

# SOUTH HAMS COUNCIL



## **Minutes** of a meeting of the **South Hams Council** held on **Thursday, 10th December, 2015** at **2.00 pm** at the **Council Chamber - Follaton House**

Present: **Councillors:**

**Chairman** Cllr Bramble  
**Vice Chairman** Cllr Smerdon

Cllr Baldry	Cllr Holway
Cllr Barnes	Ø Cllr Horsburgh
Ø Cllr Bastone	Cllr May
Cllr Blackler	Cllr Pearce
Ø Cllr Brazil	Cllr Pennington
Cllr Brown	Cllr Pringle
Ø Cllr Cane	Ø Cllr Rowe
Cllr Cuthbert	Cllr Saltern
Cllr Foss	Cllr Steer
Ø Cllr Gilbert	Cllr Tucker
Cllr Green	Ø Cllr Vint
Ø Cllr Hawkins	Cllr Ward
Cllr Hicks	Cllr Wingate
Cllr Hitchins	Cllr Wright
Cllr Hodgson	

Ø Denotes apology for absence

### **In attendance:**

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

#### 40. **Presentation - iESE Awards**

40/15

In light of the Council receiving the Gold Award for 'Delivering through Efficiency' and the Silver Award for 'Council of the Year' at the national iESE Awards earlier this year, the Chairman invited Dr Andrew Larner (Chief Executive of iESE) to step forward and formally present these Awards.

In so doing, Dr Larner paid tribute to the Council in achieving these awards and felt that the Council was a credit to the whole public sector. Dr Larner concluded by urging the Council to consider re-submitting again for 'Council of the Year' next year.

41. **Cllr Basil Cane**

41/15

The Chairman informed that he had been made aware that Cllr Cane had recently been taken ill. On behalf of the Council, the Chairman asked that his best wishes be sent on to Cllr and Mrs Cane.

42. **Minutes**

42/15

The minutes of the meeting of Council held on 8 October 2015 and the Special Council meeting held on 5 November 2015 were confirmed as a correct record and signed by the Chairman.

In exercising his discretion, the Chairman permitted a Member to raise a point on the Syrian Refugee Crisis. In so doing, officers and Members gave reassurances that the Council remained totally committed to fulfilling its responsibilities to accommodate refugees. However, since Devon County Council was still awaiting guidance from central government, the Council was currently unable to make any more progress in fulfilling these responsibilities at this time.

43. **Urgent Business**

43/15

The Chairman advised that he had agreed for one urgent item to be raised at this meeting. This item related to a report entitled: 'Our Plan: South Hams Local Plan Arrangements' and was considered urgent in light of the associated time constraints.

The Chairman confirmed that it was his intention for this report to be considered under agenda item 7: 'Business Brought Forward by the Chairman' (Minute 46/15(a) below refers).

44. **Declarations of Interest**

44/15

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

Cllr M F Saltern declared a Disclosable Pecuniary Interest in Item 9(a): 'Notices of Motion' (Minute 48/15(a) below refers) by virtue of being a non-Executive Director of Devon and Cornwall Housing and left the meeting during consideration of this particular motion.

45. **Chairman's Engagements**

45/15

The Chairman highlighted that he had already attended a number of town and parish council meetings and he would continue this practice in

the New Year for any councils who had invited him to attend their meetings.

46.

**Business Brought Forward by the Chairman**

46/15

**(a) Our Plan: South Hams Local Plan Arrangements**

As previously highlighted (minute 43/15 above refers), an urgent report was considered that sought in principle agreement to the establishment of a joint Local Plan within the Housing Market Area.

In discussion, reference was made to:-

- (i) the Council still retaining its own Local Plan. Since the proposals were for an overarching Joint Local Plan, assurances were given that the Council would still retain its own Local Plan;
- (ii) making progress. The need to make swift progress in this regard was recognised by Members. In terms of approving the Collaboration Agreement, it was hoped that this would be agreed by each of the four partner authorities within the next month or so;
- (iii) the ability to share costs and resources. In the event of the recommendation being approved, it was recognised that this would result in costs and resources being shared across the four partner authorities. In addition, the end result would be only requiring one Examination in Public by one Inspector. In response, a Member stated that she did not support the proposals and made reference to officer time increasing through having to draft the Collaboration Agreement. As a consequence, the Member felt that the Council should continue with its existing working arrangements;
- (iv) the composition of the Strategic Planning Working Group. In reply to concerns expressed, the Leader confirmed that, in the upcoming months, some alternative governance proposals would come forward. With regard to the previously established Plymouth Urban Fringe Working Group, it was noted that Plymouth City Council had disbanded this Group, as it wished to focus on its own boundaries rather than the hinterlands;
- (v) the Local Development Scheme (LDS). It was noted that officers had continued to liaise with the Planning Inspectorate in respect of how the Council was intending to bring forward the LDS. If the proposed direction of travel was supported by each of the partner authorities, then officers would inform the Planning Inspectorate of how it was intended to align the LDS.

