

South Hams Council



Title:	Agenda																														
Date:	Thursday, 27th July, 2017																														
Time:	2.00 pm																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Cllr Cuthbert</p> <p style="text-align: center;">Vice Chairman Cllr Hicks</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Baldry</td> <td style="width: 33%;">Cllr Hopwood</td> </tr> <tr> <td>Cllr Bastone</td> <td>Cllr Huntley</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr May</td> </tr> <tr> <td>Cllr Blackler</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Bramble</td> <td>Cllr Pennington</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Saltern</td> </tr> <tr> <td>Cllr Foss</td> <td>Cllr Smerdon</td> </tr> <tr> <td>Cllr Gilbert</td> <td>Cllr Steer</td> </tr> <tr> <td>Cllr Green</td> <td>Cllr Tucker</td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Vint</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Wingate</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Wright</td> </tr> <tr> <td>Cllr Holway</td> <td></td> </tr> </table>	Cllr Baldry	Cllr Hopwood	Cllr Bastone	Cllr Huntley	Cllr Birch	Cllr May	Cllr Blackler	Cllr Pearce	Cllr Bramble	Cllr Pennington	Cllr Brazil	Cllr Pringle	Cllr Brown	Cllr Rowe	Cllr Cane	Cllr Saltern	Cllr Foss	Cllr Smerdon	Cllr Gilbert	Cllr Steer	Cllr Green	Cllr Tucker	Cllr Hawkins	Cllr Vint	Cllr Hitchins	Cllr Wingate	Cllr Hodgson	Cllr Wright	Cllr Holway	
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Member.Services@swdevon.gov.uk																														

1. 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;

2. 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;

3. 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;

4. Questions

the Chairman and Leader have exercised their discretion to permit consideration the following questions:

From Cllr Vint to Cllr Tucker, Leader of Council

In light of the Grenfell Tower Fire tragedy:

1. *What action have Social Landlords in the South Hams taken to:*
 - (a) *ensure that all their properties comply with current Fire regulations and other Health and Safety regulations; and*
 - (b) *ensure that all premises have undergone a recent Home Fire Safety Inspection and that tenants have a copy of the relevant Certificates; and*

2. *What action has this Council taken to:*
 - (a) *ensure that Social Landlords and any major private landlords are complying with all relevant Fire regulations and other Health and Safety regulations?*
 - (b) *ensure that Social Housing Tenants and the general public are aware of all relevant Fire regulations and other Health & Safety regulations and their associated rights as tenants?*

5. Single Council Proposal

To follow

6. Exclusion of Public and Press

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

7. Waste Options

To follow

8. Re-admittance of Public and Press

9. Commercial Property Acquisition Strategy

To follow

10. Treasury Management

To follow

11. Sherford Community Trust

To follow

12. Reports of Bodies

to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies

*Indicates minutes containing recommendations to Council

(a) Development Management Committee - 10 May 2017	1 - 10
(b) Overview and Scrutiny Panel* - 18 May 2017	11 - 20
(c) Licensing Committee - 25 May 2017	21 - 24
(d) Development Management Committee - 7 June 2017	25 - 30
(e) Audit Committee - 22 June 2017	31 - 38
(f) Executive* - 29 June 2017	39 - 42

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(g) Development Management Committee - 5 July 2017	43 - 50
(h) Overview & Scrutiny Panel - 6 July 2017	51 - 60
(i) Executive* - 20 July 2017 To follow	

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

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

Other Members in attendance:

Cllrs H D Bastone, J Birch, D Brown, R J Tucker and S A E 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.74/16 MINUTES

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

DM.75/16 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr B F Cane declared a disclosable pecuniary interest in applications 1825/16/OPA: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access – Land at SX 550 522, North of Canes Orchard, Brixton, and 2481/16/OPA: Full application for the erection of a Scout Hut. Outline application for the demolition of Brixton Scout Hut and erection of two dwellings (access to be considered) – Brixton Scout Hut and Brixton Football Pitch, Brixton, by virtue of being the land owner and the nearest neighbouring landowner respectively. He left the meeting for the duration of these two items;

Cllr R C Steer declared a disclosable pecuniary interest in application 0908/17/ARM: Application for approval of reserved matters following outline approval 02/0385/15/O – Oak Tree Farm, Modbury by virtue of being the father and father in law of the applicants. He left the meeting for the duration of this item;

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

Cllr R C Steer declared a personal interest on behalf of the Conservative Group Members who served on the Committee in application 0502/17/FUL: Replacement of rotten wooden and chain link wire fencing with 2.4m high angle section galvanised steel fence and gates between Boat Storage Compound and Steamer Quay Road – Totnes Boating Association, Steamer Quay Road, Totnes by virtue of the premises being used for Conservative Group meetings. The Members remained in the meeting and took part in the debate and vote thereon;

Cllr R Rowe declared a personal interest in application 0908/17/ARM: Application for approval of reserved matters following outline approval 02/0385/15/O – Oak Tree Farm, Modbury, by virtue of being related to the applicants. She left the meeting for the duration of this item;

Cllr R J Foss declared a personal interest on behalf of the Conservative Group Members of the Committee in application 0908/17/ARM: Application for approval of reserved matters following outline approval 02/0385/15/O – Oak Tree Farm, Modbury, by virtue of the applicants being closely related to the Chairman. The Members remained in the meeting and took part in the debate and vote thereon.

DM.76/16 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public who had registered their wish to speak at the meeting had been circulated.

DM.77/16 **PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**14/0142/15/F Brimhay Bungalows, Development site at SX 7863
6192 Forder Lane, Dartington**

Parish: Dartington

Redevelopment of existing Brimhay Bungalows to provide 32 new dwellings and associated highway (12no. 1 bed apartments, 12 no. market houses and 8 flats)

Case Officer Update: N/A

Speakers included: N/A

Recommendation: That delegated authority be given to the COP Lead Development Management to grant Conditional Approval subject to satisfactory completion of a s106 Agreement

Committee Decision: Site Inspection

0011/16/OPA Land at Four Cross, Paignton Road, Stoke Gabriel

Parish: Stoke Gabriel

Outline planning permission with some matters reserved; scheme includes residential development of up to 9 dwellings, utilising the existing access point

Case Officer Update: None

Speakers included: Supporter – Ms Katie Machin; Parish Council – Cllr Peter Fenwick; Ward Members – Cllrs Rowe and Bastone

Recommendation: Refusal

Committee Decision: Refusal

1825/16/OPA Land at SX 550 522, North of Canes Orchard, Brixton

Parish: Brixton

Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access

Case Officer Update:

1. Recommendation refers to Section 106 – a signed Unilateral Undertaking has now been submitted
2. Condition 13 amended to read as follows:
'Prior to construction of any of the dwellings above slab level (or alternatively in accordance with a previously agreed timetable for the submission of the details set out below), details of how at least 10% of the energy supply of the development shall be secured from a decentralised renewable or low-carbon energy supply, including an implementation programme, and/or details of how the energy supply of the development shall be reduced through the use of energy efficiency measures secured through a 'fabric first' approach shall have been submitted to and approved in writing by the Local Planning Authority.'

The development shall be carried out in accordance with the approved details and retained in operation thereafter. Prior to the occupation of each dwelling the 'as built' SAP rating for each dwelling shall be submitted to the LPA in writing and shall show that the SAP rating is at least 10% above a standard pass rating.'

Speakers included: Objector – Mr Michael Peddar; Supporter – Mr Alex Graves; Parish Council – Cllr Michael Wills; Ward Member – Cllr Brown

Recommendation: That authority be delegated to the COP Lead Development Management to grant conditional approval subject to satisfactory completion of a s106

Committee Decision: That authority be delegated to the COP Lead Development Management to grant conditional approval subject to satisfactory completion of a s106

Conditions:

1. Time (commencement and submission of reserved matters)
2. Details of reserved matters of landscaping, appearance, layout and scale to be submitted and agreed and implemented.
3. Accords with plans
4. CEMP
5. Highway infrastructure details to be agreed with LPA and to be provided in accordance with the approved details.
6. Phasing of delivery of highway infrastructure to be agreed
7. Universal condition for development in land affected by contamination
8. Verification report
9. Unsuspected contamination
10. Details of a permanent surface water drainage management plan to be agreed with the LPA, details to accord with Flood Risk Assessment dated 25/10/2016.
11. Details for adoption and maintenance of sites entire surface water drainage system to be agreed with LPA.
12. Details of construction phase drainage scheme to be agreed with LPA
13. Tree and hedgerow protection to be agreed and implemented
14. Prior to commencement submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases)
15. External lighting to be agreed with LPA
16. Provision of barn owl nesting spaces within the development in accordance with details to be agreed
17. Details of play area within the public open space to be provided within Reserved Matters applications.
18. Renewable energy/energy efficiency (details pre-commencement)
19. Removal of PD rights
20. Car parking/garaging to be retained for parking of vehicles

21. Retention of trees/hedges
22. Development in accordance with ecology report
23. Hours of construction
24. No Saturday working (to be controlled by condition)
25. Additional condition regarding foul drainage to be agreed

**2481/16/OPA Brixton Scout Hut and Brixton Football Pitch,
Brixton**

Parish: Brixton

Full application for the erection of a Scout Hut. Outline application for the demolition of Brixton Scout Hut and erection of two dwellings (access to be considered)

Case Officer Update: None

Speakers included: Supporter – Mr Richard Nankivel; Parish Council – Cllr Michael Wills; Ward Member – Cllr Brown

Recommendation: Conditional Approval

Committee Decision: Conditional Approval, subject to satisfactory condition or legal agreement to ensure that the new Scout Hut will be constructed.

