

# SOUTH HAMS COUNCIL



**Minutes** of a meeting of the **South Hams Council** held on  
**Thursday, 17th May, 2018 at 2.00 pm** at the **Council  
Chamber - Follaton House**

Present: **Councillors:**

**Chairman** Cllr Cuthbert  
**Vice Chairman** Cllr Hicks

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

**In attendance:**

Officers:  
Head of Paid Service  
Deputy Monitoring Officer  
CoP Lead – Place & Strategy

1. **Election of the Chairman of the Council**  
01/18

**RESOLVED**

That Cllr T R Holway be elected Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2019.

Cllr Holway subsequently declared and signed his acceptance of office.

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

02/18

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

In his address, Cllr Holway also made specific reference to:-

- looking forward to his year of office and working closely with his Vice-Chairman;
- his pride to represent the Council at civic events. In addition, it was his intention to attend as many town and parish council meetings as was practically possible;
- his wish to thank his wife for her support;
- his hope that the Council could become a 'Dementia Friendly Council' during this year;
- his chosen charity for the year being the Erme Valley Riding for the Disabled Group.

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

03/18

**RESOLVED**

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

4. **Response by the Retiring Chairman**

04/18

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

- her gratitude for the support she received from the wider membership during her year of office;
- it being an honour and a privilege to have represented the Council at so many events;
- how much she and her husband had enjoyed the last year;
- how professionally organised each of the events that she had attended had been. On reflection and, in citing some examples, she had enjoyed attending the more informal events than the very ceremonial engagements;
- her wish to thank officers for their support. In addition, Cllr Cuthbert also wished to thank those individuals and organisations who had sponsored and donated to her Charity Golf Day. In total, Members were informed that Cllr Cuthbert had raised £3,752.02 for her chosen charity: Epilepsy Action; and

- her hope that Cllr Holway and his wife would have an equally memorable year.

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

05/18

**RESOLVED**

That Cllr R Rowe be appointed Vice Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2019.

Cllr Rowe subsequently declared and signed her acceptance of office.

6. **Minutes**

06/18

The minutes of the meeting of Council held on 22 February 2018 and the special meeting held on 29 March 2018 were both confirmed as a correct record and signed by the Chairman.

7. **Representation on Political Groups**

07/18

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

It was then:

**RESOLVED**

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

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

08/18

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

It was then:

**RESOLVED**

That, for the 2018/19 Municipal Year, Members be appointed to the Bodies of the Council as set out in Appendix A to these minutes.

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

09/18

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

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

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

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

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

It was then:

**RESOLVED**

That the Chairmen and Vice Chairmen of the Bodies of the Council for the 2018 / 2019 Municipal Year be as indicated below:-

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

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

10/18

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

Two nominations (Cllrs E D Huntley and J A Pearce) had been received for the position on the Avon Estuary Forum.

When put to the vote, it was declared **CARRIED** that Cllr J A Pearce be appointed to the position on the Avon Estuary Forum.

Three nominations (Cllrs J Birch, J T Pennington and P C Smerdon) had been received for the two positions on the Devon County/South Hams Highways and Traffic Orders Committee.

In line with the Council Constitution, it was necessary for these two vacancies to be filled by virtue of a ballot. Upon completion of the ballot, it was subsequently declared **CARRIED** that Cllrs J T Pennington and P C Smerdon be appointed to serve on the South Devon AONB Partnership Committee.

In the ensuing debate, reference was made to the importance of appointed Members providing feedback on each meeting they had attended. To reinforce this point, an addition was **PROPOSED** and **SECONDED** to part 3 of the recommendation as follows:-

'That Members appointed to Outside Bodies provide a written report following each meeting; regular feedback and consultation on the issues affecting the Bodies concerned.'

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

It was then:

#### **RESOLVED**

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

#### 11. **Appointment of Other Groups**

11/18

Members proceeded to consider the appointment for the 2018/2019 Municipal Year of the:-

- (a) Council Tax Setting Panel;
- (b) Devon Building Control Partnership;
- (c) Discretionary (Majors) Business Rate Relief Decision Panel;
- (d) Investments Member Working Group;

- (e) Joint SH/WD/Plymouth Local Plan Steering Group;
- (f) Political Structures Working Group;
- (g) Public Spaces Working Group;
- (h) Rate Relief Panel;
- (i) Slapton Line Steering Group; and
- (j) Waste and Recycling Working Group.

Council then considered the appointments to the above bodies.

It was then:

**RESOLVED**

That the appointment of the Other Groups of the Council for the 2018/2019 Municipal Year be approved, as shown in Appendix C to these minutes.