It was then:

**RESOLVED**

1. That the principle of a Joint Local Plan within the Housing Market Area be agreed subject to appropriate arrangements being put in place with neighbouring planning authorities;
2. That a detailed Collaboration Agreement establishing the operation of the Joint Local Plan be developed with neighbouring planning authorities (and any other relevant organisations); and
3. That the Collaboration Agreement include, but not necessarily be limited to, the following matters:-
  - Strategic Context;
  - Objectives and Priorities;
  - Joint Spatial Framework;
  - Governance and working arrangements;
  - Local Development Scheme and timescales;
  - Evidence;
  - Infrastructure;
  - Policies;
  - Allocations;
  - Engagement and Consultation;
  - Resources and Staffing;
  - Examination;
  - Assessments; and
  - Monitoring and Review;
4. That a further report be submitted to Council setting out the detailed policy and allocation proposals that are to be subject to consultation, consideration and submission within the Joint Local Plan element of Our Plan: South Hams; and
5. That those contents which are to be agreed under recommendations 1, 2 and 3 be delegated to the Lead Specialist – Place and Strategy, in consultation with the Chairman of the Strategic Planning Working Group.

47.

### **Questions**

47/15

It was noted that one question had been received in accordance with Council Procedure Rule 8.

### **From Cllr Hodgson to Cllr Hicks, lead Executive Member for Business Development and the Local Plan**

(a) *'Given the importance of Neighbourhood Plans to Our Plan: South Hams and the likely impact on many of them and the extended timescale that Our Plan is experiencing, can we make an additional £5,000 to Neighbourhood Plans that are currently underway?'*

In response, Cllr Hicks informed that Neighbourhood Plans were recognised by the Council as an important and, indeed, an integral part of the Development Plan process.

In order to support their delivery, the Government had made funding

available to both Neighbourhood Plan (NP) groups and Local Planning Authorities. The Council was using its allocation to provide support in a number of ways, including the provision of advice, the services of individual specialists and, recently, the appointment of a Case Manager with specific responsibility to support NP groups.

Whilst the Council was committed to supporting as actively as possible the work of these Groups, a blanket payment of £5,000 to each of them would not be justified, proportionate or affordable.

However, the Council would be happy to have exploratory talks with the South Hams Neighbourhood Plan Network to determine whether there could be additional support for the Network itself.

#### 48. **Notice of Motion**

48/15

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

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

- the extreme disparities between average house prices and average income in the South Hams;
- the government announcement affecting all rental markets, including affordable housing;
- the proposals leading to inevitable cashflow problems for Housing Associations. As a guide, it had been estimated that 14,000 less homes would be developed due to changes in the rent formula;
- these proposals also causing Housing Associations to revise their viability assessment figures. In addition, the Council had received correspondence from the DCLG that was urging local authorities to consequently accept lower viability figures from developers. The proposer emphasised that such action was in complete contradiction to the Council's Corporate Priority of housing.

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

- (i) The seconder echoed the comments of the proposer and was of the view that 14,000 fewer homes was a conservative

prediction and estimated that between 25-27,000 less homes would be built;

- (ii) Whilst expressing support for the sentiments of the motion, a Member felt that there was a need for a review to be undertaken into the effectiveness of Housing Associations. Furthermore, the Member asked that the Council did not confuse viability with the ability of Housing Associations to pay their mortgages.

It was then:

### **RESOLVED**

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 Pennington and Hodgson**

*“A review of the Freedom of Information Act 2005 is currently being undertaken under the Chairmanship of Lord Bridges. South Hams District Council consider that, in the important interests of local democracy, there will not be any charges or fees levied on applicants, as this would deter the use of the Act. Additionally, there must not be any increase in exemptions, as it would countermand the wise words of the then Lord Chancellor Lord Falconer in 2005 who described the Act as “a constitutional change of great significance, a radical and permanent change in the relationship between the citizen and government.”*

In introducing his motion, the proposer emphasised that it was an apolitical issue and the Freedom of Information (FOI) Act had proven to be a vital principle of openness and transparency.