Conditions:

Conditions relating to both applications:

1. Approved plans
2. Size, layout and siting details to be submitted
3. Accord with Ecology Survey
4. Tree Protection measures
5. Landscaping works details
6. Arboriculture Impact Assessment does not form part of this permission

Conditions relating to outline proposal for dwellings:

1. Time limit for submission of reserved matters
2. Details to be submitted with the reserved matters application
3. Parking arrangements
4. Lighting strategy to be agreed
5. Removal of Permitted Development rights
6. Woodland Management Plan to be agreed

Conditions relating to full application for Scout Hut:

1. Time limit
2. Slate and cladding materials to be agreed
3. Landscaping details to be agreed
4. Foul and surface water drainage to be agreed

5. Drainage scheme to be agreed
6. Details of external lighting to be agreed
7. Use restriction to assembly and leisure purposes only (D2)

0096/17/HHO The Boathouse, South Town, Dartmouth

Parish: Dartmouth

Householder application for construction of external access lift, associated bridge link and other external works

Case Officer Update: Objection of the Conservation Officer updated

Speakers included: Objector – Mr John Langridge; Supporter – Mr Nick Royle; Parish Council – Cllr Anthony Fyson; Ward Members – Cllrs Rowe and Bastone

Recommendation: Refusal

Committee Decision: Refusal

3466/16/FUL The Cottage, 97D Court Road, Newton Ferrers

Parish: Newton Ferrers

Demolition of existing garage and ancillary living accommodation and erection of a new dwelling

Case Officer Update: Landscape Officer's comments added

Speakers included: Objector – Mr Duncan Macpherson; Parish Council – Cllr Alan Cooper; Ward Members – Cllr Baldry (statement read on behalf of)

Recommendation: Conditional Approval

Committee Decision: Site Inspection

0908/17/ARM Oak Tree Farm, Modbury

Parish: Aveton Gifford

Application for approval of reserved matters following outline approval 02/0385/15/O

Case Officer Update: None

Speakers included: Supporter – Mrs Amanda Burden; Ward

Member – Cllr Bramble

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Accord with plans
2. Samples of the stone and slate and render
3. Protection of existing landscaping
4. Removal of mobile home within one month of the dwelling being occupied

0520/17/FUL Dart Vale Fish Farm, Tuckenhay

Parish: Ashprington

Change of use of existing fish farm to recreational fishing lakes, erection of 2no. accommodation cabins, bin store and WC/shower room

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time
2. Accord with plans
3. Access details- prior to commencement
4. Parking facilities to be provided prior to occupation of cabins
5. Cabins to be used for holiday accommodation only
6. Details of external lighting to be provided prior to occupation

0502/17/FUL Totnes Boating Association, Steamer Quay Road, Totnes

Parish: Totnes

Replacement of rotten wooden and chain link wire fencing with 2.4m high angle section galvanised steel fence and gates between Boat Storage Compound and Steamer Quay Road

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans

DM.78/16 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report and the COP Lead Development Management responded to questions and provided more detail where requested.

DM.79/16 **PERFORMANCE INDICATORS**

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. Members raised a number of questions.

Members again went into detail in respect of planning enforcement matters and raised concerns that the number of outstanding cases was rising and there was not sufficient resource to adequately deal with them. Members requested updates on cases specific to their areas.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

(Meeting commenced at 10.00 am and concluded at 6.20 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 10 May 2017

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
14/0142/15/F	Brimhay Bungalows, Forder Lane, Dartington	Site Inspection	Cllrs Hodgson, Vint, Pearce, Cuthbert, Rowe, Bramble, Holway, Cane, Steer, Foss (10)			Cllrs Brazil and Hitchins (2)
0011/16/OPA	Land at Four Cross, Paignton Road, Stoke Gabriel	Refusal	Cllrs Hodgson, Vint, Pearce, Cuthbert, Rowe, Bramble, Holway, Cane, Steer, Foss (10)			Cllrs Brazil and Hitchins (2)
1825/16/OPA	Land at SX 550 522, North of Canes Orchard, Brixton	Conditional Approval	Cllrs Steer, Foss, Pearce, Rowe, Holway (5)	Cllrs Bramble, Cuthbert, Vint, Hodgson (4)		Cllrs Brazil and Hitchins (2) Cllr Cane (by virtue of declaring a DPI)
2481/16/OPA	Brixton Scout Hut and Brixton Football Pitch, Brixton	Conditional Approval	Cllrs Pearce, Cuthbert, Rowe, Bramble, Holway, Steer, Foss (7)	Cllr Hodgson (1)	Cllr Vint (1)	Cllrs Brazil and Hitchins (2) Cllr Cane (by virtue of declaring a DPI) (1)
0096/17/HHO	The Boathouse, South Town, Dartmouth	Refusal	Cllrs Hodgson, Vint, Pearce, Cuthbert, Rowe, Bramble, Cane, Steer, Foss (9)	Cllr Holway (1)		Cllrs Brazil and Hitchins (2)
3466/16/FUL	The Cottage, 97D Court Road, Newton Ferrers	Site Inspection	Cllrs Hodgson, Vint, Pearce, Cuthbert, Rowe, Bramble, Cane (7)	Cllrs Steer, Foss, Holway (3)		Cllrs Brazil and Hitchins (2)
0908/17/ARM	Oak Tree Farm, Modbury	Conditional Approval	Cllrs Hodgson, Vint, Pearce, Cuthbert, Bramble, Holway, Cane, Foss (8)			Cllrs Brazil and Hitchins (2) Cllrs Steer and

						Rowe (by virtue of declaring a DPI) (2)
0520/17/FUL	Dart Vale Fish Farm, Tuckenhay	Conditional Approval	Cllrs Hodgson, Vint, Pearce, Cuthbert, Rowe, Bramble, Holway, Cane, Steer, Foss (10)			Cllrs Brazil and Hitchins (2)
0502/17/FUL	Totnes Boating Association, Steamer Quay Road, Totnes	Conditional Approval	Cllrs Hodgson, Vint, Pearce, Cuthbert, Rowe, Bramble, Holway, Cane, Steer, Foss (10)			Cllrs Brazil and Hitchins (2)

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 18 MAY 2017**

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

Other Members also in attendance:
Cllrs H D Bastone, I Bramble, J Brazil, D Brown, P K Cuthbert, R D Gilbert, T R Holway, N A Hopwood, J A Pearce, R C Steer, 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
8	O&S.6/17	Senior Specialist – Environmental Health
9	O&S.7/17	Specialist – Performance and Intelligence
11	O&S.9/17	Group Manager: Commercial Services; Lead Specialist – Waste Strategy; and Operations Manager

O&S.1/17 WELCOME

The Chairman welcomed Cllr Huntley to her first meeting of the Overview and Scrutiny Panel.

O&S.2/17 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 6 April 2017 were confirmed as a correct record and signed by the Chairman.

O&S.3/17 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.4/17 PUBLIC FORUM

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

O&S.5/17 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan.

In response to a query, it was confirmed that the 'Productivity Plan Joint Committee' agenda item had evolved from the Devolution proposals and would ultimately be presented to the Council for determination.

O&S.6/17 UPDATE PRESENTATION ON EMERGENCY PLANNING AND BUSINESS CONTINUITY

The Senior Specialist – Environmental Health conducted a presentation that provided an update with regard to Emergency Planning, Response and Resilience.

In so doing, the Panel noted that the Council was a Category 1 responder (as defined by the Civil Contingencies Act 2004) and duties of the authority were therefore:

- To produce, maintain and test plans on how the Council would respond to emergencies;
- To warn and inform the public in regards to emergencies and provide advice before emergencies;
- To work with other Category 1 responders through the Local Resilience Forum;
- To ensure that the Council could continue to deliver its services during an emergency; and
- To provide advice on Business Continuity to others.

To meet these duties, the Council:

- adopted an Emergency Response Plan in February 2017;
- actively warned the public utilising social media and its website about potential emergencies;
- remained an active member of the Devon, Cornwall and Isles of Scilly Local Resilience Forum; and
- remained a member of both the Devon Emergency Planning Service and the Devonport Off-site Emergency Planning Group.

In the ensuing discussion, reference was made to:-

- (a) related information being circulated to the wider membership outside of this meeting. The Panel requested that Members be in receipt of:
- o a copy of the presentation;

- a link to the Community Risk Register;
 - the adopted Guidance for Elected Members on Responses to Major Emergencies; and
 - additional explanatory information on the Devon Resilience Forum;
- (b) Strategic Rest Centres (SRCs) in the South Hams. Members were informed that the SRC plan for Devon was currently under review. At present, the Panel noted that there were 6 SRCs across the South Hams in various locations (e.g. Leisure Centres and Colleges) which could each accommodate up to 1,000 people. With regard to the management of each SRC, such were the resource implications that local authorities were heavily reliant upon support from the voluntary sector.

As part of the review, it was confirmed that usage levels would be taken into account. In recent times, it was noted that a SRC had only been used once in the South Hams and it was acknowledged that, in every likelihood, affected residents would tend to go and stay with friends and family instead;

- (c) the role of town and parish councils. The Panel noted that a number of proactive town and parish councils had adopted their own local emergency plan and the view was expressed that all councils should follow suit;
- (d) reacting to emergencies. Officers confirmed that, regardless of the time of day or night, the Council was in a position to react immediately to an emergency in the district, with six officers being on call at all times. Whilst this level of resource was currently deemed appropriate by officers, it was recognised that this would need to be subject to regular review by lead officer(s) and Executive Member(s).

