Foss, Brazil, Vint, Hodgson, Pearce, Cuthbert, Holway, Bramble, Brown (10)	Cllr Rowe (1)	(0)	Cllr Hitchins (1)
0266/16/FUL	5 Christina Parade, Totnes	Conditional Approval	Cllrs Steer, Foss, Vint, Hodgson, Pearce, Cuthbert, Holway, Bramble, Brown, Rowe (10)	(0)	Cllr Brazil (1) (by virtue of not being in attendance for the original presentation)	Cllr Hitchins (1)
2686/17/VAR	Admiral Court, Dartmouth	Conditional Approval	Cllrs Bramble, Brown, Foss, Holway, Rowe, Vint, Pearce, Cuthbert, Hodgson, Brazil and Steer (11)	(0)	(0)	Cllr Hitchins (1)

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**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 12 OCTOBER 2017**

<b>Panel Members in attendance:</b>			
* 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		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, D Brown, P K Cuthbert, R D Gilbert, J M Hodgson, N A Hopwood, J A Pearce, R Rowe, R J Tucker, R J Vint, 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
7	O&S.58/17	Group Manager – Business Development
8	O&S.59/17	Commissioning Manager

**O&S.55/17 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 24 August 2017 were confirmed as a correct record and signed by the Chairman.

**O&S.56/17 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.57/17 PUBLIC FORUM**

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

## O&S.58/17 **EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan. In accordance with Procedure Rules, a request had been made for the Panel to formally consider the following agenda item:

### (i) **Set Up of a Local Authority Lottery**

Having now viewed the published report on the Executive agenda, a Member advised that he still needed to receive assurances over a number of questions before he could support such a proposal.

As a consequence, the lead Executive Member agreed to propose that this item be deferred at the Executive meeting on 19 October 2017 to enable the Panel to then consider this item in greater depth at its next meeting on 9 November 2017.

## O&S.59/17 **ONE COUNCIL CONSULTATION PROCESS**

Consideration was given to a report that provided a detailed overview of the One Council Consultation process, including how the consultation was devised and the range of methods used to engage with the public.

To instigate consideration of this matter, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:-

*'The Panel proceed to consider the consultation process and responses received.'*

By way of an introduction, the Commissioning Manager presented the results of the One Council Consultation exercise that had expired earlier that week. At the conclusion of this presentation, reference was made to:-

- (a) the telephone survey. Some Members felt that there were limitations associated with the telephone survey that included:
- the responder being asked at the offset whether or not they were in favour of the One Council proposal. These Members stated that this constituted a fundamental difference between the telephone and online surveys;
  - the lack of a statement on the survey advising responders to read the background information prior to answering the questions;
  - the perception that the introduction was somewhat leading in favour of a responder supporting the proposal; and
  - the number of responses across the two councils. The fact that 382 responses were received in the South Hams, compared to 381 responses in West Devon, did not reflect the population variances between the two areas;

To counter these concerns, officers advised that all Members had been given prior sight of the telephone survey script. Furthermore, if responders were uncomfortable with answering the questions, they were able to leave the call at any given time;

- (b) completion of the online questionnaire. Some Members highlighted that a number of responders had resented the fact that, despite not supporting the proposal, they were still forced to complete the survey and offer a view on elements including Council Tax equalisation. In reply, officers informed that, in the event of a proposal being submitted to the Secretary of State, this would ensure that all responses were still taken into account;
- (c) additional information. During the debate, Members requested receipt of the following additional information outside of this meeting:
- A summary of the town and parish council responses to the Consultation process;
  - Access to those letter and email responses received during the Consultation process;
  - The number of telephone survey dropouts; and
  - If possible, the number of respondents who left the online survey part way through;
- (d) the levels of response rates during the process. Some Members highlighted that a 4% response rate was well above the average for such surveys (deemed to be in the region of 1%). In contrast, other Members felt that, when considering just how proactive the consultation process had been, a 4% response rate was disappointing;
- (e) the face to face public consultation events. The view was expressed that these events had been successful and a number of Members wished to pay tribute to the Leader, Deputy Leader and their Executive Member colleagues for the amount of work and effort that they had put in during the process. Furthermore, particular praise was also paid to the Commissioning Manager for working tirelessly throughout the process to get to this point;
- (f) the ICT glitch. In noting that the glitch was outside of the control of the Council and had occurred on the last day of the consultation period, officers advised that mitigating measures (including extending the consultation period by one day) were put into place to minimise the impact of this unfortunate disruption;
- (g) a motion being **PROPOSED** and **SECONDED** as follows:-

*'That the results of the consultation indicate that South Hams residents and the parish and town councils that represent them are opposed to the merger. This Panel therefore recommends to Full Council not to proceed with the merger.'*

In introducing the motion, the proposer and seconder advised that, since the overwhelming majority of responders in the South Hams were against the proposal, he now considered it timely for the Panel to reflect the public view and recommend that the Council did not proceed.

Other Members felt that, since the purpose of this meeting was to focus solely on the consultation process, consideration of this motion was somewhat premature at this time and pre-emptive of the discussions to be held at the SH/WD Joint Steering Group meeting on 19 October 2017 and the Special Council meeting on 31 October 2017.

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

(NOTE: in accordance with Council Procedure Rule 15.6 (Right to require individual vote to be recorded), Cllrs K J Baldry and J P Birch requested that their votes in favour of this motion be formally recorded.)

- (h) the role of the Audit Committee. A Member expressed his disappointment that, to date, requests for an extraordinary Audit Committee meeting to specifically consider this proposal had been refused.

It was then:

### **RESOLVED**

That the Council note the following views of the Panel:

1. That the Panel are satisfied that the Single Council Consultation Process has been conducted in an open and transparent manner, with full independent overview to ensure best practice has been applied. In reaching this recommendation, the Panel ask Council to note the strength of the Independent Advisor report;
2. That the Panel are of the view that the process contained a full range of participative options to enable residents, businesses, Town and Parish Councils and stakeholders to express their views;
3. That the Panel note the distinct difference between the Online survey outcome and that of the Independent telephone survey;
4. That the Panel is however disappointed at the level of response, with 96% of electors in the South Hams choosing not to participate.

O&S.60/17 **MEDIUM TERM FINANCIAL STRATEGY FOR 2018/19 ONWARDS**

The Panel considered a report that presented the Council's Medium Term Financial Strategy for 2018/19 onwards.

In his introduction, the Chairman advised that it was his intention for the Panel to focus on the Member survey responses to each of the Budget Option questions and the following motion was therefore **PROPOSED** and **SECONDED**:-

*'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 1 and 3 of Schedule 12A to the Act is involved.'*

Before the vote on this motion was taken, some Members did express their disappointment that 12 Members had not taken the time to complete what was such a user friendly survey on such an important subject matter.