**12. Declarations of Interest**

12/18

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

Cllr P W Hitchins declared a Disclosable Pecuniary Interest in Item 18: 'Joint Local Plan Main Modifications Consultation' (Minute 15/18 below refers) and left the meeting during the debate and vote on this item.

Cllr R F D Gilbert declared a Disclosable Pecuniary Interest in Item 24(e): 'Reports of Bodies and specifically Minute E.85/17: 'Procurement of Pay on Entry Equipment for Public Toilets/Disposal of Toilets' (Minute 21/18(a) below refers) in light of the Ferry Steps at East Portlemouth becoming the subject of debate. At the appropriate time, he left the meeting during the debate on this matter.

**13. Chairman's Announcements**

13/18

In accordance with this agenda item, the Chairman advised that he did not have any further announcements to make.

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

14/18

The Chairman advised that he had no items of urgent business for consideration at this meeting.

**15. Joint Local Plan Main Modifications Consultation**

15/18

The Council considered a report that requested that delegated authority be granted to the Head of Paid Service, in consultation with the Leader of the Council and the Joint Local Plan (JLP) Joint Steering Group (JSG) Members, to authorise the final version of the JLP for consultation.

In discussion, reference was made to:-

- (a) an amendment was **PROPOSED** and **SECONDED** to read as follows:

*'That a Special Full Council meeting be convened following receipt of the Inspectors' Interim Report to consider its content and recommendations and to determine the necessary steps to be taken prior to the final version of the JLP going out for public consultation. Prior to such a Special Full Council meeting, officers are to meet with Members in order to identify those proposed modifications that are non-contentious and those that require further consideration and debate.'*

In introducing his amendment, the proposer made the following points:-

- It was his view that the overwhelming majority of Members would be bypassed in the event of the agenda report recommendation being approved;
- The impression had been given at a recent Member Briefing that a Special Council meeting would be convened for this specific purpose. As a consequence, the proposer had relayed this information to his local town council and could see no explanation in the published report for this recommended change of approach;
- The proposed amendment would ensure that the process was democratic. Moreover, whilst a similar way forward was being proposed for West Devon Borough Council, there was no reference to such an agenda report on the published Plymouth City Council Annual Council summons.

During the consequent debate, some Members did not support the amendment and reference was made to:

- o the views of the Member representatives on the Joint Steering Group. The representatives outlined and clarified the process and stressed that they would not have supported the report recommendation if they did not consider the risk to be minimal;
- o the involvement of local Ward Member(s). Whilst considered to be unlikely, it was noted that any significant changes deemed necessary to the JLP (that had not already been considered by all Members) would lead to those significantly affected Ward Members being consulted with prior to a revised version being signed-off;
- o an additional Special Council being effectively a non-event that could slow up the process;
- o this meeting in fact presenting an opportunity to discuss the main modifications.

Whilst the points about the risk being minimal and the process being slowed up were disputed, when put to the vote, the amendment was declared **LOST**;

(b) the importance of making representations to lead officers and Members of the JSG. In the event of the recommendation being approved, Members were urged to put any comments and/or concerns that they had in writing to the lead officers and JSG Members. Nonetheless, Members did also make a number of comments during the debate that included:-

- the suggested deletion of the point relating to the *'improved road and junction connections to the south of the A38'*. A Member asked for his concerns over the proposed deletion of this point to be formally recorded. The local Ward Member emphasised his view that retention of this point was the only practicable way to improve air quality levels in the Western Road, Ivybridge Air Quality Management Area;
- a wish for Policy TTV (Thriving Towns and Villages) 29.7 to be deleted. In requesting her wish for this Policy to be deleted, the local Ward Member advised that this would prevent the Neighbourhood Plan for Dartington from progressing any further;
- with regard to the suggested additions related to the Dartington Hall Estate, the local Ward Member was of the view that the wording contained in the proposed comments needed revisiting; and
- disappointment was expressed over the suggested revisions to Policy DEV8 ('Meeting Local Housing Need in the Thriving Towns and Villages Policy Area') and the request was made for the original wording to be reinstated;

(c) settlement boundaries. In light of the suggested revisions, a Member urged all of his colleagues who represented villages to study their settlement boundaries very closely;

(d) the policy relating to Rural Exception Sites. It was confirmed that the policy relating to Rural Exception Sites had already existed prior to any of the JLP project work commencing.

It was then:

### **RESOLVED**

That delegated authority be granted to the Head of Paid Service, in consultation with the Leader of the Council and the Council Members who served on the Joint Local Plan Joint Steering Group, to authorise the final version of the Joint Local Plan for consultation.

## **16. Ugborough Neighbourhood Plan**

16/18

The Council considered a report that sought approval of the adoption of the Ugborough Neighbourhood Development Plan.