In conclusion, the Chairman wished to thank the Senior Specialist – Environmental Health for his informative presentation and responses to Member questions and it was then:

RESOLVED

That the Panel recognise that the Council has a robust approach to Emergency Planning in place, which is supported by hard working and diligent lead officers.

O&S.7/17 QUARTER 4 2016/17 PERFORMANCE INDICATORS

The Panel considered a report that presented the Quarter 4 performance indicators for 2016/17.

In discussion, the following points were raised:-

- (a) The Panel was broadly supportive of the suggestion to re-establish a Joint Task and Finish Group with West Devon Borough Council Members to undertake an in-depth review of the Performance Indicators and targets. However, before a final decision was taken, it was requested that the Terms Of Reference be presented to the next Panel meeting for ultimate approval;
- (b) The Panel debated at length the performance of the Planning Enforcement service amidst concerns that the backlog of cases was again on the increase. Some Members expressed their frustration that the Executive had not overseen improvements to the service and reiterated the levels of criticism that they were receiving at town and parish council meetings. In addition, the view was expressed that, if the local knowledge of ward Members was being appropriately used, then this could assist in reducing the backlog.

Having been informed that officers were undertaking a review of the service to ensure that the backlog trend was reversed, Panel Members gave a strong steer to the Executive and officers regarding the importance of this piece of work and requested that it be in receipt of a detailed report at its meeting on 27 July 2017.

- (c) Members highlighted and welcomed some positive performance improvements in the following areas:
 - Number of days lost due to long-term sickness;
 - Number of days lost due to short-term sickness; and
 - The percentage of customer contact through online interaction (demonstrating Channel Shift);
- (d) Some confusion was expressed over the presentation of the performance information relating to complaints resolved. In response, officers took the Panel through the indicator and advised that the total number of complaints received was 100, with 45 being logged as 'corporate' complaints. Specifically regarding the complaints that had taken an average of 39 days, this was largely attributed to particularly complex matters that required responses to the Local Government Ombudsman for which time extensions had been sought and agreed;
- (e) With regard to the Contact Centre, a number of previously raised concerns were reiterated in relation to the time taken to answer calls. Whilst a number of Members considered the 20 second call answer target to be unrealistic, they equally felt that customers who had to wait a number of minutes to have their calls answered was unacceptable. The lead Executive Member reminded those present of the opportunity for Members to visit the Contact Centre and shadow an officer and confirmed that she had requested that officers set up additional such sessions in the upcoming months.

In response to a request, it was agreed that the Member Hotline Number should be re-circulated and the benefits of using the Skype facility to contact officers was also emphasised.

Finally, the Panel also expressed its wish, in principle, to carry out a detailed review of the Contact Centre and asked that the draft Terms Of Reference for this piece of work be presented to the next Panel meeting prior to a final decision being made. Upon drafting the terms of reference, the need to work closely with the Performance Measures Task and Finish Group was recognised.

RESOLVED

1. That the principle of establishing a joint SH/WD Task and Finish Group to review the Performance Indicators and targets be supported, subject to the draft Terms Of Reference being presented to the next Panel meeting on 6 July 2017 for approval;
2. That the Panel receive a detailed report entitled: 'Planning Enforcement Service Review' at its meeting on Thursday, 27 July 2017;
3. That the principle of establishing a Contact Centre Review Task and Finish Group be supported, subject to the draft Terms Of Reference being presented to the next Panel meeting on 6 July 2017 for approval;

O&S.8/17 OVERVIEW AND SCRUTINY ANNUAL REPORT

The Panel considered a report that presented its draft Annual Report. It was noted that it was a constitutional requirement for the Panel to report annually to full Council on its workings and to make recommendations for future work programmes and amended working methods (if deemed appropriate).

During discussion, reference was made to:-

- (a) the work carried out by the Panel. As a general point, Members highlighted the extensive amount of work that had been undertaken by the Panel during 2016/17 and wished to thank the lead officers for their commitment and support to the Overview and Scrutiny function;
- (b) the Sherford Development. The Panel requested that, before being ultimately approved, the paragraph relating to the Sherford Development (page 44 of the presented agenda refers) be amended;
- (c) beach and water safety. Whilst the item had been exempt from the public and press at the time of its consideration by the Panel, officers confirmed that this matter was now in the public arena;

- (d) publication of the Annual Report. The Panel was advised that the Report would be distributed widely once it had been approved by the Council.

It was then:

RECOMMENDED

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

O&S.9/17 **TASK AND FINISH GROUP UPDATES**

(a) Dartmouth Lower Ferry

The Chairman of the Task and Finish Group read the following statement to the meeting:-

‘Since the last Panel meeting, officers have continued negotiations with the Lower Ferry workforce. These were in conjunction with the UNITE union regional representative. Negotiations would be concluded by the middle of June with a start date for the new terms and conditions due to commence from 1 July. Officers were hopeful that agreement could now be reached, but should this not be the case, they would report back to the Task and Finish Group.

Work to improve efficiency within operational service delivery and review of future tariffs was already underway, with the service now being overseen by the Salcombe Harbour Master.’

In the ensuing debate, reference was made to:-

- (a) the lack of information contained within the statement. A Member expressed his frustration at the lack of information provided by the statement and sought more clarity regarding the review. In reply, other Members countered that, until the negotiations had been concluded, it would not be appropriate to disclose any further information. However, assurances were given that the negotiations were being carried out in accordance with the direction of travel that had already been set by Members;
- (b) the wish to re-convene the Task and Finish Group. Members recognised the need to re-convene the Group and those in attendance were reminded of the ability for all Members to be able to attend and partake at these meetings.

(b) Waste and Recycling

The Panel considered a report that highlighted areas that had been explored to try and identify savings within Waste Operations whilst meeting the Council's obligations under the Devon Resource & Waste Management Strategy that looked to align recycling and waste practices regionally and in line with best environmental practice.

In his introduction, the lead Executive Member for Commercial Services advised that the Group recommendations had been amended in light of the views expressed and feedback gleaned from the Member Workshop on 27 April 2017.

In discussion, reference was made to:-

- (i) the garden waste charging proposals. The majority of Members welcomed the recommendation to delay further consideration of the proposals to charge for garden waste;
- (ii) recycling cartons. The ability for the Council to now recycle cartons was also welcomed by the Panel;
- (iii) the potential income generating measures (as outlined in paragraphs 3.12 to 3.14 of the presented agenda report). Some Members advised that they were unable to support those potential income generating measures as currently stated in paragraphs 3.12 to 3.14 of the presented agenda report. For the projected sums of money anticipated, these Members felt that it was simply not worth pursuing these measures at this current time. However, the majority of Panel Members were supportive of the suggestion that a £35 charge could be imposed on new standard 180 litre wheeled bins for any newly built properties and for any householder requests to be in receipt of additional bins;
- (iv) round optimisation. For certain remote areas on the outskirts of the South Hams boundaries, a Member made the point that it would be more cost effective for neighbouring local authorities to collect their waste and recycling. In reply, officers informed that this issue had been raised at the Devon Authorities Waste Reduction and Recycling Committee, who had opted against pursuing this suggestion any further;
- (v) the work of the Task and Finish Group. Since this was the last meeting of the Group before it was re-constituted as a Working Group, some Members expressed their disappointment at the apparent lack of progress that had been made. In accepting that there was an element of risk in any recommendations made, these Members reminded the Panel that the waste and recycling service was responsible for a number of the budgetary pressures and customer complaints faced by the Council;

(vi) the service relationship with Devon County Council (DCC). Whilst a number of concerns were raised over the potential rise in disposal costs, the lead Executive Member did give an assurance that dialogue continued between the Council and DCC and it was still hoped that a satisfactory way forward could be established for both authorities;

(vii) the notes arising from meetings of the SH/WD Joint Steering Group (JSG). To ensure that the Panel was able to maintain a watching brief on the work of the JSG, it was **PROPOSED** and **SECONDED** that:-

'the notes arising from meetings of the SH/WD Joint Steering Group be presented to future Panel meetings for consideration.'

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

It was then:

RECOMMENDED

That the Executive be **RECOMMENDED** that

1. the key findings of the Waste Working Group be referred to the SH/WD Joint Steering Group and used to inform the Budget Setting process for 2018/19;
2. with immediate effect, the Council furthers discussions with Devon County Council related to disposal costs linked to service design and transfer station use;
3. efficiencies linked to current service delivery (as outlined in the Working Group scope) and at paragraphs 3.4 – 3.11 inclusive are delivered during 2017/18 where proven to be operationally feasible;
4. a charge of £35 per container be imposed on new standard 180 litre wheeled bins for any newly built properties and for any householder requests to be in receipt of additional bins; and
5. the notes arising from meetings of the SH/WD Joint Steering Group be presented to future Panel meetings for consideration.

O&S.10/17 ACTIONS ARISING / DECISIONS LOG

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

In response to a question, officers gave an assurance that they would ask for a progress update to be circulated to all Members on the pre-application service review.

O&S.11/17 DRAFT ANNUAL WORK PROGRAMME 2017/18

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

- (a) It was agreed that a Planning Enforcement Service review would be scheduled on to the Work Programme for the Panel meeting on 27 July 2017;
- (b) Members were informed that, instead of being presented to a future Panel meeting, a Briefing on the 'New Single Council' proposal had been arranged for all Members to take place on the afternoon of Thursday, 29 June 2017;
- (c) Bearing in mind the likely length of the next Panel meeting agenda on 6 July, Members agreed that the following items should be deferred to a later meeting:
 - An overview of the Sickness Absence Monitoring Report; and
 - Health and Safety Policy Progress Report;
- (d) That an update on Village Housing Initiatives be scheduled on to the Work Programme for the Panel meeting on 24 August 2017.