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

The Panel proceeded to consider the results of each of the Budget Option questions and drew the following conclusions:

- Question 1: progress this item to the next stage of the draft budget setting process;
- Question 2: progress this item to the next stage of the draft budget setting process;
- Question 3: progress this item to the next stage of the draft budget setting process;
- Question 4: since aligned to Question 3, progress this item to the next stage of the draft budget setting process;
- Question 5: progress this item to the next stage of the draft budget setting process;
- Question 6: progress this item to the next stage of the draft budget setting process;
- Question 7: remove from the draft budget setting process at the moment. In so doing, the Panel recognised that, depending upon the outcome of meetings in the upcoming weeks, it may then be appropriate to reinstate to the process;
- Question 8: progress this item to the next stage of the draft budget setting process;
- Question 9: progress this item to the next stage of the draft budget setting process;
- Question 10: progress this item to the next stage of the draft budget setting process, whilst acknowledging that a great deal more work was required;
- Question 11: progress this item to the next stage of the draft budget setting process;
- Question 12: progress this item to the next stage of the draft budget setting process and re-name the title to state '*review of*' rather than '*cease offering*';

- Question 13: remove from the draft budget setting process;
- Question 14: progress this item to the next stage of the draft budget setting process;
- Question 15: remove from the draft budget setting process, whilst acknowledging that there may be alternative methods of delivering the service and the close linkages to Question 18;
- Question 16: progress this item to the next stage of the draft budget setting process, whilst acknowledging that a great deal more work was required;
- Question 17: remove from the draft budget setting process;
- Question 18: progress this item to the next stage of the draft budget setting process, whilst noting the close linkages with Question 15;
- Question 19: remove from the draft budget setting process at the moment. In so doing, the Panel recognised that, depending upon the outcome of meetings in the upcoming weeks, it may then be appropriate to reinstate to the process;
- Question 20: progress this item to the next stage of the draft budget setting process;
- Question 21: progress this item to the next stage of the draft budget setting process, whilst requesting that the wording of the heading be revisited;
- Question 22: progress this item to the next stage of the draft budget setting process;
- Question 23: remove from the draft budget setting process;
- Question 24: remove from the draft budget setting process;
- Question 25: progress this item to the next stage of the draft budget setting process;
- Question 26: progress this item to the next stage of the draft budget setting process;
- Question 27: progress this item to the next stage of the draft budget setting process and re-name the title to state '*reduce*' rather than '*cease offering* and remove reference to a financial sum;'
- Question 28: remove from the draft budget setting process;
- Question 29: remove from the draft budget setting process;
- Question 30: since the Service had already ceased, this question to be removed;
- Question 31: progress this item to the next stage of the draft budget setting process;
- Question 32: progress this item to the next stage of the draft budget setting process;
- Question 33: progress this item to the next stage of the draft budget setting process, whilst acknowledging that a great deal more work was required;
- Question 34: progress this item to the next stage of the draft budget setting process;
- Question 35: progress this item to the next stage of the draft budget setting process. In so doing, the Panel requested that further information was made available to Members before a final decision was made;
- Question 36: remove from the draft budget setting process;
- Question 37: progress this item to the next stage of the draft budget setting process;



- Question 38: remove from the draft budget setting process at the moment. In so doing, the Panel recognised that, depending upon the outcome of meetings in the upcoming weeks, it may then be appropriate to reinstate to the process;
- Question 39: following the response to Question 38, not applicable at this time;
- Question 40: progress this item to the next stage of the draft budget setting process; and
- Question 41: progress this item to the next stage of the draft budget setting process.

It was then:

### **RESOLVED**

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

In discussion on the report and the remaining appendices, particular reference was made to:-

- (a) the savings from re-procurement of contracts. Officers confirmed that the £695,000 savings in 2017/18 related to the Leisure Contract;
- (b) salaries – provision for pay award at 1%. Since indications were that the next pay award would be higher than 1%, a Member was of the view that this budget pressure was unrealistic as currently shown. In response, the Leader advised that this matter was currently subject to national negotiations, but it would continue to be very closely monitored;
- (c) the Sherford project team. A Member queried the ongoing need to retain the £45,000 budget pressure when considering that central government had provided additional funding to support the delivery team. In response, the Section 151 Officer gave a commitment to provide the interested Member with additional information outside of this meeting;
- (d) the Invest to Earn agenda. In the event of having any further ideas to generate additional income or savings, Members were encouraged to provide these to the Group Manager – Business Development as soon as was practically possible. In the event of a number of ideas coming forward, Members recognised that work on these would have to be prioritised accordingly.

It was then:

### **RESOLVED**

That the Panel has considered the Medium Term Financial Strategy 2018/19 Onwards and specifically the contents of the Member Survey on the Budget Options and has made recommendations to the Executive in the detailed minutes (as recorded above).

**O&S.61/17 TASK AND FINISH GROUP UPDATES****(a) Discretionary Grant Funding**

A Member advised that the final recommendations arising from the Task and Finish Group would be incorporated into the draft budget setting proposals for 2018/19.

As part of the review, the Member advised that the Group had recommended a reduction in the annual Council contribution to the South Hams Community and Voluntary Service.

**(b) Performance Measures**

By way of an update, it was noted that the Group was still gathering information in advance of its next meeting on 29 November 2017. In addition, the Group remained on target to produce its final recommendations early in the New Year.

**O&S.62/17 ACTIONS ARISING / DECISIONS LOG**

The contents of the latest version of the Log was presented and officers were specifically asked to follow up the outstanding action relating to an update on the potential impact arising from Universal Credits.

**O&S.63/17 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.58/17 refers), the Set Up of a Local Authority Lottery agenda item would be added to the Programme for consideration at the next Panel meeting on 9 November 2017;
- (b) Following the decision of Council on 28 September 2017, the Panel agreed that the agenda item relating to 'Options for Delivery of Social / Affordable Housing in South Hams' would be added to the Programme for consideration at the Panel meeting on 22 March 2018.

(Meeting started at 10.00 am and concluded at 12.55 pm)

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Chairman

## MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 12 OCTOBER 2017

### MEMBERS

\* Cllr D W May - Chairman

∅ Cllr T R Holway - Vice-Chairman

\* Cllr K Baldry

∅ Cllr R J Foss

\* Cllr J I G Blackler

∅ Cllr P W Hitchins

\* Cllr D Brown

\* Cllr N A Hopwood

\* Cllr B F Cane

\* Cllr K Pringle

\* Cllr P K Cuthbert

\* Cllr R Rowe

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

All Agenda Items: Senior Specialist – Licensing; Licensing Specialist; Deputy Monitoring Officer and Senior Specialist – Democratic Services

Also in attendance:

Cllr S A E Wright

### L.06/17 **APPOINTMENT OF VICE-CHAIRMAN**

In light of the Vice-Chairman having submitted 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.

### L.07/17 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 25 May 2017 and the Licensing Sub-Committee meeting held on 25 May 2017 were both confirmed as a correct record and signed by the Chairman.

### L.08/17 **DECLARATIONS OF INTEREST**

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

For clarity, Cllr D W May did wish for it be noted that, whilst he owned an MOT Testing Centre, he had offered no view or input into the licensing of taxi vehicles.

L.9/17

## **APPROVAL OF POLICY IN RELATION TO THE LICENSING OF TAXI DRIVERS AND VEHICLES**

Consideration was given to a report that sought to recommend to Council approval of the draft Taxi Licensing Policy.

In his introduction, the Chairman highlighted some concerns that he had been made aware of in relation to the proposed Fees and Charges Table. As a consequence, he was of the view that there was a need for greater work to be carried out on the Fees and Charges Table and felt that this should be initially discussed in an informal Committee Workshop. In the ensuing discussion, a number of Members welcomed this suggestion.

In discussion on the draft Policy, reference was made to:-

- (a) the use of fire extinguishers. Whilst the Policy could promote the need for fire extinguishers in licensed hackney carriage and private hire vehicles to help tackle minor incidents, officers advised that it could not be a mandatory requirement, particularly when a number of drivers would not have been trained on how to use them properly;
- (b) the requirement for vehicle licence holders to carry copies of documents including: Driving Licence; Insurance; and V5 Registration Document. The Committee was informed that removal of this requirement had been requested during the consultation exercise. However, it would still remain a requirement to make these documents available for inspection. Nonetheless, a Member expressed his disappointment at the proposal to particularly remove the requirement in relation to carrying a copy of the Driving Licence and Insurance.