In discussion, the following points were raised:-

- (i) The Leader informed that he was broadly supportive of the intention of the motion, however he fundamentally disagreed with there being no ability to charge applicants. The Leader felt that it was outrageous that, of the 1,355 requests that had been received by the Council and West Devon Borough Council in 2014, 90% had been received from corporate bodies (e.g. the national media). Furthermore, BBC figures had found that the cost to the South Hams District and West Devon Borough Council taxpayers in 2014 of supporting the FOI Act was £391,000.

In conclusion, the Leader supported the ability of local residents to utilise the Act without any charge, but could not support the motion as it was presented whereby national bodies were submitting requests linked to issues such as: ICT contracts, Business Rates, Public Health and Funerals;

- (ii) A Member queried the appropriateness of an amendment being proposed as follows:

*'.....there will not be any charges or fees levied on applicants who live in the South Hams area.'*

At this point, the Monitoring Officer was asked to give her legal advice on the suitability of this potential amendment. In so doing, she advised that the Council should not commit itself at this stage and should wait to see the details of any revised legislation.

In light of this advice, there was no such amendment proposed.

- (iii) The seconder felt there to be scope to improve the accessibility and information which was published on the Council website, which was currently not particularly easy to navigate around. In addition, the seconder emphasised that the media acted in the public interest and therefore could not agree with the concerns expressed by the Leader.

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

(c) **By Cllrs Pennington and Hodgson**

*'South Hams District Council expects all statutory consultees for planning applications involving the construction of dwellings and all planning applications for industrial and commercial developments to provide written reports to be made available to all Councillors and members of the public if requested to conform with the Freedom of Information Act 2005 and the Access to Information Act 2000 in the name of local democracy. The practice of any reliance on verbal reports only should be discontinued. Similarly, all of the above requirements must be observed for licensing applications submitted to South Hams District Council Licensing Committee.'*

In introducing the motion, its proposer wished to formally move a slightly amended version (as below):-

*'South Hams District Council expects all statutory consultees – for both planning and licensing applications – to comment in writing with reasons for their view. These comments will be available to all Councillors and members of the public if requested to conform with the Freedom Of Information Act 2005 and the Access to Information Act 2000. The practice of the use of verbal responses should be discouraged.'*

In discussion, reference was made to the intention of the amended wording being to send a strong (yet more succinct) message to statutory consultees.

It was then:

## **RESOLVED**

South Hams District Council expects all statutory consultees – for both planning and licensing applications – to comment in writing with reasons for their view. These comments will be available to all Councillors and members of the public if requested to conform with the Freedom Of Information Act 2005 and the Access to Information Act 2000. The practice of the use of verbal responses should be discouraged.

### **(d) By Cllrs Hodgson and Green**

*'This Council will endeavour (through the LGA) to seek new legislation at National Government to enable significant increases in Council Tax for Second Homes and Holiday Homes.'*

The proposer highlighted the major impact of second and holiday homes in the South Hams and felt that the Council should lead the way in seeking new legislation.

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

- (a) Some Members emphasised that there was no current way of identifying second and holiday homes. Moreover, a Member felt that the Council should firstly closely monitor the impact of the pending changes in legislation regarding stamp duty increases for second and holiday homes;
- (b) To provide some balance, a Member commented that second and holiday homes were a mixed blessing. In expanding her point, the Member highlighted that such properties paid Council Tax, but did not use services such as schools and were rarely utilising other services such as local highways and waste collections;
- (c) The huge migration from second homes classification to businesses (estimated to be in the region of 2,500 properties) was also cited as a further reason why this motion should not be supported;
- (d) In support of the motion, the seconder reiterated the corporate drive to raise additional revenue and felt that there were methods of establishing primary residence (e.g. via the electoral roll);
- (e) In attempting to discourage the number of second and holiday homes, a Member cited the Channel Islands policy whereby a minimum charge was applied.

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

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



*'This Council will continue to support the need for social and affordable housing and consider direct purchase of housing as part of its investment strategy.'*

In introducing the motion, the proposer and seconder requested a slight alteration whereby the words: 'affordable housing *to rent* and consider.....' be added.