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

Chairman

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MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 25 MAY 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: Specialist – Licensing; Deputy Monitoring Officer and Senior Specialist – Democratic Services

L.01/17 **APPOINTMENT OF VICE-CHAIRMAN**

In light of the 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.02/17 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 24 November 2016 and the Licensing Sub-Committee meetings held during the period 22 March 2017 to 15 May 2017 were all confirmed as a correct record and signed by the Chairman.

L.03/17 **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.

L.04/17 **EXCLUSION OF THE 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 in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”

L.05/17 **DETERMINATION OF A JOINT DRIVER LICENCE, IN EFFECT TO DETERMINE WHETHER THE LICENCE HOLDER CAN BE DEEMED A ‘FIT AND PROPER PERSON’ IN LIGHT OF A RECENT CRIMINAL CONVICTION**

Consideration was given to an exempt report that asked the Committee to determine whether an individual was a ‘fit and proper person’ to hold a Hackney Carriage / Private Hire Driver Licence with the Council in accordance with Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

Once the Specialist – Licensing had introduced the report, the individual was invited to make representations to the Committee. At the conclusion of this address, the Committee Members asked a series of questions.

Once all parties were satisfied that they had no more questions or issues to raise, the Committee adjourned at 10.25am in the presence of the Deputy Monitoring Officer and the Senior Specialist – Democratic Services.

Having fully considered the matter, the meeting was then re-convened at 10.45am and the Chairman read the decision as follows:

The Decision:

‘Members of the Licensing Committee have considered very carefully whether you are ‘fit and proper’ to continue to hold a Hackney Carriage and Private Hire Driving Licence.

We have read the Licensing Officer’s report, which you have had sight of.

We have read the details on the Disclosure and Barring certificate, taking into consideration the nature of the offences and when these were committed.

We have listened very carefully to what you have told us today and read the references provided.

The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities, the onus being on yourself to satisfy the Authority that you are a 'fit and proper person' to continue to drive a Hackney Carriage or Private Hire Vehicle.

*The Committee has decided to **take no further action** in relation to your Hackney Carriage and Private Hire Driver Licence. This decision is based on:*

- You are currently subject to a suspended sentence;*
- You fully appreciate the seriousness of your offence;*
- You have been open and honest with both the courts and the Committee today; and*
- The Committee has decided unanimously that you do not pose a threat to public safety.*

(Meeting commenced at 10.00 am and concluded at 10.50 am).

Chairman

MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 7 JUNE 2017

Members in attendance * Denotes attendance ø Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil (am only)	*	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 in attendance:

Cllrs K J Baldry, J Birch, J D Hawkins, E D Huntley and R J Tucker

Officers in attendance and participating:

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

DM.1/17 MINUTES

The minutes of the meeting of the Committee held on 10 May 2017 were confirmed as a correct record and signed by the Chairman.

DM.2/17 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr D Brown declared a 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:

- 3466/16/FUL: Demolition of existing garage and ancillary living accommodation and erection of a new dwelling – The Cottage, 97D Court Road, Newton Ferrers; and
- 3610/16/FUL: Retention of camping use and partial change of use of land for the siting of 4 no. Safari Tents for tourism purposes – Fountain Violet Farm, Mount Ridley Road, Kingswear.

DM.3/17 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.4/17 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:

**14/0142/15/F Brimhay Bungalows, Development site at SX 7863
6192 Forder Lane, Dartington**

Parish: Dartington

Redevelopment of existing Brimhay Bungalows to provide 32 new dwellings and associated highway (12no. 1 bed apartments, 12 no. market houses and 8 flats)

Case Officer Update: Alternative recommendation suggested

Speakers included: Objector – Ms Trudy Turrell; Supporter – Mr Iestyn John; Dartington Parish Council – Cllr Anna Lunk; and local ward Member – Cllr Hodgson

Recommendation: That delegated authority be given to the COP Lead Development Management to grant Conditional Approval subject to satisfactory completion of a Section 106 Agreement

Committee Decision: **That delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of the Committee, to grant Conditional Approval of the application, subject to satisfactory completion of a Section 106 legal Agreement.**

However, in the event that the Section 106 legal Agreement remains unsigned three months after this resolution, that delegated authority be granted to the COP Lead Development Management, in consultation with the Chairman of the Committee, to refuse the application.

In the debate, the first recommendation that was **PROPOSED** and **SECONDED** was to refuse the planning application for the following reasons:

1. The loss of public open space would be contrary to Policy DP8: 'Open Space, Sport and Recreation';
2. The proposed design would be out of keeping with the character and visual appearance of the rural area; and
3. The loss of protected wildlife habitat species being contrary to Policies DP5 and Core Strategy CS10 (with respect to conserving and enhancing biodiversity).

However, when put to the vote, this recommendation was declared **LOST**.

3466/16/FUL The Cottage, 97D Court Road, Newton Ferrers

Parish: Newton and Noss

Demolition of existing garage and ancillary living accommodation and erection of a new dwelling.

Case Officer Update: Photos from neighbouring property shown and dimensions highlighted following queries raised during the Committee Site Inspection

Speakers included: local Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: **Conditional Approval**

Conditions:

- Time limit;
- Accord with plans;
- Retention of parking for motor vehicles;
- Drainage prior to commencement of development;
- Landscape plan condition;
- Construction Environment Management Plan prior to commencement of development;
- Removal of Permitted Development Rights;
- Landscape scheme prior to commencement of development;
- Unsuspected contamination;
- Prior to installation slate details;
- Prior to installation cladding details; and
- Boundary details to be submitted and approved prior to the commencement of development.

**3610/16/FUL Fountain Violet Farm, Mount Ridley Road,
Kingswear**

Parish: Kingswear

Retention of camping use and partial change of use of land for the siting of 4 no. Safari Tents for tourism purpose

Case Officer Update:	None
Speakers included:	Supporter – Mr Edward Jones; Parish Council – Cllr Hector Newcombe; and local Ward Members – Cllrs Hawkins and Rowe
Recommendation:	Refusal
Committee Decision:	Conditional Approval

Conditions:

- Time limit;
- Accord with plans;
- No external lighting without consent;
- Drainage prior to commencement of development; and
- Landscape scheme prior to commencement of development.

In support of the recommendation to refuse the application, some Members made reference to the potential breaches in policy of approving this application and reiterated just how large the tents were proposed to be. In addition, these Members echoed the case officer recommendation in light of the weight that was applied in the National Planning Policy Framework to protection of the Area of Outstanding Natural Beauty.

However, the majority of Members did not share this view and expressed their support for the proposals and a recommendation was therefore **PROPOSED** and **SECONDED** to conditionally approve the planning application for the following reasons:

- The harm to the landscape character of the AONB was not considered to be so significant to warrant refusal of the application;
- The application will result in economic benefits in both agricultural diversification and tourism; and
- The site location was considered to be sustainable and, with sufficient planting, the Tents would be adequately camouflaged.

0266/16/FUL 5 Christina Parade, Totnes

Parish: Totnes

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

Case Officer Update:	None
Speakers included:	Parish Council – Cllr Ray Hendricks; and local ward Members – Cllr Birch and Vint
Recommendation:	Conditional Approval

Committee Decision: **Deferral**

A number of outstanding issues were identified during the debate that, in the view of the Committee, necessitated a deferral of the planning application at this meeting. These issues included:

- Whether or not the proposals went beyond the current hardstanding;
- The proposed garage widths and door pivoting arrangements; and
- Clarification over the public right of way and land ownership.

DM.5/17 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report and the COP Lead Development Management responded to questions and provided more detail where requested.

DM.6/17 **PERFORMANCE INDICATORS**

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

In discussion, the following points were raised:-

- (a) Members welcomed inclusion of the quarterly information relating to enforcement cases and action. With regard to receiving progress updates on cases, local Ward Member(s) were encouraged to meet with enforcement officer(s). Furthermore, in light of the perception remaining amongst local town and parish councils that little enforcement action was being undertaken by the Council, regular updates were therefore felt to be essential for local Members and Clerks;
- (b) The Committee recognised that the volume of work and capacity within the enforcement service remained an issue and reference was made to the Overview and Scrutiny Panel request to consider a review of the Planning Enforcement Service at its meeting on 27 July 2017.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

(Meeting commenced at 11.00 am and concluded at 3.55 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 7 June 2017

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
14/0142/15/F	Brimhay Bungalows, Forder Lane, Dartington	Refusal	Cllrs Brazil, Hodgson and Vint (3)	Cllrs Bramble, Brown, Cuthbert, Foss, Hitchins, Holway, Pearce, Rowe and Steer (9)		
14/0142/15/F	Brimhay Bungalows, Forder Lane, Dartington	Conditional Approval, subject to the prior satisfactory completion of a S106 Agreement	Cllrs Bramble, Brown, Cuthbert, Foss, Hitchins, Holway, Pearce, Rowe and Steer (9)	Cllrs Brazil, Hodgson and Vint (3)		
3466/16/FUL	The Cottage, 97D Court Road, Newton Ferrers	Conditional Approval	Cllrs Bramble, Brown, Cuthbert, Foss, Holway, Pearce, Rowe and Steer (8)	Cllr Hodgson (1)	Cllrs Hitchins and Vint (2) (Cllr Hitchins by virtue of not being in attendance at the previous Committee meeting)	Cllr Brazil (1)
3610/16/FUL	Fountain Violet Farm, Kingswear	Conditional Approval	Cllrs Bramble, Brown, Hitchins, Hodgson, Holway, Rowe and Vint (7)	Cllrs Cuthbert and Pearce (2)	Cllrs Foss and Steer (2)	Cllr Brazil (1)
0266/16/FUL	5 Christina Parade, Totnes	Deferral	Cllrs Bramble, Brown, Cuthbert, Foss, Hitchins, Hodgson, Holway, Pearce, Rowe, Steer and Vint (11)			Cllr Brazil (1)

**MINUTES OF A MEETING OF THE AUDIT COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 22 JUNE 2017**

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

Members also in attendance:
Cllrs H D Bastone, M J Hicks, N A Hopwood 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); Group Manager – Customer First and Support Services; Section 151 Officer; Devon Internal Audit Partnership Managers; Case Management Manager (Support Services); COP Lead (Housing, Revenue and Benefits); and Senior Specialist – Democratic Services

A.1/17 MINUTES

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

A.2/17 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.3/17 KPMG EXTERNAL AUDIT FEE LETTER

The Committee considered correspondence from KPMG that confirmed the audit work and fee that the organisation proposed for the 2017/18 financial year.