It was then:

### **RESOLVED**

1. That the Council be **RECOMMENDED** that the draft Taxi Licensing Policy be adopted for implementation on 1 April 2018; and
2. That the Committee defer a decision on the Fees and Charges Table to a future Committee meeting.

L.10/17      **SUMMARY OF NEW / VARIATION OF PREMISES LICENCES AND CLUB PREMISES CERTIFICATES ISSUED BETWEEN 1 OCTOBER 2016 TO 30 SEPTEMBER 2017**

Members were presented with a paper that provided them with a summary of the licences that had been issued between 1 October 2016 and 30 September 2017.

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

It was then:

**RESOLVED**

That the summary of licences issued between 1 October 2016 and 30 September 2017 be noted.

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

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Chairman



**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY 19 OCTOBER 2017**

<b>Members in attendance:</b>			
<b>* Denotes attendance</b>			
<b>∅ Denotes apologies for absence</b>			
*	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

<b>Also in attendance and participating</b>		
Item 7	E.33/17	Cllrs Birch, Brazil, Pearce and Pennington
Item 8	E.34/17	Cllr Green
Item 9	E.35/17	Cllrs Pearce and Rowe
Item 12	E.38/17	Cllrs Brazil and Pearce
<b>Also in attendance and not participating</b>		
Cllrs Blackler, Bramble, Brown, Hawkins, Hicks, Holway, Saltern and Steer		

<b>Officers in attendance and participating</b>		
All items		Executive Director (Strategy & Commissioning), Executive Director (Service Delivery and Commercial Development) and Specialist – Democratic Services
Item 6	E.32/17	COP Lead Assets, Senior Specialist Assets
Item 7	E.33/17	S151 Officer, CoP Lead Finance
Item 8	E.34/17	Senior Specialist Environmental Health
Item 9	E.35/17	Support Services Specialist Manager
Item 12	E.38/17	Specialist – Housing, CoP Lead Assets

**E.29/17      MINUTES**

The minutes of the Executive meeting held on 14 September 2017 were confirmed as a true and correct record and signed off by the Chairman.

**E.30/17      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.31/17      PUBLIC QUESTION TIME**

It was noted that two public questions had been received as follows:

**From Mr Steve Arblaster:**

**Within the Alternative Concept Option there is still a “potential community facility”.**

One of the key items identified in the independent survey was:  
*A significant area of green space should be included on the quayside, plus dedicated space for creativity (workshops, studios) and community use (eg picnic area, wide promenade, community rooms for youth groups/public gatherings/ concerts/exhibitions). To neglect these in favour of residential buildings will not benefit the current community.*

I argue that this theme is essential to support the key objectives of the master plan. Failure to quantify this now, showing empathy with all those you represent, will adversely affect the chances of improving local support for the project.

Can you assure us all that in parallel with the supply of truly affordable and community housing, that the above, via proper and thorough engagement with the entire community, will be a priority over the controversial 28 residential apartments at the southern end of the quay?

If you are unable to do so, please can you explain how you think that the predicted marginal return on these 28 apartments, and the permanent loss of this public open space, could ever benefit the South Hams, let alone Kingsbridge.

**From Kingsbridge Town Council:**

Given the Quayside report at 4.7 states that “neither scheme is currently viable (...) when considering delivery risks” will Members support the wishes of Kingsbridge Town Council, and 80% of the Kingsbridge community, that the only sensible route forward is to pursue your proposal at 7 for an Exit Strategy?

In acknowledging these questions, the Leader requested that item 6 – Kingsbridge Quayside Masterplan Update, be presented to Members, prior to responding to the questions presented. He felt that the debate would allay some of the concerns raised.

Following the presentation of Item 6 – Kingsbridge Quayside Masterplan, Mr Arblaster felt that his question had not been sufficiently responded to and he sought further detail.

The Leader then stated that the green space area referred to in the question would not go forward as it was part of Area 2 that had now been removed. In terms of the part of the question relating to housing, the Leader confirmed that this would be a community led project and in consultation with the community. It would be important to ensure that there were people to take on the houses built. In addition, development on Area 3 would be in consultation with the Planning department. Mr Arblaster then asked how the people in the houses would be ‘entertained’. Another Member responded that the area set aside as such had now been removed following the consultation exercise.



The Senior Specialist Assets added that officers would be working with Kingsbridge Town Council and there would be an element of managing expectations.

Cllr Chris Povey, Kingsbridge Town Council thanked the Leader for his response and stated that the Town Council would be open to working with officers going forward for the benefit of Kingsbridge.

E.32/17

## **KINGSBRIDGE QUAYSIDE MASTERPLAN UPDATE**

Members were presented with a report that provided a summary of the work that had been undertaken as part of the Kingsbridge Master Plan project and recommended how the master plan should be taken forward.

The Leader introduced the report and began by advising that he wished to propose an alternative recommendation so that only Areas 3 and 4 were included in Stage 2 of the project.

The local Ward Members thanked the Leader for the revised recommendation and felt this was a better outcome and that the people of Kingsbridge and Kingsbridge Town Council had been listened to.

Another Member accepted the revised recommendation but felt that opportunities were being missed.

One Member noted that, following the consultation exercise, the Council did not seem to be engaging with young people and this was an area that should be improved.

The Leader concluded by asking officers to consider how the end of the car park and the slipway could be improved.

It was then:

### **RESOLVED:**

1. That the outcome of the Master Planning exercise be noted;
2. That officers proceed to stage 2, which would seek to improve financial viability through more detailed design work, determine the best project delivery and funding options and secure planning approvals for Areas 3 and 4 only;
3. That Stage 2 be delivered in two phases, referred to herein as Stages 2A and 2B;
4. That the delivery of community housing as identified for Area 4 be prioritised;
5. That the full Stage 2 process be funded, at a cost of £30,000, for Stage 2A and
6. That Council be **RECOMMENDED** to fund approximately £80,000 for Stage 2B, from the Capital Programme Earmarked Reserves.

E.33/17 **MEDIUM TERM FINANCIAL STRATEGY**

Members were presented with a report that set out the Council's Medium Term Financial Position (MTFP) based on a financial forecast over a rolling five year time frame to 2022/23.

The Leader introduced the report. The s151 Officer responded to a number of questions of clarity.

It was then:

**RESOLVED** that:

1. The contents of the Member Survey on the Budget options at presented Appendix E were considered;
2. The views arising from the meeting of the Overview and Scrutiny Panel on 12 October have been considered; and
3. The views of the Executive be reflected in the draft Budget setting proposals report that will be introduced to the Executive at its meeting on 7 December 2017.

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**

Members were presented with a report that asked them to consider the proposed anti-social behaviour policy and recommend to Council its adoption, that the Public Space Protection Orders (PSPOs) were adopted, that the penalty set for a fixed penalty notice be set at £100 and the a budget of £5,000 be made available for the advertisement of the PSPOs.

The Lead Executive Member for Customer First introduced the report, and in doing so advised Members of an updated document and maps relating to the Public Space Protection Order covering the consumption of alcohol.

During discussion on this item, one Member asked how the new Orders would be policed. In response, the Senior Specialist Environmental Health advised that both PCSOs and council officers who had attended the appropriate training would be able to enforce the Orders.