In discussion, the following points were raised:-

- (i) A Member complimented the proposer and seconder for submitting a well drafted motion;
- (ii) In stressing the Council's commitment in this area, a Member highlighted the recent Executive recommendation to Council whereby an updated Asset Management Strategy be adopted (Minute E.32/15 refers). Furthermore, it was noted that the Council had already increased its investment portfolio of housing stock.

It was then:

### **RESOLVED**

This Council will continue to support the need for social and affordable housing to rent and consider direct purchase of housing as part of its investment strategy.

(f) **By Cllrs Vint and Green**

*'This Council will, in order to protect small business and vulnerable residents, seek to identify where flat-rate charges for key services can be replaced by fees that correspond with ability to pay, prior to approval of the 2016/17 Budget:*

- (i) by linking charges for key business services, where appropriate, to business rates or floor area; and*
- (ii) by linking charges for key services for residents, where appropriate, to Council Tax bands.'*

(NOTE: in the absence of Cllr Vint, this motion was subsequently proposed by Cllr Green and seconded by Cllr Baldry).

The proposer introduced the motion and felt that, if supported, it could help support small businesses in the market towns. As an example to underpin the motion, the proposer stated that the charge for a High Hedge Complaint was currently proposed to be £320 across the board and the Council could look for opportunities to tier charging into say two or three different banding levels.

In discussion, the following points were raised:-

- A Member commented that Council Tax bands did not reflect the ability to pay. In addition, by linking charges to floor area would not necessarily be reflective of the profitability of a business (e.g. pubs and leisure centres);
- A further barrier to supporting the motion was the lack of ability to enforce and monitor the proposals and legislation dictating that a number of these fees and charges could only be able to be set on a cost recovery basis.

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

#### 49. **Devolution Draft Proposal**

49/15

The Council considered a report that sought to endorse the current approach to Devolution and the drafting of proposals, their submission and negotiation of a deal for the Heart of the South West.

At this point, the Chairman invited the Leader of Council to provide an update to the meeting. In so doing, he advised that he was proposing a motion whereby this agenda item be deferred until a Special Council meeting early in the New Year. To justify this proposal, the Leader informed that the proposed submission was in the process of being re-drafted and was likely to be amended to such an extent that it would only be appropriate to seek a deferral at this meeting.

In discussion, reference was made to:-

- (a) the initial change in meeting date. A Member expressed his disappointment that this Council meeting had been brought forward by a week to accommodate this agenda item only for it now to be recommended that this matter be deferred;
- (b) the proposal being a high level strategic bid. Due to its strategic nature and the tight timescales involved, it was not deemed appropriate for a public consultation exercise to be undertaken on the draft proposals. In addition, the intention of the proposal was to set out the base negotiating position;
- (c) the revised draft. Assurances were given to Members that the revised draft would be circulated to them as soon as it had been received.

It was then:

#### **RESOLVED**

That the agenda item be deferred until a Special Council meeting in the New Year.

50. **Corporate Enforcement Policy**

50/15

Consideration was given to a report that sought to adopt the draft Corporate Enforcement Policy.

In the ensuing discussion, Members welcomed the draft Policy, but did express the view that a plain English guide that supplemented the Policy should be developed by the Communications Team.

It was then:

**RESOLVED**

That the Corporate Enforcement Policy (as attached at Appendix A of the presented agenda report) be adopted.

51. **Reports of Bodies**

51/15

**RESOLVED**

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

(a) Development Management Committee 23 September 2015

(b) Audit Committee 24 September 2015

(c) Salcombe Harbour Board 28 September 2015

**SH.15/15: Proposed Budget for 2016/17**

**RESOLVED**

That the proposed 2016/17 budget (as set out within the agenda report presented to the Board) be approved, subject to agreement of the fees and charges, to enable a balanced budget.

**SH.16/15: Fees and Charges 2016/17**

**RESOLVED**

1. That the changes to the Charging Policy (as set out in paragraph 3 of the presented agenda report to the Board) be approved; and
2. That the proposed fees and charges (as presented in the Appendix to the published Board minutes) be approved for implementation from 1 April 2016.

(d) Executive 15 October 2015

### **E.31/15: Our Plan Update**

For clarity, Members were reminded that these recommendations were approved at the Special Council meeting held on 5 November 2015.

### **E.32/15: Business Development – Asset Management Strategy**

#### **RESOLVED**

That the updated Asset Management Strategy (as detailed in Appendix 1 of the agenda report presented to the Executive meeting) be approved.