The Chairman advised the Committee that apologies had been received for this meeting from KPMG representatives.

In their absence, the Chairman proceeded to read the following summary points on behalf of KPMG:

- A single page, letter style report had been issued (rather than a full report) as KPMG was happy with the progress of the audit thus far and had identified no issues of concern that they felt warranted immediate communication to the Committee;
- The audit had progressed in line with KPMG expectations and all expected work was completed at the interim visit;
- KPMG had not identified any changes to either the financial statement or Value for Money risks set out in its External Audit Plan;
- To date, KPMG had identified a control deficiency which related to the documentation of monthly checks undertaken in relation to Housing Benefit payments. The completion of these checks had not been recorded, so we were unable to place reliance upon them; and
- Whilst KPMG did not benchmark the results of its audits across clients, a degree of comfort could be taken from the fact that KPMG had issued a letter rather than a full report. Whilst such letters were issued to a number of clients, it was also not uncommon for KPMG to identify issues that required it to issue a full interim report. It was confirmed that no such issues were identified at South Hams.

A.4/17 KPMG INTERIM AUDIT LETTER 2016/17

The Committee was also presented with the KPMG Interim Audit Letter for 2016/17 and, with no issues being raised on its contents, proceeded to move to the next agenda item.

A.5/17 AUDIT COMMITTEE WORKPLAN PROGRAMME 2017/18

Members gave consideration to a report that presented the suggested timetable for the agenda items that would be considered by the Committee during the 2017/18 Financial Year

In discussion, the following points were raised:-

- (a) Having sought clarification, Members were given assurances that there remained the ability to add agenda items to the Work Programme during the course of the year. In light of this response, it was agreed that, in the event of any Committee Members wishing to request inclusion of any additional agenda items, then these should be raised with the Section 151 Officer;
- (b) a Member requested that items be added in relation to 'Commercial Services – Budgetary Control' and 'Governance of the Dartmouth Lower Ferry Service Review'. To avoid any potential duplication with the Overview and Scrutiny Panel, it was agreed that the Section 151 Officer would meet with interested Members outside of this meeting to discuss these requests further ;

- (c) A Member highlighted that the work programme had omitted a request made at the previous Committee meeting on 23 March 2017. At the last meeting, officers gave a commitment to report back to the Committee at its meeting on 21 September 2017 to outline the safeguards that had been put in place with regard to the Council pursuing its debtors (Minute A.32/16 refers).

It was then:

RESOLVED

That the Committee Work Programme for the Financial Year 2017/18 be approved, subject to inclusion of the comments recorded in the minutes above.

A.6/17 SHARED SERVICES METHODOLOGY 2016/17

The Committee considered a report that presented the methodology for the apportionment of costs (predominantly staffing costs) between the Council and West Devon Borough Council.

In discussion, reference was made to:-

- (a) support for the report. In thanking officers for producing the report, Members felt that its content would help the Committee greatly in fulfilling its role;
- (b) clarity around staffing numbers. In the future, the Committee requested that additional information be included that outlined whether or not the staffing numbers were full-time equivalents and temporary or permanent resources.

It was then:

RESOLVED

That the methodology of the shared services apportionment of costs between the Council and West Devon Borough Council (as outlined at Appendix A of the presented agenda report) be approved.

A.7/17 ANNUAL GOVERNANCE STATEMENT 2016/17

The Committee considered a report that presented the draft Annual Governance Statement (AGS) for 2016/17. The report stated that the purpose of the AGS was to provide evidence of a continuous review of the Council's internal control and risk management process, to provide assurance as to their effectiveness and to identify actions being taken or planned to address any key weaknesses identified.

In discussion, reference was made to:-

- (a) the procurement process undertaken by Public Sector Audit Appointments (PSAA) Ltd. The Committee was informed that, following the procurement process, KPMG had not been shortlisted to be the Council's External Auditor from 2018/19 onwards;
- (b) the Council's Transitional Improvement Board (TIB). The Case Management Manager (Support Services) updated the Committee on the role, purpose and remit of the TIB. In particular, the TIB had been focusing its recent efforts on making improvements to processes primarily by virtue of removing existing barriers and blockages to progress in the Development Management; Environmental Health and Waste service areas. A Member reminded the Committee that the Overview and Scrutiny Panel was due to consider a report that focused on the T18 Payback period and he asked that the officer comment whereby it was not anticipated that Members would be asked to approve any more additional transitional resources funding should be formally recorded;
- (c) capacity issues in the planning enforcement service. In response to Member concerns, officers advised that an operational decision had been made to increase capacity within the planning enforcement service and that this would be funded through a reallocation of existing resources. In addition, the Committee noted that the Overview and Scrutiny Panel had requested that it receive an update report on the service at its meeting on 27 July 2017. Members welcomed this response and took reassurance that this was an example of how officers were now shaping the Future Operating Model to fit the organisation.

Before the AGS was approved, the Committee did request that reference be added to the Council decision on 25 February 2016 (Minute 65/15 refers) to increase resources in the Planning Enforcement service;

- (d) the proposed Commercial Property Investment Strategy. In light of the Executive Forward Plan indicating that the draft Strategy would be considered by the Executive at its meeting on 20 July 2017, a Member expressed his deep reservations. Before a final decision was taken in this regard, the Member emphasised the importance of all Members being wholly satisfied that appropriate controls and exit strategies were in place. In reply, officers acknowledged these concerns and gave an assurance that these points would all be covered in the published Executive report. Nonetheless, the Committee requested that it consider the risk and governance aspects of the Executive report at its next meeting on 20 July 2017 to ensure that it was satisfied with these aspects prior to a decision ultimately being taken at the Special Council meeting on 27 July 2017;

- (e) the Devonwide Business Rates Pool. Since the significant business rates appeal had been settled in March 2017, Members were informed that a report would be presented to Members in due course that would recommend that the Council be reinstated into the Devonwide Pool.

It was then:

RESOLVED

1. That the processes adopted for the production of the 2016/17 Annual Governance Statement be endorsed;
2. That the adequacy and effectiveness of the system of Internal Audit be endorsed;
3. That the draft Annual Governance Statement for 2016/17 and the supporting evidence (as outlined in the presented agenda report) be approved and signed off by the Leader of Council and the Executive Director (Strategy and Commissioning), subject to reference being added to the Council decision on 25 February 2016 to increase resources in the planning enforcement service; and
4. That the Committee be presented with the risk and governance aspects of the Community Property Investment Strategy report at its next meeting on 20 July 2017.

A.8/17 BUDGET BOOK 2017/18

Members considered a report that presented the Budget Book for 2017/18.

In discussion, the following points were raised:-

- (a) Subject to revisions to the budget headings (e.g. to include the title: '*Changes to Medium Term Financial Strategy and Salaries*') and the inclusion of some explanatory supporting notes, the Committee welcomed the content and format of the Budget Book for 2017/18;
- (b) Members were advised that officers anticipated that there would be fewer virements necessary in the future;
- (c) The Committee recognised that a significant amount of work had been undertaken to provide more clarity in the Council's budget lines and Members were of the view that the revised format would enable them to better understand the finer details of the budget;
- (d) It was noted that, upon closure of the accounts, Members would be presented with a list of variations that outlined the budget against actual spend;

- (e) As time progressed, a Member felt that it would be beneficial for an interactive budget book to be developed;
- (f) Officers provided an explanation to an interested Member who specifically queried the additional expenditure arising from the Commercial Services salary budget and the reduced savings from the waste round review.

It was then:

RESOLVED

That the content of the Budget Book for 2017/18 be endorsed, subject to inclusion of changes to the headings and supporting notes.

A.9/17

INTERNAL AUDIT ANNUAL REPORT 2016/17

The Committee considered a report that summarised the work undertaken by the Council's Internal Audit team during 2016/17. In addition, the report sought to review the performance of the Internal Audit service and to provide an audit opinion on the adequacy of internal control.

In discussion, reference was made to:-

- (a) the findings of the Housing Benefit follow-up audit. At the request of the Chairman, the COP Lead for Housing, Revenues and Benefits provided an update to the Committee. In so doing, assurances were given that, as soon as the Council had been made aware of a change of circumstances, claims were immediately suspended. It was recognised that there was a need for greater resilience in this service area and Case Managers were currently in the process of being upskilled. In reply, Members stated that, since these findings often affected the most vulnerable members of the community, then it was essential for the issue of service resilience to be addressed swiftly;
- (b) the ability to draw comparisons. In the future, a Member felt it would be helpful for previous Audit Opinions to also be included to enable for the Committee to draw (any) comparisons;
- (c) the Health and Safety audit review. To counter the identified gap analysis following the review, the Committee was advised that a cross-service 'Virtual Community Of Practice' had been established that was addressing issues such as staff training, lone working and the reporting of near misses.

