

# South Hams Council



<b>Title:</b>	<b>Agenda</b>																														
<b>Date:</b>	<b>Thursday, 10th December, 2015</b>																														
<b>Time:</b>	<b>2.00 pm</b>																														
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>																														
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Bramble <b>Vice Chairman</b> Cllr Smerdon</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 Holway</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 Smerdon</td> </tr> <tr> <td>Cllr Foss</td> <td>Cllr Steer</td> </tr> <tr> <td>Cllr Gilbert</td> <td>Cllr Tucker</td> </tr> <tr> <td>Cllr Green</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> </table>	Cllr Baldry	Cllr Holway	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 Smerdon	Cllr Foss	Cllr Steer	Cllr Gilbert	Cllr Tucker	Cllr Green	Cllr Vint	Cllr Hawkins	Cllr Ward	Cllr Hicks	Cllr Wingate	Cllr Hitchins	Cllr Wright	Cllr Hodgson	
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<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk																														

**1. Minutes**

**1 - 16**

to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Council held on 8 October 2015 and the Special Council meeting held on 5 November 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**

**17 - 24**

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

**8. Questions**

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

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

'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 available to Neighbourhood Plans that are currently underway?'

**9. 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 Government's 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.'"

**(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.'

**(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.'

**(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.'

**(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.'

<b>10. Devolution Draft Proposal</b>	<b>25 - 86</b>
to consider a report that seeks 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;	
<b>11. Corporate Enforcement Policy</b>	<b>87 - 110</b>
to consider a report that seeks to adopt the Corporate Enforcement Policy;	
<b>12. Reports of Bodies</b>	
to receive and, as may be necessary, approve the recommendations of the under-mentioned Bodies:-	
<b>* Indicates minutes containing recommendations to Council.</b>	
<b>(a) Development Management Committee-23 September 2015</b>	<b>111 - 124</b>
<b>(b) Audit Committee - 24 September 2015</b>	<b>125 - 130</b>
<b>(c) Salcombe Harbour Board* - 28 September 2015</b>	<b>131 - 140</b>
<b>(d) EXECUTIVE* - 15 OCTOBER 2015</b>	<b>141 - 150</b>

(NB. the Council Tax Reduction policy document which underpins recommendation E.34/15 is available upon request from Member Services)

	<i>Page No</i>
<b>(e) Development Management Committee- 21 October 2015</b>	<b>151 - 162</b>
<b>(f) Salcombe Harbour Board - 2 November 2015</b>	<b>163 - 168</b>
<b>(g) Licensing Committee* - 12 November 2015</b>	<b>169 - 172</b>
<b>(h) Development Management Committee- 18 November 2015</b>	<b>173 - 182</b>
<b>(i) Overview &amp; Scrutiny Panel* - 19 November 2015</b>	<b>183 - 196</b>

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# Agenda Item 1

## MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 8 OCTOBER 2015

### MEMBERS

\* Cllr I Bramble – Chairman

\* Cllr P C Smerdon – Vice-Chairman

* Cllr K J Baldry	* Cllr T R Holway
* Cllr N A Barnes	* Cllr D Horsburgh
* Cllr H D Bastone	* Cllr D W May
∅ Cllr J I G Blackler	* Cllr J A Pearce
* Cllr J Brazil	* Cllr J T Pennington
* Cllr D Brown	* Cllr K Pringle
* Cllr B F Cane	* Cllr R Rowe
* Cllr P K Cuthbert	* Cllr M F Saltern
* Cllr R J Foss	* Cllr R C Steer
* Cllr R D Gilbert	* Cllr R J Tucker
* Cllr J D Hawkins	* Cllr R J Vint
* Cllr M J Hicks	* Cllr L A H Ward
* Cllr P W Hitchins	* Cllr K R H Wingate
* Cllr J M Hodgson	* Cllr S A E Wright

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Head of Paid Service, Monitoring Officer, Section 151 Officer and Senior Specialist (Democratic Services); and

Agenda Item 8 (Minute 31/15 below refers): Grant Thornton Audit Manager.

#### 28/15 **MINUTES**

The minutes of the annual meeting of Council held on 21 May 2015 and the Special Council meeting held on 10 September 2015 were confirmed as a correct record and signed by the Chairman, subject to removal of 'Cllr A S Gorman' as being in the list of Members at both meetings.

