

South Hams Council



Title:	Agenda																														
Date:	Thursday, 8th October, 2015																														
Time:	2.00 pm																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Cllr Bramble Vice Chairman Cllr Smerdon</p> <p><i>Members:</i></p> <table><tr><td>Cllr Baldry</td><td>Cllr Horsburgh</td></tr><tr><td>Cllr Barnes</td><td>Cllr May</td></tr><tr><td>Cllr Bastone</td><td>Cllr Pearce</td></tr><tr><td>Cllr Blackler</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 Cuthbert</td><td>Cllr Steer</td></tr><tr><td>Cllr Foss</td><td>Cllr Tucker</td></tr><tr><td>Cllr Gilbert</td><td>Cllr Vint</td></tr><tr><td>Cllr Hawkins</td><td>Cllr Ward</td></tr><tr><td>Cllr Hicks</td><td>Cllr Wingate</td></tr><tr><td>Cllr Hitchins</td><td>Cllr Wright</td></tr><tr><td>Cllr Hodgson</td><td></td></tr><tr><td>Cllr Holway</td><td></td></tr></table>	Cllr Baldry	Cllr Horsburgh	Cllr Barnes	Cllr May	Cllr Bastone	Cllr Pearce	Cllr Blackler	Cllr Pennington	Cllr Brazil	Cllr Pringle	Cllr Brown	Cllr Rowe	Cllr Cane	Cllr Saltern	Cllr Cuthbert	Cllr Steer	Cllr Foss	Cllr Tucker	Cllr Gilbert	Cllr Vint	Cllr Hawkins	Cllr Ward	Cllr Hicks	Cllr Wingate	Cllr Hitchins	Cllr Wright	Cllr Hodgson		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. Minutes

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to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Annual Council meeting held on 21 May 2015 and the Special Council meeting held on 10 September 2015;

2. Urgent Business

the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');

3. Confidential Business

the Chairman to inform the meeting of any confidential item of business;

4. 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;

5. 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;

6. Chairman's Engagements

7. Business Brought Forward by the Chairman

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

8. The Audit Findings for the 2014/15 Accounts for South Hams District Council

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to consider a report that presents Grant Thornton's Audit Findings for the year ending 31 March 2015 (NOTE: this agenda item was also considered by the Audit Committee at its meeting on 24 September 2015)

9. Questions

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

(a) From Cllr Pennington to Cllr Holway, Chairman of the Licensing Sub-Committee meeting held on 20 August 2015

Of the four Licensing Objectives that underpin the Licensing Act 2003, two of these state: 'public safety' and 'the prevention of public nuisance'. Therefore, on the application for a new premises licence for Firewood Restaurant and Bar in Marldon on 20 August 2015, the Licensing Sub-Committee did not receive a 'police report' in relation to the application giving any views or opinion on 'public safety' and 'public nuisance' despite strong objections from the public and parish council and it has been confirmed that only a verbal confirmation had been received from the Police Licensing Officer that he had no objections to the application. Therefore, in reaching the conclusion to grant the application, the Licensing Sub-Committee did not have either any written evidence from the police or any knowledge as to whether the police had visited and appraised the location and investigated the objections from members of the public and the parish council on issues citing both 'public safety' and 'public nuisance'.

Does the Chairman of the Licensing Sub-Committee therefore consider that the failure of the police, as a statutory consultee, to produce a written report on the issues of 'public safety' and 'public nuisance' for consideration by the Licensing Sub-Committee to be in breach of the Licensing Act 2003 and hence if so to invalidate the decision taken by the Licensing Sub-Committee?

(b) From Cllr Pennington to Cllr Holway, Chairman of the Licensing Sub-Committee meeting held on 20 August 2015

Can the Chairman of the Licensing Sub-Committee confirm whether a police officer visited the site of the Firewood Restaurant and Bar to investigate any issues involving 'Public Safety' and 'Prevention of Public Nuisance' and if so the date on which any such visit took place and the name of the police officer?

(c) From Cllr Pennington to Cllr Steer, Chairman of the Development Management Committee

Can the Chairman of the Development Management Committee give an assurance that in connection with all future planning applications, the Planning Authority will demand written reports to be submitted to South Hams District Council Planning Authority by all statutory consultees and NOT merely verbal confirmation either in support or

against applications?

(d) From Cllr Pennington to Cllr May, Chairman of the Licensing Committee

Will the Chairman of the Licensing Committee confirm that in all future licensing applications, written reports will be demanded from all statutory consultees?

(e) From Cllr Hodgson to Cllr Tucker, Leader of the Council

In light of the current refugee crisis (and the recent update from the Council's Specialist (Communications and Media) on the Refugee Crisis), I ask the Leader if this Council is willing to play its part in supporting and accommodating its fair share of refugees. Would the Leader therefore be willing to agree to:

- Ask our Housing Officer to write to local housing associations, owners of empty houses and second homes in the South Hams to encourage them to make properties available to resettle refugees;
- Commit to ensuring that refugees are welcomed in this area and help facilitate this process by asking our officers and Councillors to support local service provision and work with those co-ordinating the immense public will to help; and
- Write to the Prime Minister to assure him that South Hams District Council stands ready and willing to help at this time of crisis.

(f) From Cllr Baldry to Cllr Tucker, Leader of the Council

Is the Leader aware that Maidstone Borough Council has written into their Constitution that Chairmen and Vice-Chairmen of Committees have to be from different political groups and does he agree with the Leader of Maidstone BC that such a requirement increases transparency and public confidence?

10. Notice of Motion

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

(a) By Cllrs Wright and Ward

'As a result of the Governments recent announcement that Housing Associations will have to cut Social housing rents by 1% each year for the next four years from April 2015, this Council wishes to express its concerns that this policy will

reduce the number of affordable homes being brought forward in our District, and asks for the support of the local members of Parliament.'

(b) By Cllrs Brazil and Baldry

'This Council welcomes the publication of the Government's Rural Productivity Plan. However, we question the solutions to solve our housing needs contained in the Plan. As such we invite the Secretary of State to visit South Hams to hear our concerns and explore alternative solutions including the Village Housing Initiative.'

(c) By Cllrs Hodgson and Baldry

'With regard to the recent question to Executive regarding the underlying factors and principles regarding SHDC annual and four year budgets, we wish to propose that this Council adopts a set of easily understood and transparent principles for how it sets the budget, such that all Councillors and residents can understand how their council tax is spent.'

11. Amendments to the Council's Procedure Rules Regarding the Dismissal of Senior Officers 55 - 58

to consider a report that deals with the requirements set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 in respect of the new arrangements for taking disciplinary action against the Council's statutory officers, namely the Head of Paid Service, the S151 Officer and the Monitoring Officer;

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 - 27 May 2015 59 - 64**
- (b) Overview & Scrutiny Panel - 4 June 2015 65 - 76**
- (c) Executive - 18 June 2015 77 - 82**
- (d) Audit Committee - 25 June 2015 83 - 86**
- (e) Development Management Committee - 1 July 2015 87 - 108**

(f) Overview & Scrutiny Panel - 9 July 2015	109 - 118
(g) Salcombe Harbour Board -13 July 2015	119 - 124
(h) Executive - 23 July 2015	125 - 130
(i) Development Management Committee - 29 July 2015	131 - 146
(j) Audit Committee* - 30 July 2015	147 - 152
(k) Overview & Scrutiny Panel - 27 August 2015	153 - 162
(l) Development Management Committee* - 2 September 2015	163 - 168
(m) Executive* - 10 September 2015	169 - 176
(n) Overview & Scrutiny Panel - 17 September 2015	177 - 186