In her conclusion, the Chairman advised the Committee that this would be the last meeting for the Internal Audit Manager and, on behalf of the wider membership, she thanked her for her hard work and wished her every success for the future.

It was then:

RESOLVED

1. That it be endorsed that overall and based upon work performed during 2016/17, and that of our experience from previous year's audits, the Head of Internal Audit's Opinion is of 'Significant Assurance' on the adequacy and effectiveness of the Authority's internal control framework; and
2. That the satisfactory performance and achievements of the Internal Audit Team during 2016/17 report be supported.

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

Chairman

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**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY 29 JUNE 2017**

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

Also in attendance and participating		
Item 6	E.04/17	Cllrs Birch and Green
Item 7	E.05/17	Cllr Baldry
Also in attendance and not participating		
Cllrs Brown, Bramble, Hicks, Hodgson, Holway, Huntley, Pearce, Pringle, Saltern and Steer		

Officers in attendance and participating		
All items		Executive Director (Strategy and Commissioning), Section 151 Officer and Specialist – Democratic Services
Item 6	E.04/17	Group Manager Business Development
Item 7	E.05/17	Operational Manager (Environment Services)

E.01/17 MINUTES

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

E.02/17 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.03/17 PUBLIC QUESTION TIME

It was noted that no public questions had been received.

E.04/17 EVENTS POLICY UPDATE

Members considered a report that sought approval of the proposed Events Policy, following consideration by a Task and Finish Group. The policy was designed to remove ambiguity and ensure that officers could more easily support event organisers by having a clear policy and charging regime to follow.

The Portfolio Holder for Commercial Services presented the report and a number of Members congratulated the Task and Finish Group on producing the document that was now being presented to the Executive.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that:

1. To approve the proposed policy as detailed in presented Appendix 1, subject to minor wording changes being delegated to the Group Manager, Commercial Services in consultation with the Portfolio Holder;
2. That the Events Task and Finish group is dissolved; and
3. Once live, the Policy is reviewed annually and the fees levied are reviewed as part of the regular SHDC fee and charge setting process.

E.05/17 PAY AND DISPLAY CHARGES REVIEW

Members were presented with a report that sought consideration of recommendations to amend the Pay and Display charges in accordance with the revised schedule presented as Appendix 1.

The Portfolio Holder for Commercial Services introduced the report.

It was then:

RESOLVED:

1. That Council be **RECOMMENDED** that Pay and Display charges be amended in accordance with the revised Appendix 1 following consultation with local communities.
2. That it be agreed that public consultation in respect of the revised Pay and Display charges takes place ahead of the Council meeting.

E.06/17 REPORTS OF OTHER BODIES

RESOLVED

That the following be received and that any recommendations contained therein be approved:

- a) **Overview and Scrutiny Panel – 16 May 2017**

i. O&S.9/17 TASK AND FINISH GROUP UPDATES
B. Waste and Recycling

It was then **RESOLVED**:

1. the key findings of the Waste Working Group be referred to the SH/WD Joint Steering Group and used to inform the Budget Setting process for 2018/19;
2. with immediate effect, the Council furthers discussions with Devon County Council related to disposal costs linked to service design and transfer station use;
3. efficiencies linked to current service delivery (as outlined in the Working Group scope) and at paragraphs 3.4 – 3.11 inclusive are delivered during 2017/18 where proven to be operationally feasible;
4. that Council be **RECOMMENDED** that a charge of £35 per container be imposed on new standard 180 litre wheeled bins for any newly built properties and for any householder requests to be in receipt of additional bins; and
5. the notes arising from meetings of the SH/WD Joint Steering Group be presented to future Panel meetings for consideration.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.04/17, E.05/17 (1) and E.06/17 (4) WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 27 JULY 2017, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 10 JULY 2017 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 10.15 am)

Chairman

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MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 5 JULY 2017

Members in attendance * Denotes attendance ∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J M Hodgson (pm only)
*	Cllr J Brazil (am only)	*	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 in attendance:

Cllrs K J Baldry, J Birch, J Green, E D Huntley

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management; Planning Specialists, Deputy Monitoring Officer and Specialist – Democratic Services
	4097/16/OPA	DCC Highways Officer

DM.7/17 **MINUTES**

The minutes of the meeting of the Committee held on 7 June 2017 were confirmed as a correct record and signed by the Chairman.

DM.8/17 **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 R J Vint declared a personal interest in application **0894/16/FUL**: Development of three residential units – Private car park and garages rear of 27-45 Fore Street, Totnes, by virtue of attending meetings of the Totnes Transport Forum who had submitted an objection to the application. He remained in the meeting and took part in the debate and vote thereon;

Cllr R Rowe declared a personal interest in application **0894/16/FUL**: Development of three residential units – Private car park and garages rear of 27-45 Fore Street, Totnes, by virtue of recently receiving a car parking fine at that car park. She remained in the meeting and took part in the debate and vote thereon;

Cllr T R Holway declared a personal interest in application **0607/17/FUL**: Conversion and change of use of former hotel to 6 residential apartments; conversion and change of use of hotel annex apartments to 4 residential apartments; new build block of 4 residential apartments and new build single residential house; with associated landscaping, access and vehicle parking works – Yealm Hotel, 104 Yealm Road, Newton Ferrers by virtue of being a member of the River Yealm Harbour Authority on behalf of the Council. He 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:

- **4097/16/OPA**: Outline application with some matters reserved for residential development of circa 8 dwellings, open space and associated infrastructure with all matters reserved except for means of access (and associated off-site highway works) – Proposed development site at SX 663 471, St Anns Chapel, Bigbury; and
- **0607/17/FUL**: Conversion and change of use of former hotel to 6 residential apartments; conversion and change of use of hotel annex apartments to 4 residential apartments; new build block of 4 residential apartments and new build single residential house; with associated landscaping, access and vehicle parking works – Yealm Hotel, 104 Yealm Road, Newton Ferrers.

DM.9/17 **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.10/17 **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:

4097/16/OPA **Proposed development site at SX 663 471, St Anns Chapel, Bigbury**

Parish: Bigbury

Outline application with some matters reserved for residential development of circa 8 dwellings, open space and associated infrastructure with all matters reserved except for means of access (and associated off-site highway works)

Case Officer Update: Typographical errors within the report were corrected. An additional condition was proposed that details of Highway signage be agreed by the local planning authority prior to installation, and a second drainage condition was proposed. The Case Officer updated the Committee on late letters of representation, including a further letter from Bigbury Parish Council which was reported in detail.

Speakers included: Objector – Mrs Valerie Scott; Supporter – Mr Alex Graves; Bigbury Parish Council – Cllr Bryan Carson; and local ward Member – Cllr Huntley

Recommendation: Delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of Development Management Committee, to grant conditional approval subject to satisfactory completion of a section 106 agreement

Committee Decision: **Refusal**

During discussion, Members noted that whilst access to the site was part of this application, the location of how the road tracked through the proposal site was not fixed as it formed part of the layout which was indicative. Members also noted that the offer of affordable housing that had been included as part of the previous application was no longer being offered. Officers advised that since the previous application had been determined, a Council resolution had been passed that set out the circumstances within which an affordable housing contribution would be requested. The Parish Council representative and the Ward Member both advised the Committee that the community had selected an alternative site for development as part of their Neighbourhood Plan process. Members generally felt that the proposed scheme did not overcome the issues of highway safety as set out by the Planning Inspector, and also felt that viability of the scheme had not been thoroughly assessed. Finally, Members also noted that the application site was an unallocated site within the AONB and a number of Members had made reference to the loss of Devon bank that would arise from the proposal.

Reasons:

1The proposed development is likely to generate an increase in pedestrian traffic on highways lacking adequate footways and also lacking adequate visibility at the junction of the C252 and the B3392 with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework, Policy DP7 of the South Hams Local Development Framework and Policy DEV 31 of the emerging Plymouth and South West Devon Joint Local Plan.

2. Having regard to the new road access points, the provision of a new relocated and wider highway and the resulting loss of Devon Hedgebanks, the proposal will fail to conserve the landscape and scenic beauty in this part of the South Devon Area of Outstanding Natural Beauty contrary to

paragraph 115 of the NPPF, Policies CS9 and DP2 of the South Hams Local Development Framework and Policies SPT11, DEV24 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan.

0607/17/FUL Yealm Hotel, 104 Yealm Road, Newton Ferrers

Parish: Newton and Noss

Conversion and change of use of former hotel to 6 residential apartments; conversion and change of use of hotel annex apartments to 4 residential apartments; new build block of 4 residential apartments and new build single residential house; with associated landscaping, access and vehicle parking works

Case Officer Update: N/A

Speakers included: Objector – Mr Peter Pritchard; Supporter – Mr Simon Friend; Newton and Noss Parish Council – Cllr Alison Ansell; local Ward Member – Cllr Baldry, (statement read from Cllr Blackler).

Recommendation: That delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of Development Management Committee, to grant conditional approval subject to satisfactory completion of a section 106 agreement

Committee Decision: **That delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of Development Management Committee, to grant conditional approval subject to satisfactory completion of a section 106 agreement**

Conditions:

- Time
- Accords with plans
- Materials to be agreed
- Landscaping and woodland management plan to be agreed and implemented
- Pre-commencement - Detail of works to seek to secure retention of beech tree to be agreed and implemented
- Pre-commencement -Tree protection plan to be agreed and implemented
- Parking to be provided and maintained prior to occupation
- Pre-commencement* – further ground investigation of slope stability in relation to proposed soakaways to be agreed with LPA and DCC
- Pre-commencement* – detailed design of permanent surface water management system to be agreed.
- Pre-commencement* – full details of adoption and maintenance of surface water management to be agreed.