Members then discussed the reducing number of PCSOs, and whilst it was accepted that they would be replaced by police officers, Members were concerned that the number of police officers was smaller and that police officers tended to be diverted to areas of high crime.

A local Ward Member advised that instances of Anti-Social Behaviour had reduced as a result of the installation of CCTV, which enabled the identification of culprits and could be used in court as evidence.

Finally, in response to questions from another Member, the Senior Specialist Environmental Health confirmed that homeless people would not be criminalised by the introduction of the Orders, but anti-social behaviour associated with homelessness would be tackled.

It was then:

### **RESOLVED**

That Council be **RECOMMENDED**:

1. to adopt the Anti-Social Behaviour policy;
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 is made available for the advertisement of the PSPOs.

E.35/17

### **INSURANCE CONTRACT**

Members were presented with a report that set out the position with the Insurance Contract and sought authority for the contract award decision to be taken by the s151 officer in consultation with the Leader and Executive Member for Support Services. The Council had appointed Insurance specialists as consultants to support the procurement process and an invitation to tender would be published in October 2017 with a contract award planned for late November 2017. The next meeting of the Executive was not until December 2017.

The Lead Member for Support Services introduced the report and asked that the presented recommendation (2) be amended to include the Lead Executive Member for Support Services, in line with the detail set out in paragraph 1.3 of the presented report.

It was then:

### **RESOLVED**

1. That the progress of the procurement be noted; and
2. That authority be delegated to the s151 Officer, in consultation with the Leader and the Lead Executive Member for Support Services to award the Insurance contract for a period of 3 years from 1 January 2018 with the option to extend up to 4 further years.

E.36/17      **FORMATION OF A COMMUNITY LOTTERY FOR SOUTH HAMS AND WEST DEVON**

Following the request made at the recent meeting of the Overview and Scrutiny Panel, the Leader advised that this item would be deferred for consideration to the next meeting of the Executive.

E.37/17      **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 1 and 3 of Schedule 12A to the Act is involved.

E.38/17      **REVIEW OF MANAGEMENT ARRANGEMENTS FOR RESIDENTIAL PROPERTY PORTFOLIO**

Members were presented with an exempt report that set out a proposal to reduce the cost of placing homeless households in temporary accommodation.

The Lead Member for Customer First introduced the report. In doing so he asked that the Specialist – Housing and her colleagues be thanked for the work they undertook in relation to tackling homelessness.

It was then:

**RESOLVED**

That Council be **RECOMMENDED**:

1. to reduce the cost of placing homeless households in temporary accommodation as set out in section 5 of the presented report;
2. to delegate authority to the CoP Lead Assets in consultation with the Section 151 Officer and Leader of Council any future disposal of properties if assessed as appropriate and the funding re-invested in more appropriate accommodation; and
3. to proceed with the disposal and sale of properties identified in section 5 of the presented report.

**(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.32/17 (6), E.34/17, E.36/17 AND E.38/17 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 14 DECEMBER 2017, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 30 OCTOBER 2017 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

(Meeting commenced at 10.00 am and concluded at 11.20 am)

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Chairman

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 1 NOVEMBER 2017**

<b>Members in attendance</b> * Denotes attendance			
*	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	*	Cllr R J Vint

**Other Members also in attendance:**

Cllrs Baldry, Bastone and Wright

**Officers in attendance and participating:**

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

**DM.25/17 MINUTES**

The minutes of the meeting of the Committee held on 4 October 2017 were confirmed as a correct record and signed by the Chairman.

**DM.26/17 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 J Brazil declared a personal interest in application number **2224/17/FUL**: The safeguarding and reuse of the Tea House Beacon Hill as one bedroom holiday accommodation – The Tea House, Beacon Hill, Holbeton by virtue of the sister of the registered supporter of this application being a family friend and remained in the meeting and took part in the debate and vote thereon;

Cllr P W Hitchins declared a personal interest in application number **1743/17/FUL**: New dwelling – 1 Old School House Cottage, Bickleigh by virtue of the applicant of this application being a fellow member of the parish council and remained in the meeting and took part in the debate and vote thereon;

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:

- **2826/15/FUL:** Refurbishment and extension of existing hotel including erection of new bedroom wing to form a 44 bedroom, 4\* hotel and part change of use of existing upper floors of existing hotel to create 10 apartments with associated car parking – Tides Reach Hotel, Cliff Road, Salcombe;
- **2224/17/FUL:** The safeguarding and reuse of the Tea House, Beacon Hill as one bedroom holiday accommodation – The Tea House, Beacon Hill, Holbeton; and
- **2027/17/HHO:** Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace – Brook Bakery, Riverside Road West, Newton Ferrers

DM.27/17 **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.28/17 **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:

**2826/15/FUL                      Tides Reach Hotel, Cliff Road, Salcombe**

**Parish: Salcombe**

**Refurbishment and extension of existing hotel including erection of new bedroom wing to form a 44 bedroom, 4\* hotel and part change of use of existing upper floors of existing hotel to create 10 apartments with associated car parking**

Case Officer Update:                      National Trust representation on file but not referred to in the report, deals with concerns raised by AONB Unit and Natural England and draws attention to concerns about viability of the proposal; amendments to conditions not reflected in the report – Condition 6, amend wording relating to the floor level of the spa facilities; Condition 8 wording amended following receipt of a third party drainage strategy; Condition 24 wording amended re phasing plan. He reported a number of representations that had been received after publication of the agenda.

Speakers included:                      Objector – Ms Hannah Virta: Supporter – Mr Nicolas Roche & Mr Dave Jobbins; Salcombe Town Council – Cllr Mark Long; and local Ward Members – Cllrs Pearce and Wright



**Recommendation:** That Development Management Committee delegates the authority to the CoP Lead to approve, subject to the conditions listed below and the prior satisfactory completion of a Section 106 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.

**Committee Decision:** That Development Management Committee delegates the authority to the CoP Lead to approve subject to the conditions listed below and the prior satisfactory completion of a Section 106 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 obligations:**

- A financial contribution of £400,000 disaggregated as:
  - £ 7,074 in education contributions
  - £ 392,926 towards Affordable Housing
- Provision of 5 pay and display parking spaces on site for use by the public within the hotel car park which are available for public use for a fee commensurate with public car parking rates within administrative district of the Council

#### **Conditions:**

1. Time, commencement within 18 months
2. Accord with Plans and Supporting Information
3. Floor Levels
4. Construction Environment Management Plan (including details of all permits, contingency plans and mitigation measures for the control of pollution, biodiversity and manage production of wastes) – submission prior to commencement of works
5. Flood Compensation Area – submission of details prior to commencement of works
6. Spa area restricted to Spa use only
7. Flood resilient construction
8. Permanent surface water drainage strategy submitted prior to commencement

9. Adoption and maintenance arrangements – surface water
10. Design of Lower Terrace & Upper Terrace Wave Defence – details to be submitted prior to commencement of works
11. Landscape and Ecological Management Plan (detail and implementation) - submission prior to commencement of works
12. Landscape scheme incorporating flood mitigation
13. Travel Plan Strategy
14. Construction Management Plan (Highways) – submission prior to commencement of works
15. Specification of external finishing materials of building and hard landscaping (including details of parking surface no dig surfaces)
16. Implementation of Parking/Visibility Splays - prior to use of the hotel/apartments
17. Lighting Scheme ((reflecting requirements for avoiding impact on habitats used by bats)
18. Fume Extraction
19. Noise Levels & Mitigation for All Plant
20. Details External Appearance for Refuse Storage
21. Unsuspected Contamination
22. Control over Piling/Foundation Designs
23. Programme of Archaeological Work
24. Completion of hotel prior to occupation of dwellings
25. Scheme for protection and retention of trees
26. Adherence to mitigation measures detailed within section 4 of the EclA.
27. Confirmation of granting of licence prior to commencement
28. Privacy screen condition

**2224/17/FUL                    The Tea House, Beacon Hill, Holbeton**

**Parish: Newton and Noss**

**The safeguarding and reuse of the Tea House Beacon Hill as one bedroom holiday accommodation**

Case Officer Update:            The history of the site was apparently that it was constructed around 1750 as a pleasure house. A revised plan submitted by the applicant to indicate the elevations outside of the ruin was shown. It had been done in 3D, but showed a metal box with glazing in the centre of the 4 elevations, with a wider opening towards the south (the sea).