### **E.34/15: Council Tax Reduction Scheme**

#### **RESOLVED**

1. That the existing Council Tax Reduction Scheme be continued with for 2016/17 whereby:-
  - 80% maximum liability restriction be applied meaning that working age claimants pay a minimum of 20% towards their Council Tax bill;
  - a property valuation Band D restriction be applied meaning that working age claimants living in larger properties do not receive greater levels of support than those living in small properties; and
  - an exceptional hardship fund be retained to help those claimants experiencing severe financial difficulties; and
2. That authority be delegated to the Finance Community Of Practice Lead (Section 151 Officer), in consultation with the Lead Executive Member for Support Services, to make amendments to the policy document to take account of any further changes in law, government guidance or policy that required urgent amendment.

### **E.36/15: Capital Programme Monitoring Report**

#### **RESOLVED**

1. That £153,000 of the Capital Programme contingency budget of £300,000 be approved to be allocated to the capital projects as set out in Appendix A of the agenda report presented to the Executive; and

2. That the capital budget for the purchase of a recycling depot be withdrawn from the Capital Programme as outlined in Appendix A of the agenda report presented to the Executive.

### **E.38/15: Operational Amendments to Off-Street Parking Order**

#### **RESOLVED**

1. That the provision of the new reserved bays at Mayor's Avenue Car Park, Dartmouth be added to the South Hams Off-Street Parking Places Order;
2. That the provision of reserved bays for leisure centre customers at Dartmouth Park & Ride site be added to the South Hams Off-Street Parking Places Order; and
3. That the provision of parking on the fish quay area on Dartmouth South Embankment to generate a revenue towards the maintenance of the structure be added to the South Hams Off-Street Parking Places Order.

### **E.40/15: Health and Safety Management**

#### **RESOLVED**

1. That the Health and Safety Statement of Policy be accepted and signed by the Head of Paid Service and the Leader of Council; and
2. That the Health and Safety Statement of Policy be reviewed and signed annually on the occasion of the Annual Council Meeting.

### **E.41/15: Reports of Other Bodies**

#### **(a) Overview and Scrutiny Panel – 17 September 2015**

##### **(i) O&S.39/15(2) South Hams CVS Monitoring**

#### **RESOLVED**

That the existing Service Level Agreement be renewed for a further twelve months on the existing terms (in accordance with clause 15.2 of the Service Level Agreement).

(e) Development Management Committee 21 October 2015

(f) Salcombe Harbour Board 2 November 2015

(g) Licensing Committee 12 November 2015

### **L.03/15: Review of Statement of Licensing Policy for 2016/21**

#### **RESOLVED**

That the draft Licensing Policy (as outlined at Appendix A of the agenda report presented to the Committee) be adopted for the period 7 January 2016 to 6 January 2021.

### **L.04/15: Three Yearly Review of Gambling Statement of Licensing Principles**

#### **RESOLVED**

That the draft Statement of Principles (as outlined at Appendix A of the agenda report presented to the Committee) be adopted for the period 31 January 2016 to 30 January 2019.

### **L.05/15: Park Homes Fees and Charges Policy**

#### **RESOLVED**

That the Park Homes Fees and Charges Policy (as outlined at Appendix A of the agenda report presented to the Committee) be adopted.

(h) Development Management Committee 18 November 2015

(i) Overview & Scrutiny Panel 19 November 2015

### **O&S.53/15: Our Plan: South Hams – Review**

#### **RESOLVED**

1. That Our Plan: South Hams be issued for the start of the 2016/17 Financial Year as a document that:

- recognises Our Plan: South Hams as the single comprehensive Council Plan;
- restates the Council's Corporate Vision and Objectives;
- establishes the common basis for the Council's Financial Plan, Asset Management Plan, Local Plan and all other Plans and Strategies;
- establishes long-term and short-term priorities for delivery including a delivery plan commencing in 2016/17;
- establishes mechanisms for delivery;

- establishes engagement, monitoring and review procedures; and
  - provides context for subsequent incorporation of the Local Plan element currently subject to separate preparation;
2. That a Member Workshop be held early in the New Year to progress this work; and
  3. That the final document return to the Executive and Council for agreement prior to its publication.

**O&S.56/15: Dispensations to Dual-Hatted Members**

A Panel Member reiterated his previously raised concerns regarding dual-hatted Members and felt that this Council meeting (which had clashed with the equivalent Devon County Council meeting) had only helped to reinforce his views.

The Meeting concluded at 3.15 pm

**Signed by:**

**Chairman**

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