- Pre-commencement* – details of exceedance pathways and overland flow routes to be agreed.
- Universal condition for development on land affected by contamination
- Verification Report (contamination)
- Unsuspected contamination
- Pre-commencement - Construction Environmental Management Plan including pollution control measures.
- No mud, stones, water or debris to be deposited on public highway
- No works to 'Room 4' (as per the Ecological Appraisal Report room numbering) should be undertaken until the LPA has been provided with a copy of the licence issued by Natural England.
- Development in accordance with Ecology Strategy
- Details of alternative bat perch to be agreed, implemented and retained
- No part of the new apartment block or new dwelling is to be occupied until a minimum of three of the apartments within the converted hotel building have been completed to the satisfaction of the local planning authority and made available for use.
- The new dwelling shall not be occupied or brought into use until all 6 of the apartments within the converted hotel building have been completed to the satisfaction of the Local Planning Authority and made available for use.
- Full details of doors and windows to be used in the converted hotel building to be agreed
- External lighting to be agreed
- Foul drainage to be agreed
- Boundary treatments to be agreed

(Pre-commencement conditions with * allow for the extended access way to be provided before these details are agreed to provide access for site investigations as required by other conditions)

0894/16/FUL Private car park and garages rear of 27- 45 Fore Street, Totnes, Devon

Parish: Totnes

Development of three residential units

Case Officer Update: None

Speakers included: Objector – Mrs Francis Gillmore; Supporter – Mr David Tall; and local Ward Members – Cllrs Birch, Green and Vint

Recommendation: Conditional Approval

Committee Decision: **Conditional Approval**

Conditions:

- Time limit
- Accord with plans
- Details of levels to be submitted prior to commencement
- Samples of materials to be agreed
- Removal of PD rights
- Landscaping scheme
- No removal of boundary walls without prior consent of the LPA
- Highway conditions
- 3 x contaminated land conditions
- Programme of archaeological recording
- The traditional walls which surround the application site shall be retained and maintained in accordance with a scheme to be submitted and approved by the Local Planning Authority within 3 months of the date of this planning consent

1637/17/HHO 6 Waltham Way, Ivybridge

Parish: Ivybridge

Householder application for replacement of an existing extension

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: **Conditional Approval**

Conditions:

- Standard time limit
- Adherence to plans
- Materials to match

DM.11/17 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report and the COP Lead Development Management responded to questions and provided further information, including plans to assist in identifying the sites in question.

The Committee discussed the appeal decision on Application 28/1560/15/O: Proposed development site at Sx 7392 4386, Allocated site K4, Garden Mill Kingsbridge in more detail and Members felt the decision did not reflect the debate at the inquiry.

DM.12/17 **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 11.00 am and concluded at 5.15 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 5 July 2017

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
4097/16/OPA	Proposed development site at Sx 663 471, St Anns Chapel, Bigbury	Refusal	Cllrs Brazil, Vint, Bramble, Brown, Cuthbert, Holway (6)	Cllrs Foss, Steer (2)	Cllrs Pearce, Rowe (2)	Cllrs Hitchins, Hodgson (2)
0607/17/FUL	Yealm Hotel, 104 Yealm Road, Newton Ferrers	Conditional Approval, subject to the prior satisfactory completion of a S106 Agreement	Cllrs Foss, Steer, Brazil, Bramble, Rowe, Cuthbert, Holway (7)	Cllrs Hodgson, Vint (2)	Cllrs Pearce, Brown (2)	Cllr Hitchins (1)
0904/16/FUL	Private car park and garages rear of 27-45 Fore Street, Totnes	Conditional Approval	Cllrs Holway, Cuthbert, Brown, Pearce, Bramble, Foss, Steer (7)	Cllr Brazil, Hodgson, Vint (3)	Cllr Rowe (1)	Cllr Hitchins (1)
1637/17/HHO	6 Waltham Way, Ivybridge	Conditional Approval	Cllrs Cuthbert, Bramble, Brown, Hodgson, Holway, Pearce, Brazil, Foss, Steer, Rowe and Vint (11)	(0)	(0)	Cllr Hitchins (1)

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

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

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

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Executive Director (Service Delivery and Commercial Development); Group Manager – Customer First and Support Services and Senior Specialist – Democratic Services
7	O&S.15/17	Group Manager – Business Development
8	O&S.16/17	Section 151 Officer; Deputy Monitoring Officer; Specialist (Assets); Specialist (Place and Strategy) and Specialist (Place Making)
9	O&S.17/17	COP Lead – Housing, Revenue and Benefits and Case Management Manager

O&S.12/17 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 18 May 2017 were confirmed as a correct record and signed by the Chairman.

O&S.13/17 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 J D Hawkins declared a personal interest in Item 11: 'Hearing Decision Notice Arising from the Code of Conduct Sub Panel Meeting held on 28 June 2017' (Minute O&S.19/17 below refers) by virtue of being a Member of Kingswear Parish Council and remained in the meeting during consideration of this item;

Cllr B F Cane declared a personal interest in Item 8: 'Section 106 Agreements' (Minute O&S.16/17 below refers) by virtue of having sold land for which a Developer had then had to make a Section 106 deposit to the Council and remained in the meeting during the debate and vote on this item.

O&S.14/17 **PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, the following questions had been received for consideration during this agenda item:

(a) Questions from Lesley Hughes (Town Clerk, Ivybridge Town Council):

1. *I am concerned that the report gives no information on named Officers who could advise Town/Parish Councils or Ward Councillors in respect of the status of 106 obligations, e.g. if work has commenced on site and certain work/payments were due at certain points which can have implications for triggering subsequent payments. Who are the named Officers who will be dealing with this issue? The reason for wanting names is that in Ivybridge we can receive no answers about actions required in respect of the 222 Barratts Homes development where quite significant 106 payments will be made.*

In reply, the Panel Chairman stated that, in bringing the report to the Committee, the Council was reviewing the way in which it monitored contributions due in accordance with Section 106 Agreements. The named officers were for Affordable Housing Section 106s Alex Rehaag or Cassandra Harrison and for Open Space contributions, Rob Sekula.

With regard to the Barratts application and Section 106 contributions, with affordable housing it was all on-site provision and there were no financial contributions to be paid. With regard to the other financial contributions on the development which were due to the District Council, these became due in instalments before the occupation of the 10th dwelling. If there were further questions which the Town Council had, Cllr Saltern asked that he was made aware of these and he would ensure that all queries were answered.

Cllr Saltern proceeded to advised that the Council would put together a list of all Section 106 contributions which had both been received and were due to be received in the future (once the trigger points had been met) to all Town and Parish Councils, so that Town and Parish Councils could also assist in alerting the Council to when trigger points had been met and to keep the Council informed of progress of development.

Finally, Cllr Saltern informed that it was recommended to the Panel under agenda item 8 (Minute O&S.16/17 below refers) that quarterly reports be provided by Finance, Open Space and Affordable Housing officers as part of the quarterly Capital Programme Monitoring reports.

2. *In addition, the Risk section of the report, paragraph 8, Implications fails to include the risk of non-collection of 106 contributions – which is a real risk and has occurred. In the case of Ivybridge, there has been a major problem in that £97,845 Affordable Homes contribution and £14,625 for sports and recreation has not been collected – this dates from an agreement dated 4 October 2011. What actions have been taken to date and what assurances can we have that the money will be recovered? When will the Town Council be able to access the sports money which it needs for a partnership project with Erme Primary School at Victoria Park? How many other 106 Agreements have similarly fallen through the net?*

The Panel Chairman responded by advising that the Council recognised the risk of non-collection of Section 106 contributions. The Council sought to reduce this by placing obligations on the Developer to notify the Council at various points through development. Section 106 Agreements were a registrable local land charge and, in the event of a proposed disposal of land, it was common practice for the Council to be contacted to ensure that obligations had been met. This assisted in the monitoring of Agreements, which had to date been undertaken by officers within Planning.

Where money was not due or not collected at the time the Agreement was entered into, there was provision for interest to be added to the amount due at the time it was to be paid. Such obligations ran with the land and this ensured that Councils could continue to recover contributions or enforce obligations against successive Owners.

Cllr Saltern then confirmed that, in respect of the case cited in this question, the contributions had been paid and were received by the Council within the last week.

In terms of allocation of the funding, subject to local Ward Members and Executive Portfolio Holder agreement, this money could be allocated to Victoria Park.

Finally, the legal department of the Council was pursuing two other cases where the monies due were outstanding on Section 106 Agreements, but as yet, legal proceedings had not been necessary.

O&S.15/17 EXECUTIVE FORWARD PLAN

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

- (a) the Commercial Property Acquisition Strategy agenda item. Some Members expressed their disappointment that the Strategy had not been presented to the Panel before being considered by the Executive. In reply, officers advised that the Strategy had been scheduled on the Forward Plan for a number of months and its content was broadly the same as the version that had been initially presented to the Executive at its meeting on 9 March 2017 (Minute E.70/16 refers). A Member (who was also a Member of the Invest to Earn Working Group) took issue with this response and felt that there had been significant changes proposed to the Strategy since 9 March 2017 and was therefore of the view that it should be initially presented to the Panel for its consideration.