In discussion, a number of Members congratulated the representatives of the Neighbourhood Planning Group for achieving such a successful outcome, with 91.53% of voters voting in favour of the Plan.

It was then:

**RESOLVED**

That approval be given to the making (adoption) of the Ugborough Neighbourhood Development Plan.

17. **Annual Review of the Council Constitution**

17/18

Consideration was given to a report that sought approval of the proposed amendments to Parts 1, 2, 3 and 5 of the Council Constitution.

In discussion, the Council thanked the role played by the Chairman of the Overview and Scrutiny Panel and the Audit Committee Members for their efforts and contributions in reaching this point.

It was then:

**RESOLVED**

That the amendments to Parts 1, 2, 3 and 5 of the South Hams District Council Constitution (as summarised in paragraph 2.11 of the presented agenda report) be approved and formally adopted.

18. **Appointment of Salcombe Harbour Board Co-Opted Members**

18/18

Consideration was given to a report that recommended approval of the appointment of two Co-opted Members to the Salcombe Harbour Board, following the recommendations of the Interview Panel.

It was then:

**RESOLVED**

That, with immediate effect, Mr Malcolm Mackley and Mr Ian Stewart be appointed to the Salcombe Harbour Board as Co-opted Members for the period to the date of the Annual Council meeting in May 2021.

19. **Questions**

19/18

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

20. **Notice of Motion**

20/18

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

21. **Reports of Bodies**

21/18

**RESOLVED**

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

(a) Development Management Committee 7 March 2018

(b) Overview and Scrutiny Panel 22 March 2018

(c) Audit Committee 22 March 2018

(d) Development Management Committee 4 April 2018

(e) Executive 26 April 2018

**E.81/17: Corporate Strategy Review**

It was then:

**RESOLVED**

That the South Hams Corporate Strategy be adopted and published, subject to delegated authority being given to the Commissioning Manager, in consultation with the Leader of the Council, to make any minor amendments deemed necessary prior to publication.

**E.82/17: Annual Report 2017/18**

The Leader introduced the Annual Report and highlighted some of the key achievements contained within the document.

Whilst fully supportive of the Leader's comments around building Council houses, a Member did express his surprise at how little reference was made in the Annual Report to the One Council project.

It was then:

**RESOLVED**

That the South Hams Annual Report for the 2017/18 Financial Year be adopted and published.

### **E.83/17: Devon Wide Housing Assistance Policy**

It was then:

#### **RESOLVED**

That the existing Homes Assistance Policy be updated and then adopted in line with the Devon Housing Assistance Policy.

### **E.84/17: Parking Review**

It was then:

#### **RESOLVED**

That the following amendments be made to the South Hams Off-Street Parking Places Order:

1. Pay and Display Charges be amended in accordance with Appendix 1 of the presented agenda report, following consultation with local communities; and
2. Newly created reserved parking bays at Batson Creek, Salcombe (as shown at Appendix 2 of the presented agenda report presented to the Executive) be incorporated.

### **E.85/17: Procurement of Pay on Entry Equipment – Public Toilets/Disposal of Toilets**

Despite repeated requests, a Member expressed his disappointment that he had not still received a copy of the Business Plan that supported this initiative. As a consequence, the Member had reservations over the decision that had been taken by the Executive in this respect.

When questioned, the commitment to consult (as part of the decision-making process) with those local Ward Members that would be affected by the charging proposals was again reaffirmed.

### **E.86/17: Dartmouth Lower Ferry – Capital Repairs Programme**

Whilst some concern was expressed over the role played by the Maritime and Coastal Agency (MCA), Members acknowledged that the Council had to approve this capital spend or risk the Ferry not being able to operate.

It was then:

**RESOLVED**

That the capital spend (as outlined in Section 2.5 of the presented agenda report) from the Dartmouth Lower Ferry Earmarked Reserve be approved, in order to ensure that the Ferry vessels (both tugs and floats) are compliant and seaworthy in line with the Maritime and Coastal Agency requirements.