#### 29/15 **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.

#### 30/15 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that his chosen charity for this year was to be the Devon Air Ambulance.

31/15

## THE AUDIT FINDINGS FOR THE 2014/15 ACCOUNTS FOR SOUTH HAMS DISTRICT COUNCIL

A report was considered that presented Grant Thornton's Audit Findings for the year ending 31 March 2015.

The Grant Thornton Audit Manager took Members through the report and in the subsequent debate, particular reference was made to:-

- the Value for Money conclusions. The Audit Committee Chairman wished to highlight Grant Thornton's Value for Money conclusions in respect of:
  - o the Council having robust systems and processes to manage effectively financial risks and opportunities, and to secure a stable financial position that enabled it to continue to operate for the foreseeable future; and
  - o the Council prioritising its resources within tighter budgets, for example by achieving cost reductions and by improving efficiency and productivity.
- the excellent audit report. In light of the excellent report, a number of Members wished for their congratulations and thanks to be extended to the Section 151 Officer and her finance colleagues.

It was then:

### RESOLVED

That the Audit Findings be noted.

32/15

## QUESTIONS

It was noted that six questions had been received in accordance with Council Procedure Rule 8.

### **From Cllr Pennington to Cllr Holway, Chairman of the Licensing Sub-Committee meeting held on 20 August 2015**

- (a) *'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?'*

In response, Cllr Holway stated that he did not agree that the Police had failed in this regard.

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

(b) *'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?'*

In reply, Cllr Holway responded 'yes', 'no' and 'no' respectively.

**From Cllr Pennington to Cllr Steer, Chairman of the Development Management Committee meeting**

(c) *'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?'*

In reply, Cllr Steer stated that the Council would not demand that written reports be submitted by all statutory consultees. In addition, whilst legislation set out the definition of a response, it did not mention how that response should be submitted. Therefore, it would be difficult to insist on a written report, but it was presumed that, should a consultee wish to make a comment either in favour or against an application, then it would be received in writing. Finally, Cllr Steer informed that, if a statutory consultee had 'no comment' to make, then it was not felt that the Council could insist on that being in writing.

**From Cllr Pennington to Cllr May, Chairman of the Licensing Committee**

- (d) *'Will the Chairman of the Licensing Committee confirm that in all future licensing applications, written reports will be demanded from all statutory consultees?'*

In reply, Cllr May stated that written reports would not be demanded from statutory consultees in all future licensing applications.

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

- (e) *'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:*

- o *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;*
- o *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*
- o *Write to the Prime Minister to assure him that South Hams District Council stands ready and willing to help at this time of crisis.'*

In response, Cllr Tucker made the following points:-

- (a) Further to the statement he had made at the last Executive meeting on 10 September 2015 (Minute E.17/15 refers), the Council remained committed and willing to fulfil its responsibilities to accommodate refugees;
- (b) Officers were in regular discussions with colleagues at Devon County Council (DCC) and it was as yet unknown how many refugees were to be accommodated in the South West region. Moreover, the Local Government Association and District Council Network were talking to Ministers on a daily basis on this issue;
- (c) Until the Council was made aware of what was being proposed by central government and DCC, it was felt to be a little early in the process to be writing to Registered Social Landlords;
- (d) The general infrastructure of the South Hams (e.g. transport and highways links) would not make it easy to support and accommodate refugees;
- (e) He was committed to keeping all Members informed of progress updates on what was such an evolving and important issue.

Prior to asking a supplementary question, Cllr Hodgson handed Cllr Tucker a 178 signatory petition which asked that the Council be proactive in this regard. In her supplementary, Cllr Hodgson made reference to a public meeting in Totnes on this matter at 7.00pm on Saturday, 10 October and asked if Cllr Tucker would be willing and able to attend. In response, Cllr Tucker advised that he was unable to attend due to a prior commitment, but he would see if any other Council representatives were able to attend.

### **From Cllr Baldry to Cllr Tucker, Leader of the Council**

- (f) *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?*

In response, Cllr Tucker advised that the political composition of Maidstone Borough Council was much more finely balanced than South Hams District Council. The Leader proceeded to inform that he remained committed to ensuring that the most suitable Members were appointed to the most appropriate Council roles regardless of political affiliation. For example, the Leader cited the Salcombe Harbour Board Chairman appointment as a casing point.