Speakers included:                Objector – Ms Sandi Marshall: Supporter – Mr Geoff Sayers: local Ward Member – Cllr Baldry

**Recommendation:**                Refusal

**Committee Decision:**              Refusal

**2027/17/HHO                    Brook Bakery, Riverside Road West, Newton Ferrers**

**Parish: Newton and Noss****Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace**

Case Officer Update: None

Speakers included: Supporter – Mr Chris Hotham: Parish Council representative – Cllr Alison Ansell: local Ward Member – Cllr Baldry

**Recommendation:** Conditional Approval**Committee Decision:** Deferral

During discussion, a number of Members raised concerns over the method of construction, and asked that a Construction Management Plan be included as an additional condition. Whilst Members were broadly supportive of the application, there were concerns regarding the visual impact on the streetscene of the proposed door to the boat store. Members also requested that a record be taken of the internal elements of the property that related to the previous use as a bakery, as it was felt that they would be of historical interest. Members concluded the discussion by **PROPOSING** that the application be deferred, and re-presented to a later meeting of the DM Committee with details of the proposed door and window in the front elevation and confirmation that a Construction Management Plan would be provided. This proposal was **SECONDED** and on being put to the vote declared **CARRIED**.

**1743/17/FUL 1 Old School House Cottage, Bickleigh****Parish: Bickleigh****New dwelling**

Case Officer Update: None

Speakers included: Supporter – Mr Frank Turner: local Ward Member – Cllr Hitchins

**Recommendation:** Refusal**Committee Decision:** Refusal

During discussion, some Members felt that the proposal was in a sustainable location, and that the proposal was organic development that should be allowed in a village location. Other Members accepted that the proposal was outside current policy and agreed with the recommendation of refusal.

It was initially **PROPOSED, SECONDED** and on being put to the vote declared **LOST** that the application be conditionally approved. A further vote resulted in the decision of refusal.

DM.29/17 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management presented further detail on specific cases. Following this, he discussed with Members the merit of imposing a condition on approvals for new agricultural buildings to required their removal if no longer used for agriculture. The purpose of the condition would prevent the proliferation of buildings in the countryside and is similar to the provisions within permitted development for agriculture. Members supported this as a way forward.

DM.30/17 **PERFORMANCE INDICATORS**

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

It was then:

**RESOLVED**

That the latest set of performance indicators be noted.

(Meeting commenced at 2.00 pm and concluded at 6.10 pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 1 November 2017

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
2826/15/FUL	Tides Reach Hotel, Cliff Road, Salcombe	Conditional Approval	Cllrs Steer, Foss, Vint, Pearce, Cuthbert, Holway, Bramble, Brown, Hitchins, Rowe (10)	Cllr Hodgson (1)	Cllr Brazil (1)	
2224/17/FUL	The Tea House, Beacon Hill, Holbeton	Refusal	Cllrs Steer, Foss, Vint, Hodgson, Pearce, Cuthbert, Bramble, Brown, Rowe, Hitchins, Brazil (11)	Cllr Holway (1)	(0)	
2027/17/HHO	Brook Bakery, Riverside Road West, Newton Ferrers	Deferral	Cllrs Brown, Foss, Holway, Vint, Pearce, Hodgson, Brazil, Hitchins (8)	Cllrs Steer, Bramble, Cuthbert, Rowe (4)	(0)	
1743/17/FUL	1 Old School House Cottage, Bickleigh	Conditional Approval				Cllrs Brown, Vint (2)
1743/17/FUL	1 Old School House Cottage, Bickleigh	Refusal				Cllrs Brown, Vint (2)

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**MINUTES OF THE MEETING OF  
THE SALCOMBE HARBOUR BOARD  
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY, 6 NOVEMBER 2017**

<b>Members in attendance</b>			
<b>* Denotes attendance</b>		<b>∅ Denotes apology for absence</b>	
*	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
*	Cllr R F Gilbert	*	Mr M Taylor

<b>Item No</b>	<b>Minute Ref No below refers</b>	<b>Officers in attendance and participating</b>
All agenda items		Executive Director: Service Delivery and Commercial Development; Group Manager – Commercial Services; Salcombe Harbour Master; Deputy S151 Officer; and Specialist - Democratic Services
	SH.25/17	CoP Lead Assets

**SH.21/17 MINUTES**

The minutes of the meeting of the Salcombe Harbour Board held on 25 September 2017 were confirmed as a correct record and signed by the Chairman, subject to the clarification under Minute SH.13/17 that the balloons referred to being thrown into the estuary were being thrown from the shore.

**SH.22/17 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 Mackley, Mr Marriage, Mr Taylor 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).

**SH.23/17 PUBLIC QUESTION TIME**

There were no public questions at this meeting.

## SH.24/17 **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 Conservation Forum (SKECF)**

The representative advised that at the most recent meeting there were a number of topics of discussion including:

- Pacific oysters being an environmental issue. Natural England would undertake a monitoring survey this winter
- A survey would be undertaken on the environmental impact of red tides
- Natural England and the Environment Agency would be surveying and mapping seagrass beds
- Much of the waste that comes onto the beaches had been identified as coming from continental fisheries
- There had been a discussion at the meeting on speeding and overloading

### **South Devon & Channel Shellfishermen**

The representative circulated a copy of the notes from the Fish Quay Strategy Meeting held on 11 October. The meeting had been well received and all agreed that liaison with Councillors on the Board was important. The next operational meeting was scheduled for the following week and officers would be welcome to attend. The Chairman thanked the representative for organising the Strategy Meeting and Cllr Pearce for attending. It was suggested that a Strategy Meeting be held again October 2018.

The Executive Lead for Commercial Services who was in attendance at this meeting, confirmed that as part of his Devon County Councillor role, he had been appointed to the Devon & Severn Inshore Fisheries and Conservation Authority.

### **Kingsbridge and Salcombe Marine Business Forum**

The representative advised that there were no issues to report to this meeting.

### **Kingsbridge Estuary Boat Club (KEBC)**

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

### **East Portlemouth**

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



**SH.25/17 PRESENTATION ON PLANS FOR A NEW HARBOUR OFFICE AND SHOWERS**

The Board received a montage on the proposed new Harbour Office and Showers, and the CoP Lead Assets updated Members on the project to date. He advised that the intention was to produce a building that was fit for purpose for the largest number of people and the challenge would be to work out the division of space within the building between all parties to include the Harbour Office, Tourist Information, Police desk, public toilets and visiting yachtsmen facilities.

Members shared their views on the proposed building and generally were receptive to the opportunity to create something new, as long as the harbour facilities were not compromised. The Chairman concluded the item by reminding the Board that Whitestrand was a sensitive location and discussion with the town council would be critical.