The Meeting concluded at 4.15 pm

**Signed by:**

**Chairman**

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**A. Audit Committee**

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

**B. Development Management Committee**

Cllr I Bramble  
Cllr J Brazil  
Cllr D Brown  
Cllr P K Cuthbert  
Cllr R J Foss  
Cllr P W Hitchins  
Cllr J M Hodgson  
Cllr T R Holway  
Cllr J A Pearce  
Cllr R Rowe  
Cllr R C Steer  
Cllr R J Vint

**C. Executive**

Cllr H D Bastone  
Cllr R D Gilbert  
Cllr N A Hopwood  
Cllr R J Tucker  
Cllr K R H Wingate  
Cllr S A E Wright

**D. Licensing Committee**

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

**E. Overview and Scrutiny Panel**

Cllr K J Baldry  
Cllr J P Birch  
Cllr J I G Blackler  
Cllr B F Cane  
Cllr J P Green  
Cllr J D Hawkins  
Cllr M J Hicks  
Cllr E D Huntley  
Cllr D W May  
Cllr J T Pennington  
Cllr K Pringle  
Cllr M F Saltern  
Cllr P C Smerdon

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	<b>ORGANISATION</b>	<b>Nominee(s)</b>
1.	Avon Estuary Forum	Cllr J A Pearce
2.	Dartmoor National Park Authority	Cllr P W Hitchins
3.	Dartmoor National Park Forum	Cllr P C Smerdon
4.	Devon Authorities Strategic Waste Committee	lead Executive Member for Commercial Services (Substitute: Cllr D Brown)
5.	Devon County/South Hams Highways and Traffic Orders Committee	Cllrs J T Pennington and P C Smerdon
6.	Employment Appeals Panel	Cllr M F Saltern
7.	Governance Board (South Devon Healthcare NHS Foundation Trust)	Cllr P C Smerdon
8.	Greater Dartmoor Local Enterprise Action Fund	Cllr P C Smerdon
9.	Heart of the South West Devolution Joint Committee	Leader of the Council (Substitute: Deputy Leader of the Council)
10.	Hope Harbour	Cllr S A E Wright
11.	iESE Transformation Limited	Cllr S A E Wright
12.	Joint Advisory Committee (JAC) on Housing for Local Needs in the Dartmoor National Park	Cllrs J I G Blackler and J Brazil
13.	Local Government Association:- (i) District Council Network – Leader (ii) General Assembly – Deputy Leader (iii) South West Branch – Leader (iv) Rural Commission – Leader or Deputy Leader (v) LGA Committee, Panel, etc appointments (NB: These appointments are made via an Electoral College process through the LGA. Council has been given delegated authority to the Monitoring Officer, in consultation with the Leaders of the political groups, to agree any such appointments).	
14.	PATROL – Parking and Traffic Regulations Outside London	Cllr K J Baldry
15.	Plymouth and Peninsula City Deal	Leader of Council
16.	Police & Crime Commissioners Scrutiny Panel	Cllr K R H Wingate

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|-----|---|---|
| 17. | River Yealm Harbour Authority                                     | Cllr T R Holway   |
| 18. | Salcombe-Kingsbridge Estuary Conservation Forum                   | Cllr J A Pearce and<br>Chairman of Salcombe<br>Harbour Board (or nominee) |
| 19. | South Devon AONB Partnership Committee                            | Cllrs D Brown and J Green   |
| 20. | South Devon Coastal Local Action Group                            | Cllr M J Hicks  |
| 21. | South Devon and Dartmoor Community Safety Partnership             | Cllr T R Holway   |
| 22. | South Hams Citizens' Advice Bureau                                | Cllr P K Cuthbert   |
| 23. | South Hams Community and Voluntary Services - Executive Committee | Cllrs K Pringle and<br>P C Smerdon  |
| 24. | South West Councils   | Cllr R J Tucker (Substitute: Cllr S A E Wright)                           |
| 25. | SPARSE Rural and Rural Services Network                           | Cllr M J Hicks  |
| 26. | Tamar Estuary Consultative Forum                                  | Cllr P W Hitchins   |
| 27. | Yealm Estuary Forum   | Cllr K J Baldry   |





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## Appointment of Other Groups 2018/2019    Appendix C

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

Substitute Member:  
Deputy Leader of Council
- (d) Investments Member Working Group**  
All Executive Members  
Audit Committee Chairman  
Development Management Committee Chairman  
Overview and Scrutiny Panel Chairman  
Leader of the Opposition Group
- (e) Joint SH/WD/Plymouth Local Plan Steering Group**  
Cllr M J Hicks  
Cllr J A Pearce
- (f) Political Structures Working Group**  
Cllr K J Baldry  
Cllr J P Green  
Cllr P W Hitchins  
Cllr T R Holway  
Cllr J T Pennington  
Cllr M F Saltern  
Cllr R J Tucker  
Cllr S A E Wright
- (g) Public Spaces Working Group**  
Cllr R J Foss  
Cllr R C Steer  
Cllr R J Vint  
Cllr S A E Wright
- (h) Rate Relief Panel**  
Leader of Council  
Deputy Leader of Council
- (i) Slapton Line Steering Group**  
Cllr J Brazil  
Cllr R J Foss

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

Cllr K J Baldry

Cllr D Brown

Cllr R D Gilbert

Cllr N A Hopwood



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