In his supplementary, Cllr Baldry asked the Leader if he was aware of recent research from Cambridge University that had concluded that local authorities were wasting millions of pounds and there was a consequent need for more rigorous scrutiny. In reply, the Leader confirmed that he was aware of the findings and it was his view that the new governance arrangements (post May 2015 elections) had resulted in the Council now having a far more robust overview and scrutiny function.

33/15

### **NOTICE OF MOTIONS**

It was noted that three 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 light of the recent ministerial statement, the proposer and seconder of the motion felt it would be more appropriate for this motion to be deferred to the next meeting.

**(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.”*

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

- the published DEFRA report being welcomed. The report presented a clear ten point plan for rural productivity and the proposer encouraged fellow Members to read the report;
- concern over the housing needs solutions. In particular, the proposer expressed concern regarding those suggested solutions to increase both social mobility and right to buy, whilst deciding to appeal the Judicial Review decision in respect of planning obligations thresholds. The decision to appeal was felt to be in direct contradiction and would in fact (if overturned) result in less affordable housing provision in rural areas;
- the purpose of the Secretary of State invite being to listen to the concerns of the Council and take on board its views in this respect. In so doing, the proposer hoped that it was a misunderstanding of central government in terms of the severe housing issues facing rural areas like the South Hams.

In discussion, the following points were raised:-

- (i) It was noted that there was broad agreement amongst rural local authorities that the national affordable housing policies did not reflect or take into account rural areas;
- (ii) Some Members stressed that policies would result in starter homes only being classified as such for five years. Based upon current statistics, it was estimated that the average South Hams resident would need a £50,000 salary increase to be able to afford to purchase a starter home;
- (iii) It was felt that the most effective means of trying to achieve a visit from the Secretary of State was to contact our local MPs. Alternatively, it was also suggested by the Leader that the Secretary of State may be more inclined to attend a meeting of the Devon Districts Forum and he was happy to raise this matter at the next scheduled Forum meeting. In addition, there was broad support for the Council writing to express our views to the District Council Network.

It was then:

### **RESOLVED**

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.'*

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

- the value of the recent Member Budget Workshop. The merits of the Workshop were recognised and this motion was seeking to build upon ideas that were generated at this session;
- the motion not intending to give any more work to the S151 Officer and her finance colleagues;
- the benefits of showing how Council budgets related to the corporate priorities.

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

- (a) Some Members expressed their reservations at this motion and felt that the Council did an exceptionally good job of consulting and communicating on the annual Budget proposals. Specifically, in respect of communications, there was considered to be merit in investigating whether the South Hams Matters publication should be re-established. In response, the Head of Paid Service advised that both the publication and the wider budget setting process would form part of the considerations when the Council's External Communications Strategy was being developed;
- (b) In support of the motion, other Members highlighted the public right for openness and transparency and were of the view that the public understanding of all aspects of the Council's budget was poor;
- (c) Some Members reiterated the relevance of the value for money conclusions that had been reached by Grant Thornton in its Audit Findings report (Minute 31/15 above refers);

- (d) Two amendments were suggested to the motion as indicated below:

*'With regard to the recent question to **the Overview and Scrutiny Panel** regarding the underlying factors and principles regarding SHDC annual and four year budgets, we wish to propose that this Council **continues to utilise** 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.'*

The proposer and seconder confirmed that they were content to accept both of these amendments and they were therefore included in the substantive motion.

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

34/15

### **AMENDMENTS TO THE COUNCIL'S PROCEDURE RULES REGARDING THE DISMISSAL OF SENIOR OFFICERS**

The Council considered a report that dealt 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 Section 151 Officer and the Monitoring Officer.

In discussion, a Member stated his support for these Regulations, which he felt were long overdue and would reduce unnecessary bureaucracy.

It was then:

#### **RESOLVED**

1. That the Council amend its Procedure Rules and Officer Employment Rules in the Council's Constitution to give effect to the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ('the Regulations'). In particular:
  - (a) the Head of Paid Service, Section 151 Officer and Monitoring Officer may only be dismissed by the Council; and
  - (b) when considering whether to dismiss any of the officers set out in (a) above the Council must have regard to any view expressed by an Independent Panel.
2. That the Council's Independent Persons (appointed under the Localism Act 2011) are invited to be part of a Panel for the purposes of the Regulations; and
3. That the Monitoring Officer amend the Council Constitution accordingly.