**SH.26/17 REVENUE BUDGET MONITORING REPORT 2017/2018**

Members were presented with a report that updated Members on income and expenditure variations against the approved budget and forecasted the year end position.

The Deputy s151 Officer presented the report and responded to questions. Members were generally pleased with the forecast underspend but accepted that this figure was a projection.

It was then:

**RECOMMENDED**

That the forecast income and expenditure variations for the 2017/18 financial year and the overall projected underspend of £16,100 be noted.

**SH.27/17 Q2 PERFORMANCE INDICATORS**

A report was considered that summarised Salcombe Harbour's Performance Indicators (PIs) for the period 1 July to 30 September, 2017.

In discussion, reference was made to:-

- Water quality being judged on a three year rolling assessment. A Blue Flag application could be made again in 2020. Members also noted the good working relationship with South West Water Authority
- The number of speeding offences and whether culprits could be 'named and shamed'. The Harbour Master confirmed that he would repeat the practice of having dedicated speeding patrols next year
- The difficulties experienced by customers trying to get through to the Harbour Office. The Executive Director suggested that the matter be discussed with the Customer Contact Centre Manager to see what measures could be implemented to improve customer service.

It was then:

**RESOLVED**

1. That the latest Performance Indicators be noted.

SH.28/17 **SAFETY AND ENVIRONMENTAL UPDATE**

The Harbour Master presented a report that updated on a number of safety and environmental initiatives.

In discussion, the following points were raised:-

- The Harbour Master would be reviewing the position of Designated Person
- Members had a detailed discussion on the proposed Harbour Direction mandating the wearing of lifejackets. Some Members fully supported the proposal, others understood that a Harbour Direction only applied to vessels and would not necessarily capture all those who could benefit. To conclude, it was agreed that the proposal be consulted on as best practice to judge the strength of feeling, and that a Harbour Direction could follow, and if the Harbour Direction failed then a Byelaw was a potential way forward.

It was then:

**RESOLVED**

That a Harbour Direction mandating the wearing of lifejackets in Salcombe Harbour be pursued, subject to consultation.

SH.29/17 **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 addition to the matters set out in the presented report, the Harbour Master gave an update on the position with the Egremont. A Member expressed disappointment that materials had not been removed from the pontoon.

The Harbour Master also advised Members of a proposal received in relation to a 'floating cottage'. Members discussed this but there was no enthusiasm to take this proposal further.

It was then:

**RESOLVED**

That the report be noted.

SH.30/17 **UPDATE FROM THE BOARD WORKSHOP HELD 6 NOVEMBER 2017**

The Chairman confirmed that following the workshop held earlier that day, a review of harbour staff salaries using the Council's Job Evaluation framework would take place; this would include benchmarking across the Local Authority and with other Municipal Ports as well as reviewing mechanisms for staff development and staff progression to a higher level. The results of the review would be presented to an Extraordinary meeting of the Salcombe Harbour Board, scheduled to take place on January 8, 2018 at Quay House, Kingsbridge. The Chairman also advised that a workshop to assess fees and charges would be scheduled for the morning of 26 February, 2018.

(Meeting commenced at 2.00 pm and concluded at 4.10 pm)

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Chairman

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**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 9 NOVEMBER 2017**

<b>Panel Members in attendance:</b>			
* 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		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, P K Cuthbert, R D Gilbert, T R Holway, N A Hopwood, J A Pearce, R Rowe, 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; Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services
7(i)	O&S.67/17(i)	Group Manager – Business Development and Corporate Commercial Strategy Manager (Aylesbury Vale District Council)
7(ii)	O&S.67/17(ii)	IT Community Of Practice Lead
8	O&S.68/17	Senior Community Safety Officer, South Devon and Dartmoor Community Safety Partnership; Inspector Chris Tapley and Community Safety and Safeguarding Specialist
9	O&S.69/17	Community Of Practice Lead – Housing, Revenues and Benefits and Housing Specialist
10	O&S.70/17	Housing Specialist
12	O&S.72/17	Support Services Specialist Manager
13	O&S.73/17	Specialist – Performance and Intelligence

**O&S.64/17 MINUTES**

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

**O&S.65/17 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. These were recorded as follows:-

Cllr M F Saltern declared a Personal Interest in Item 8: 'Community Safety Partnership' (Minute O&S.68/17 below refers) by virtue of being an advisor to the Police and Crime Commissioner and left the meeting during consideration of this agenda item.

## O&S.66/17 **PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, two issues were received for consideration as follows:-

### **1. From Cllr John Birch**

#### **Ref. Section 106 Case Manager**

*'In welcoming the appointment of Julie Rowdon as the S106 Case Manager, it is noted that in the recent Bulletin sent to Members it is stated that 'her current priorities are to bring all records up to date, monitor finances ensuring that deadlines are met and to streamline S106 processes.'*

*I am concerned that the extent of the officer's duties may not be sufficient in that they may not extend to the monitoring of the imposition of non-financial obligations on developers arising out of completed S106 Agreements and other completed planning agreements such as unilateral undertakings and management plans submitted in order to satisfy a planning condition.*

*I have recently come across three examples on major developments in Totnes where it appears the Council has not sought to impose non-financial obligations on the developer.*

*Can Members be sent a copy of the Section 106 Case Manager's detailed Job Description and an assurance that she will have sufficient resources to undertake the monitoring of the imposition of non-financial obligations in respect of completed S106 Agreements and other completed planning agreements as mentioned above?'*

In response, the Head of Paid Service stated that, whilst largely an operational matter, he would speak to Cllr Birch outside of this meeting with regard to the Job Description for this role. However, the Head of Paid Service did assure those in attendance that he was satisfied that the content of the Job Description was appropriate for this role.

Whilst noting the concerns in the question relating to planning conditions, Cllr Birch was informed that these would not be part of the postholder's roles and responsibilities, with the focus instead being on ensuring development compliance with each S106 Agreement.

In reply to a supplementary question related to whether or not the allocated resource would be sufficient to meet the associated work demands, it was agreed that officers would discuss this matter with Cllr Birch outside of this meeting.

## 2. Follaton House Car Parking

*'Barriers have recently erected in parts of the car park without reference to or in consultation with local Members. Upon the barriers becoming operational members of the public will suffer a loss of 35 car parking spaces in an area of limited parking.'*

*'Why has this restrictive car parking scheme been implemented without reference to or in consultation with local Members? Can the new scheme be put on hold until such reference and consultation has taken place?'*

In reply, the Head of Paid Service stated that, in line with the Council's delegated authority arrangements, the Community Of Practice Lead for Assets had taken the decision to erect these barriers. This decision had been taken in response to recent difficulties being experienced from the car park being used as a facility for second vehicles (often camper vans) to be stored for a significant period of time.

Whilst grateful for this response, Cllr Birch did nonetheless wish to put on record his disappointment that the local ward Members had not been consulted on this decision.

## O&S.67/17 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan. In accordance with Procedure Rules, a request had been made for the Panel to formally consider the following agenda items:

### (i) **Formation of a Community Lottery for South Hams and West Devon**

The Panel considered a report that set out the proposal to implement a joint local community lottery scheme to benefit the residents of South Hams and West Devon.