(POST MEETING NOTE: as a result of this discussion point, the Chairman, in accordance with Overview and Scrutiny Procedure Rule 5.2, called an Extraordinary Panel meeting that would take place on Thursday, 20 July 2017 to specifically consider the draft Strategy);

- (b) the Salcombe Land Holdings agenda item. A local ward Member informed that a video that was currently circulating on social media contained a number of inaccuracies which, in light of the exempt nature of this future agenda item, she would highlight to interested Members outside of this Panel meeting.

O&S.16/17 SECTION 106 AGREEMENTS

The Panel was presented with a report that set out the Section 106 contributions that the Council had received. As of 31 March 2017, it was noted that the contributions totalled £4.413 million.

In discussion, reference was made to:-

- (a) the report being welcomed. In welcoming production of the report, a number of Members felt that it constituted a significant step forward for the Council;
- (b) communication with local Ward Members. A number of Members expressed their disappointment that they had not been kept informed of progress regarding Section 106 Agreement contributions. Further concerns were raised in relation to the apparent lack of emphasis that was currently being given to monitoring and control of the funding arrangements. In taking these points a step further, an additional two recommendations were **PROPOSED** and **SECONDED** to read as follows:

'That the Panel expresses its concern over the lack of emphasis being given to monitoring, control and communication as part of the current process for spending Section 106 funds; and

That the Panel stresses the need for the Council to appoint a person to be responsible for the monitoring, control and liaison with both local Ward Members and town and parish councils as part of the process for spending S106 funds.'

When put to the vote, these additional recommendations were both declared **CARRIED**.

- (c) deadlines to use S106 monies. For clarity, officers confirmed that, whilst it was not necessarily a requirement to have spent the money before the deadline, it must be committed before this time;
- (d) the 5% Monitoring Fee. The Deputy Monitoring Officer stressed that not all Section 106 Agreements had a 5% Monitoring Fee obligation and there was a need, in each instance, to illustrate that it was required and would be directly related to the development. As a consequence, Members noted that they should therefore not assume that the 5% Fee would be applicable for each application;
- (e) improving internal communications within the Council. The Deputy Monitoring Officer gave a commitment that the legal service would re-introduce the process whereby, upon completion of a Section 106 Agreement, notification would be sent to relevant officers with the details of each obligation outlined. The Panel subsequently expressed its support for this suggestion to improve internal communications;
- (f) the accuracy of Appendix A of the presented agenda report. In response to some confusion, officers clarified that Appendix A referred to monies that had actually already been received by the Council and not those signed agreements for which payment was still pending. In stressing the importance of a Schedule being produced that provided this information to all Members, it was **PROPOSED** and **SECONDED**:

'That the Panel requires the production of a Schedule that lists all Section 106 Agreements (irrespective of whether or not payment has been received) for consideration at a future Panel meeting.'

When put to the vote, this recommendation was declared **CARRIED**;

- (g) the criteria to obtain affordable housing contributions. The Panel was of the view that the criteria required greater explanation to all Members during a future briefing session. In addition, the point was expressed that decisions relating to affordable housing contributions should be undertaken by the Council whilst bearing in mind the views of local town and parish councils.

Moreover, a Member cited instances that he was aware of where off-site affordable housing contributions were not materialising in affordable housing actually being developed and requested that this matter be included during the aforementioned Member briefing session.

It was then:

RESOLVED

That the Panel:

1. acknowledges the amount of Section 106 funding held at 31 March 2017 (as set out in Appendix A of the presented agenda report (totalling £4.413 million)) and the proposed future reporting arrangements;
2. expresses its concern over the lack of emphasis being given to monitoring, control and communication as part of the current process for spending S106 funds;
3. stresses the need for the Council to appoint a person to be responsible for the monitoring, control and liaison with both local Ward Members and town and parish councils as part of the process for spending S106 funds;
4. encourages legal officers to introduce revised procedures to ensure more effective internal communications within the Council;
5. approves the flowchart (as outlined at Appendix B of the presented agenda report) that illustrates the process for spending Section 106 funding for Affordable Housing;
6. approves the draft application form for Section 106 funding for Affordable Housing (as outlined at Appendix C of the presented agenda report); and
7. requires the production of a Schedule that lists all Section 106 Agreements (irrespective of whether or not payment has been received) for consideration at a future Panel meeting.

O&S.17/17 REVENUE AND BENEFITS PERFORMANCE AND SERVICE UPDATE

The Panel considered a report that sought to give Members a greater insight into the current performance of the Revenue and Benefits service areas. In addition, the report also provided an update and assurances about how these key areas of business, with high levels of customer interaction, were continuing to develop, using innovative new products that would improve customer service and drive through efficiency.

During the introduction into this agenda item, the Case Management Manager demonstrated the new self-service process for residents to register on the Council website.

In discussion, the following points were raised:-

- (a) Members were informed that there was an error in the published agenda report. Specifically regarding the current backlogs in the Revenues service, the Panel noted that the oldest backlog should read '2 May 2017' and not '2 May 2016' as had been published. Whilst noting the error, Members still expressed some concerns at the extent of the current backlog of cases within the service;
- (b) In respect of Universal Credits, officers advised that it was intended that those households in the South Hams with a Plymouth area postcode would go live in November 2017, with the remainder of the district then going live in May 2018. As a cause for concern to officers, the Panel noted that early indications were that Universal Credits would result in an additional workload in the Housing Benefits team which would be coupled with a reduction in grant funding. Moreover, a further challenge to the service would result from the Homelessness Reduction Act coming into effect at the same time as Universal Credits;
- (c) When questioned, officers expressed their optimism that the channel shift initiatives that would result in residents having the increased ability to self-serve would help to reduce the work pressures on the service. By way of progress in this regard, officers confirmed that the Council was currently working on developing some automated software that would be able to compute forms itself rather than having to be inputted by an officer. Finally, it was confirmed that promotion of the self-serve initiatives was to be undertaken by the Council's Locality Officers and at upcoming community events.

As a further suggestion, some Members felt that there was scope to reduce the number of letters being sent from the service to residents and send text messages instead. In accepting the point, officers advised that part of the claim form asked responders to express a preference over how they wished to be contacted in the future;

- (d) To provide some context regarding performance, the Panel acknowledged that the Council had traditionally had very high collection rates. Whilst collection rates had reduced slightly in recent years, it was noted that the Council remained in the top half of performing authorities in the county and the top quartile nationwide;
- (e) Some Members expressed their concerns at the potential for the corporate debt recovery function to be undertaken by a third party supplier. In citing reasons such as a potential lack of empathy and additional costs, the Panel formally requested that if such a proposal did emerge, then it be in receipt of a report prior to any final decision being taken.

RESOLVED

That the Panel:

1. recognises the current position and accepts the performance of the Revenue and Benefits Services, whilst expressing some concerns over the current level of backlog;
2. endorses the initiatives and improvements that are currently under development;
3. requests that, in the event of a proposal emerging whereby the debt recovery function is to be undertaken by a third party supplier, it be in receipt of a report prior to any final decision being taken.

O&S.18/17 **SCRUTINY PROPOSAL FORM**

(a) Discretionary Grant Funding Review

The Panel endorsed the request for a Task and Finish Group to be established to review existing sources of discretionary grant funding.

Having endorsed the request, Cllrs Hawkins and Pennington expressed an interest in serving on the Group. Since there was a wish for a third Member to be nominated, the Panel agreed that the Chairman should be given delegated authority (outside of this meeting) to nominate a Member who would take on responsibility for leading this Review.

(POST MEETING NOTE: having been nominated by the Chairman, Cllr D Brown has confirmed his willingness to be the third (and lead) Member of the Task and Finish Group).

(b) Contact Centre / Performance Measures

The Panel proceeded to consider a request to establish a Joint SH/WD Task and Finish Group to review the current set of Council Performance Indicators.

In agreeing to the request, the Panel appointed Cllrs Green, Hicks and Smerdon to be the Council's representatives on the Group. In addition, it was recognised that, as the previous lead Executive Member, Cllr Hicks had extensive knowledge in this area and it was agreed that he should be nominated as the Panel's lead Member for this review.

O&S.19/17 **HEARING DECISION NOTICE ARISING FROM CODE OF CONDUCT SUB PANEL**

A copy of the Decision Notice arising from the Overview and Scrutiny (Code of Conduct) Sub Panel held on Wednesday, 28 June 2017 was presented to the meeting.

When questioned, the Chairman advised that he was not aware that Cllr Trevorrow had accepted the recommended sanction whereby he should make an apology to the Complainants.

It was then:

RESOLVED

That the contents of the Decision Notice relating to an alleged breach of the Code of Conduct by Cllr Trevorrow of Kingswear Parish Council be noted.

O&S.20/17 TASK AND FINISH GROUP UPDATES

(a) Dartmouth Lower Ferry

By way of an update, the Chairman of the Task and Finish Group advised that the next meeting would be held at 11.30am on Friday, 21 July 2017.

O&S.21/17 ACTIONS ARISING / DECISIONS LOG

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

In response to a question, officers gave an assurance that they would ask for a progress update to be circulated to all Members on the pre-application service review.

O&S.22/17 DRAFT 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 it receive updates on the following agenda items before they were considered by the Executive at its meeting on 14 September 2017:-

- Quayside Phase 2;
- Salcombe Land Holdings; and
- Business Rates Relief Policy.

When considering report lead-in times, it was agreed that each of those items be scheduled for consideration by the Panel at its meeting on 24 August 2017;

(b) With regard to the Village Housing Initiatives Update, the Panel agreed that this item should be deferred to its meeting on 9 November 2017;

- (c) In response to a request, it was agreed that a Joint Local Plan Update be scheduled on to the Work Programme for the meeting to be held on 5 October 2017.

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

Chairman