35/15

**REPORTS OF BODIES****RESOLVED**

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

(a)	Development Management Committee	27 May 2015
(b)	Overview & Scrutiny Panel	4 June 2015
(c)	Executive	18 June 2015
(d)	Audit Committee	25 June 2015
(e)	Development Management Committee	1 July 2015
(f)	Overview & Scrutiny Panel	9 July 2015
(g)	Salcombe Harbour Board	13 July 2015
(h)	Executive	23 July 2015
(i)	Development Management Committee	29 July 2015
(j)	Audit Committee	30 July 2015

**A.11/15: Contract Procedure Rules****RESOLVED**

That the updated version of the Contract Procedure Rules has been reviewed and be adopted.

(k)	Overview and Scrutiny Panel	27 August 2015
(l)	Development Management Committee	2 September 2015

**DM.27/15: Development Management: Public Participation Scheme****RESOLVED**

1. That the Development Management Public Participation Scheme be amended to enable the opportunity for town and parish council representatives to speak on planning applications within their own town or parish provided that they abide by the same rules as applied for objectors and supporters;

2. That the Site Inspection Protocol be amended to state that town and parish councils are able to attend site inspections but would no longer be invited to make presentations. There would be an opportunity for one spokesperson representing the town or parish council to ask questions of clarity or to make specific points based on local knowledge to the Chairman; and
3. That the Development Management Public Participation Scheme be amended so that linked applications presented to Committee are only allowed one time slot per speaker.

(m) Executive

10 September 2015

### **E.20/15: Invest to Save: Glass Banks at Torr Quarry**

#### **RESOLVED**

1. That investment in a capital spend of a maximum of £28,000 to build three new glass storage bays at Torr Quarry in order to reduce resource requirement for glass collections/journeys across the district. It was estimated that the investment would pay back within year one;
2. That Immediate Implementation in order to maximise the income which can be derived from the Councils glass recycle; and
3. That the spend be taken from the capital programme contingency reserve.

### **E.22/15: Joint Data Protection Policy**

#### **RESOLVED**

1. That the Joint Data Protection Policy (as attached at Appendix A of the presented agenda report to the Executive) and supporting Codes of Practice and documentation of the presented agenda report be approved; and
2. That the Monitoring Officer be granted delegated authority to make minor amendments to the Codes of Practice and supporting policy documentation to reflect the emerging working practices of the Council.

(n) Overview and Scrutiny Panel

17 September 2015



**O&S.42/15: Development Management Service Update**

When questioned, the Head of Paid Service informed that the Council's organisational structure chart was in the process of being finalised and would be made available to Members as soon as was practically possible.

(Meeting commenced at 2.00 pm and concluded at 3.15 pm)

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Chairman

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**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT  
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 5 NOVEMBER  
2015**

**MEMBERS**

\* Cllr I Bramble – Chairman

\* Cllr P C Smerdon – Vice-Chairman

∅ Cllr K J Baldry	* Cllr T R Holway
* Cllr N A Barnes	* Cllr D Horsburgh
* Cllr H D Bastone	* Cllr D W May
* Cllr J I G Blackler	* Cllr J A Pearce
* Cllr J Brazil	* Cllr J T Pennington
* Cllr D Brown	* Cllr K Pringle
* Cllr B F Cane	* Cllr R Rowe
∅ Cllr P K Cuthbert	* Cllr M F Saltern
* Cllr R J Foss	* Cllr R C Steer
* Cllr R D Gilbert	* Cllr R J Tucker
* Cllr J P Green	* Cllr R J Vint
* Cllr J D Hawkins	* Cllr L A H Ward
* Cllr M J Hicks	* Cllr K R H Wingate
∅ Cllr P W Hitchins	* Cllr S A E Wright
* Cllr J M Hodgson	

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Head of Paid Service, Executive Director (Service Delivery and Commercial Development), Monitoring Officer and Senior Specialist – Democratic Services

**36/15 WELCOME**

On behalf of all Members, the Chairman welcomed Cllr J P Green to his first Council meeting since being elected on to the Council.

**37/15 DECLARATIONS OF INTEREST**

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

Cllr N A Barnes declared a personal interest in Item 5: 'Appointment to Council Bodies and Independent Persons' (Minute 39/15 below refers) by virtue of being a neighbour of one of the proposed Independent Persons and remained in the meeting and took part in the vote thereon.