In discussion, the following points were raised:-

- (a) For clarity, the Leader of Council had confirmed that, whilst most joint working with West Devon Borough Council had discontinued until further notice, the proposal to form a Community Lottery Scheme would not be affected. Whilst the proposals included provision to share the set-up costs, it was recognised that the lottery schemes themselves would be wholly separate;

- (b) Without wishing to be presumptuous, it was noted that discussions had yet to take place with the Voluntary Sector to ascertain the extent of potential interest in the scheme. As a potential indicator, it was noted that Torbay Council had implemented a similar scheme earlier this year, which was predicted to generate £42,000 for good causes and, to date, had seen over 100 groups sign up;
- (c) The Panel acknowledged that any decisions relating to existing Partnership funding contributions would be a matter for the Council to determine during the draft Budget setting process;
- (d) A Member expressed his concerns at the close linkages between this process and gambling and did not feel that the Council's reputation would be enhanced through the implementation of such a scheme. To counter this view, it was recognised that the presented agenda report did outline a number of mitigating measures to combat any potential for problem gambling;
- (e) It was noted that the overall intention of the scheme was to help local good causes that may be struggling for income to survive;
- (f) Before the views of the Panel were considered by the Executive, it was agreed that officers would circulate to Members a list of useful websites that were of relevance to the proposal;
- (g) Some of the experiences from Aylesbury Vale District Council (AVDC) were shared with the Panel and it was acknowledged that the scheme at that authority was working successfully. Furthermore, the representative from AVDC stressed that it was in the interests of the good causes to promote the scheme and players had the ability to specifically choose which causes their monies supported;
- (h) In highlighting the view that the country was suffering from 'lottery fatigue', a Member queried the projected ticket sales and whether or not this figure was realistic. In reply, it was confirmed that the figures were based upon up to 3% of the potential player population (those who were aged over 16 years old) in the South Hams and West Devon purchasing a ticket;
- (i) Officers informed that the actual set up costs of the scheme would equate to £13,000 (to be shared equally between the Council and West Devon Borough Council).

It was then:



**RECOMMENDED**

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

1. 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. Gatherwell Ltd be appointed as an External Lottery Manager and Aylesbury Vale District Council be appointed to assist with project implementation (subject to a successful Contract Exemption application);
3. authority be delegated to the Head of Paid Service to nominate two responsible officers to hold the Council's lottery licence and submit the necessary application to the Gambling Commission; and
4. authority be delegated to the Group Manager (Business Development), in consultation with the lead Executive Member, 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.

**(ii) IT Procurement Options – Verbal Update**

Officers advised that the current IT contract with Civica was approaching its conclusion and, in line with technological advancements, it was now necessary to consider all possible alternatives for a future IT solution.

In debate, it was felt that the lessons that had been learned from the current IT contract were particularly important. The previous lack of Member involvement had already been identified as one lesson that had been learned and assurances were given that the upcoming procurement exercise would address this previous shortcoming.

In conclusion, the Panel asked that it be given the opportunity to consider, in the future, a report that outlined the lessons that had been learned from the current contractual arrangements.

**O&S.68/17 COMMUNITY SAFETY PARTNERSHIP**

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

The Vice-Chairman introduced and welcomed the Partnership representatives to the meeting and invited them to introduce their published report. In so doing, the representatives reminded those present that it was a statutory responsibility for local authorities to scrutinise their local CSPs on an annual basis and they proceeded to highlight a number of the key achievements that had been referred to in the agenda report.

In the ensuing discussion, reference was made to:

- (a) support for the work of the CSP. A number of Members were of the view that the CSP provided excellent value for money. Whilst thanking the Members for these comments, the representatives highlighted that future funding for the CSP was uncertain. A Member also requested that he receive a cost breakdown of the CSP (including officer support costs).

In adding his support to the value of the CSP, Inspector Tapley was of the view that the Police would be particularly vulnerable without the support it received from this Partnership;

- (b) the recent letter from the CSP to the Police and Crime Commissioner. Some Members commended the contents of the letter on the Neighbourhood Policing Review (dated 9 October 2017) and it was suggested that the Council should add its support by way of a notice of motion being submitted to the next Council meeting on 14 December 2017. Furthermore, it was also felt that Members should encourage their local town and parish councils to add their support to this letter;
- (c) local concerns in Dartmouth relating to a perceived increase in incidents of Anti-Social Behaviour. A local Ward Member raised some very specific concerns to Dartmouth and it was agreed that he would follow these up with Inspector Tapley outside of this meeting;
- (d) the value of Police Community Support Officers (PCSOs). A number of Members lamented the reduction in numbers of PCSOs in the area and highlighted the value of the role, particularly in rural areas;
- (e) the amount of work undertaken by the CSP. At the suggestion of the Council's appointed representative, it was agreed that a future Informal Council session on the CSP should be arranged. The Panel felt that the main purpose of this session would be to increase all Member knowledge and understanding of the CSP, the statutory functions that it upheld and the relevant responsibilities of the District Council;
- (f) youth gangs. The increase in youth gang culture in the South Hams was recognised as a real challenge to the CSP. The Panel noted that the CSP was keen to work with all local youth groups in the South Hams in an attempt to reverse this trend;
- (g) the contact details of the representatives. In reply to a request, it was agreed that the contact details of each of the representatives in attendance would be circulated to all Members.

In concluding the agenda item, the Vice-Chairman thanked the representatives for their attendance.

It was then:

### **RESOLVED**

That the contents of the report be supported and the comments expressed in the recorded minutes (above) be taken forward.

#### **O&S.69/17 DEVON HOME CHOICE ANNUAL REVIEW AND SOUTH HAMS ALLOCATION POLICY REVIEW**

The Panel considered a report that presented a review of Devon Home Choice and that recommended that the Council remained a Devon Home Choice partner.

In discussion, the following points were raised:-

- (a) With regard to the vast decrease in numbers on the Housing Register, officers advised that this was attributed to a detailed review having been undertaken on the list and the problems with the old software having now been rectified. Whilst ongoing spot checking would continue, officers confirmed that they were satisfied that the current Register was now an accurate reflection of the current housing situation in the South Hams.

Officers also confirmed that there remained a significant demonstrable need for 'intermediate' housing (e.g. provision for housing for first time buyers) in the South Hams;

- (b) Whilst there was felt to be validity in some of the concerns related to Devon Home Choice (e.g. the publicity around advertising secondary lets), the majority of Members were of the view that the present arrangements were broadly working well. Some Members also cited their experiences that town and parish council complaints and perceptions regarding the suitability of those being allocated local housing proved, when investigated, to be groundless.

Once approved by the Executive, it was also requested that all town and parish councils in the South Hams be sent a copy of the adopted South Hams Allocation Policy.

- (c) Members wished to put on record their support for the proposal to continue with the practice of registering those applicants in Band E with no housing need for the purpose of Devon Home Choice. Continuation of this practice was considered by Members to be particularly invaluable in the smaller rural villages;

- (d) In response to a request, officers committed to providing an update on the Sovereign / Spectrum Housing arrangements. Furthermore, officers also agreed to provide the contact details for a local representative from Spectrum Housing;
- (e) The Chairman highlighted the Tenants Incentive Scheme and requested that officers provide Members with details relating to:
- How many people the Scheme had dealt with;
  - How much had been spent; and
  - How much remained in the budget.

In the event of any monies remaining unspent, the Chairman emphasised the importance of Members raising awareness of this fact amongst their constituents.

It was then:

**RECOMMENDED**

That the Executive be **RECOMMENDED**:

1. That the Council continue as a partner of Devon Home Choice;
2. To continue the registering of applicants in Band E (no housing need) for the purpose of Devon Home Choice; and
3. To accept the minor changes of updated wording to the South Hams Allocation Policy.

**O&S.70/17 VILLAGE HOUSING INITIATIVE REVIEW**

The Panel considered a report that sought to recommend to the Executive that the Village Housing Initiative (VHI) continued to be utilised in the South Hams.

In discussion, reference was made to:-

- (a) the time taken for VHIs to be completed. In highlighting the Newton Ferrers Scheme as an example that took eight years from start to finish, Members expressed their concerns at the length of time it took for VHIs to be completed. In expressing these concerns, the Panel also made the point that VHIs were wholly reliant upon willing landowners coming forward and finding suitable sites was also proving to be an issue;

- (b) the future. Officers informed that they still recognised the merits of VHIs and would like to see reference to the promotion of these include in the Joint Local Plan. It was however recognised that the larger Registered Housing Providers were more enthused by Section 106 sites, so it may be necessary for officers to work with smaller Providers to ensure the future delivery of VHIs;
- (c) the VHI principle. Several Members expressed their views that they remained very supportive of the VHI principle;
- (d) the additional safeguards put in place by a Registered Provider in the event of a small scale developer going into liquidation. In reply to a request, officers agreed to forward to interested Members details relating to those safeguards that had been put in place.

It was then:

### **RECOMMENDED**

That the Executive be **RECOMMENDED** to:

1. continue promoting and utilising the Village Housing Initiative model and to include this model of delivery within the Supplementary Planning Document (SPD) once the Joint Local Plan is adopted; and
2. agree to the inclusion of Band E following the cascade for Village Housing Initiative schemes (as set out in the presented agenda report).

## **O&S.71/17 JOINT LOCAL PLAN PROGRESS: VERBAL UPDATE**

By way of an update into the progress of the Joint Local Plan (JLP), the Panel Member, who was one of the Council's Member representatives on the JLP Joint Steering Group, advised that:-

- the JLP had been formally submitted to the Inspector on 31 July 2017. The Council had subsequently received some initial comments and the content of these had been deemed to be positive;
- the appointed Inspector had similarly been the Inspector who had dealt with the North Devon Local Plan;
- the whole process was now being driven by a Programme Officer;
- the Strategic Housing Land Availability Assessment (SHLAA) had been taking up a considerable amount of officer time;
- the Department of Communities and Local Government had published a consultation document recently proposing a new way of calculating need. The Member confirmed that clarification had now been received whereby those Plans that had already been submitted to the Inspector would be progressed in accordance with the existing system.

In the subsequent debate, reference was made to:-

- (a) the outline programme for the Examination Hearings. Current indications were that the Hearings would run for a four week period spread from the end of January 2018 until the end of March 2018. It was hoped that more definitive timescales would be apparent following the next meeting of the Joint Steering Group on Monday, 13 November 2017;
- (b) the procedure for being able to make representations during the Hearings. It was confirmed that the Hearings were effectively public meetings at which any interested parties could attend. With regard to the public being able to participate during the Hearings, it was noted that any individual who had commented on the JLP during the consultation process had been contacted by the Programme Officer inviting them to take part at these Hearings. In the event of those individuals not confirming with the Officer their wish to take part, then they were unlikely to be invited to address the Hearings.

#### O&S.72/17 **GENERAL DATA PROTECTION REGULATION – READINESS UPDATE**

The Panel considered a report that outlined the changes that the Council would need to implement in order to achieve compliance with the General Data Protection Regulation by 25 May 2018.

By way of an update to the published agenda report, officers informed that the Information Commissioners Office (ICO) had been in recent contact regarding the need for all Members to be registered as 'Data Controllers'. This requirement was necessary in light of part of the role of being a Member resulting in the likelihood of information being collected that related to local constituents. The cost to the Council of implementing a blanket scheme for all Members was approximately £1,000 and the Panel was supportive of this proposal.

The Panel recognised the potential ramifications arising from these Regulations and requested that a related Member Training and Awareness session be held in the New Year.

Specifically regarding the two Data Protection complaints that had been referred to the ICO for investigation, officers committed to providing Members with details outlining how this compared to both previous years and the numbers referred from other similar sized local authorities.

It was then:

**RESOLVED**

That the Panel support:

1. the approach to General Data Protection Regulation readiness ahead of its implementation in May 2018;
2. the proposal to implement a blanket scheme covering all Members to be registered as 'Data Controllers'; and
3. the request to arrange a Member Training and Awareness session on the General Data Protection Regulation in the New Year.

O&S.73/17 **QUARTER 2 2017/18 PERFORMANCE REPORT**

The Panel considered the Quarter 2 performance report for 2017/18. In conclusion, the report highlighted that the performance measures for this Quarter had been generally good.

In the ensuing discussion, reference was made to:-

- (a) the % of benefits change of circumstances completed online. Officers advised that this was a new performance measure and the target (25%) was considered to be particularly stretching;
- (b) planning enforcement performance. The Panel noted that the newly appointed Enforcement Specialist was due to start his role in the upcoming weeks. One of the first objectives for the postholder was to convene a series of meetings with all Members to discuss enforcement cases within their local Ward;
- (c) performance related to missed bin collections. A local Member highlighted some of the problems (and subsequent complaints) that he had been made aware of in the Totnes area and he felt it was difficult to justify the action response outlined within the presented agenda report. In reply, the Head of Paid Service advised that there had been some staffing issues within the service that had now led to a review of rounds equalisation. Furthermore, this review had already recognised that the extent of recent development in the area had resulted in some round collection areas now being too large to be completed on time;
- (d) recycling service performance. A Member highlighted the promotional board in the Follaton House car park that referred to some misleading information relating to recycling service performance and consequently requested that the accuracy of the information outlined on this board be revisited;
- (e) Member access to performance measures on their iPads. Officers gave a commitment that, within the next month, a link would be available on the front page of each Member iPad that enabled Members to directly access the Council's performance measures.

It was then:

### **RESOLVED**

That Members note the performance levels against target communicated in the Balanced Scorecard and the performance figures supplied in the Background and the Exception report.

#### **O&S.74/17 TASK AND FINISH GROUP UPDATES**

##### **(a) Performance Measures**

Following the recent directive issued by the Leader of Council, the Panel agreed that work on this Review should be suspended until further notice.

#### **O&S.75/17 ACTIONS ARISING / DECISIONS LOG**

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

In so doing, the following points were raised:-

- (a) Officers confirmed that a Member Briefing session on Universal Credits would be added to the Member Meeting Calendar during December 2017;
- (b) With regard to the Council's current partnership arrangements, assurances were given that lead officers were currently in discussion with these organisations.

#### **O&S.76/17 ANNUAL WORK PROGRAMME 2017/18**

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

- (a) The Panel requested that an additional meeting be scheduled for the afternoon of Thursday, 18 January 2018. In so doing, it was agreed that the substantive agenda items for this meeting would be:
  - Update on Community Housing Scheme;
  - Sherford Delivery Team; and
  - Local Enforcement Plan.
- (b) It was agreed that the 'South Hams CVS Annual Update' should be removed from the Work Programme for the Panel meeting on 8 February 2018. In light of this removal, the Panel requested that a 'Universal Credits Update and Direction of Travel' agenda item take its place on the Work Programme for this meeting;



- (c) Regarding the IT / Civica lessons learned proposal (Minute O&S.67/17(ii) above refers), it was agreed that the Chairman would liaise with lead officers to agree a suitable meeting date for this matter to be presented for consideration by the Panel.

(Meeting started at 10.00 am and concluded at 1.10 pm)

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Chairman

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