## OUR PLAN UPDATE

A report was considered that updated Members on the status of Our Plan, in particular the Development Plan element of the Plan. The report made recommendations for next steps, which involved an adapted approach focused around the Housing Market Area (HMA) and a strengthened Duty to Co-operate arrangement.

The report was also considered by the Executive on 15 October 2015, with the recommendations being endorsed (subject to inclusion of some minor additions) at this meeting (Minute E.31/15 refers).

In discussion, the following points were raised:-

- (a) Some Members confirmed their support for the Executive recommendations and emphasised the need for the Council to make swift progress in this regard.
- (b) Two additional recommendations were separately **PROPOSED** and **SECONDED** as follows:-
  - That 'Our Plan' be re-named 'Our Plan: South Hams'; and
  - That a specific Duty to Co-operate arrangement be put in place with neighbouring authorities in immediately adjacent Housing Market Areas.

When voted upon individually, both proposals were subsequently declared **CARRIED** and added to the substantive motion.

It was then:

### RESOLVED

1. That Option 2 for progression of *South Hams Our Plan* (as set out at section 4 of the presented agenda report) be pursued recognising that this will need a plan period to 2032 or 2033 or alignment with neighbouring authorities;
2. That a detailed Duty to Co-operate protocol, or similar agreement, be established with neighbouring planning authorities within the Housing Market Area. This would address joint approaches to strategic planning relating to timetable, evidence, policies, strategic allocations, governance, staffing, scope of Housing Market Area, viability and infrastructure amongst other matters;
3. That the Local Development Scheme be reviewed and re-issued in line with point 1 (above);
4. That further evidence work (joint or specific) be procured as required;
5. That the response to the Our Plan Topic Papers public consultations be published (as set out at section 4 of the presented agenda report);

6. That the remaining Strategic Housing Land Availability assessment work be published (as set out in section 4 of the presented agenda report) and options for additional sites be explored;
7. That a budget provision for 2016/17 of £75,000 be made for Our Plan examination anticipated to be met from the *Planning Policy and Major Development Reserve*.
8. That guidance for Neighbourhood Plan Groups be issued to inform their work as it relates to Our Plan
9. That a refreshed Our Plan Engagement Strategy be issued
10. That regular updates be provided to the Strategic Planning Working Group
11. That further monitoring reports be submitted to the Executive every three months and the Council as and when required making specific proposals for future consultation, consideration and submission of Our Plan
12. That those specific details to be agreed under recommendations 2,3,6,8 and 9 be delegated to the Lead Specialist – Place and Strategy in consultation with the Chairman of the Strategic Planning Working Group and the Leader of Council;
13. That 'Our Plan' be re-named 'Our Plan: South Hams'; and
14. That a specific Duty to Co-operate arrangement be put in place with neighbouring authorities in immediately adjacent Housing Market Areas.

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## **APPOINTMENTS TO COUNCIL BODIES AND INDEPENDENT PERSONS**

The Council considered a report that sought to serve two purposes:

- to appoint Cllr J P Green to serve on the Overview and Scrutiny Panel for the remainder of the 2015/16 Municipal Year; and
- to re-appoint Messrs George Barnicott and Mike Fowkes as the Council's Independent Persons for the period until the Annual Council meeting in May 2019.

It was then:

### **RESOLVED**

That with immediate effect:-

1. Cllr J P Green be appointed to serve on the Overview and Scrutiny Panel for the remainder of the 2015/16 Municipal Year; and
2. Messrs George Barnicott and Mike Fowkes be appointed as the Council's Independent Persons for the period until the Annual Council meeting in May 2019.

(Meeting commenced at 2.00 pm and concluded at 2.20 pm)

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## Our Plan: South Hams – Local Plan Arrangements

Report to: **COUNCIL**

Date: **10 December 2015**

Title: **Our Plan: South Hams Local Plan Arrangements**

Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny**

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

Date next steps can be taken: **Immediately after Council**  
(e.g. referral on of recommendation or implementation of substantive decision)

Author: **Ross Kennerley** Role: **Lead Specialist – Place and Strategy**

Contact: **1379 ross.kennerley@swdevon.gov.uk**

### **RECOMMENDATION:**

**That Council be RECOMMENDED that:-**

- 1. The principle of a Joint Local Plan within the Housing Market Area (HMA) be agreed subject to appropriate arrangements being put in place with neighbouring planning authorities;**
- 2. A detailed Collaboration Agreement establishing the operation of the Joint Local Plan be developed with neighbouring planning authorities (and any other relevant organisations);**
- 3. 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**

## **Our Plan: South Hams – Local Plan Arrangements**

- **Engagement and Consultation**
  - **Resources and Staffing**
  - **Examination**
  - **Assessments**
  - **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. Those details to be agreed under recommendations 1, 2 & 3 are delegated to the Lead Specialist – Place and Strategy in consultation with Chair of Strategic Planning Working Group and Leader.**

### **1. Executive summary**

Members considered and supported a refreshed approach to the Local Plan element of *Our Plan: South Hams* at Executive on 15 October 2015 and Council on 5 November 2015.

The substantive element of the refreshed approach was a recognition of the importance of planning comprehensively across the Housing Market Area (HMA) and, in particular, working closely under the Duty to Co-operate with neighbouring planning authorities.

Detailed discussions have now taken place to advance this co-operative working approach. The outcome of this further work is that the most effective and efficient manner to address the duty to co-operate is considered to be the formalisation of the arrangement within a Joint Local Plan across the HMA. This approach allows the overall housing numbers within the HMA to be allocated, delivered, monitored and reviewed within a shared and clearly defined spatial framework. This spatial framework will seek to identify and manage housing delivery at appropriate levels across the HMA.

In order to advance this arrangement Members are asked to agree the principle of the establishment of a Joint Local Plan and that this be secured through a collaboration agreement. It is anticipated that this agreement will include West Devon Borough Council, Plymouth City Council and Dartmoor National Park Authority (with precise implementation of the joint approach and Joint Plan to be established in the agreement).

The precise details of any policies, allocations and other matters of detail to be set out in the Joint Local Plan will be brought back to Executive and Council for agreement before publication and consultation.



## **Our Plan: South Hams – Local Plan Arrangements**

The refreshed approach agreed in November also identified a wide range of operational matters. These are progressing (as reported in the Members Bulletin) and will continue unhindered.

### **2. Background**

*Our Plan: South Hams* will be the single strategic plan that sets out the vision, objectives and activities of South Hams District Council. It brings together all strategies and plans and sets out a comprehensive story of what the council wants to achieve through two blended and inter-related elements

- The corporate plan establishing the Council's vision, objectives, priorities, actions and delivery approaches and
- The Local Plan establishing land use planning policies and allocations

The overarching corporate plan role was recently reviewed at Overview and Scrutiny. This included a review of the 15/16 delivery plan for council wide activities with the recommendation to Council that this element be re-issued for the start of the 2016/17 financial year as a means of clarifying Council vision, objectives, priorities and delivery.

The Local Plan element of *Our Plan: South Hams* was subject to review in the reports to Executive and Council. This recognised the need to take account of a wide range of local and national issues impacting on local planning. This led to members agreeing to a refreshed plan timescale based around a duty to co-operate approach within the Housing Market Area incorporating West Devon, Plymouth and relevant parts of Dartmoor National Park. This report focusses on this Local Plan element.

The primary recommendation in the Council resolution was to investigate a collaboration agreement focussed on the LPAs within the HMA. With the imperative to move rapidly this matter has been pursued and been subject to consideration at senior officer and member level. The duty to co-operate and the constraints of needing to plan across the HMA leave the Council no option but to work closely with neighbouring LPAs – however this can merely be at a basic level. To really explore the opportunities Councils are encouraged to look beyond basic cooperation and to consider entering into a Joint Local Plan. In looking at this Joint Plan option a number of benefits have been identified including

- One Process, One Examination, One Inspector
- Aligned single strategic framework and timescales across the whole HMA.
- Enables a sensible distribution of growth across the whole area – focused on Plymouth as the growth hub
- Focusing growth on Plymouth enables the market towns and rural communities to focus on appropriate housing levels in the rural areas and establish clear context for Neighbourhood Planning
- Joint monitoring arrangements to ensure the strategy is delivered within context of spatial framework
- Duty to Cooperate & Soundness tests fully satisfied
- Resource efficiencies and cost savings realised due to a single process.
- A single evidence base, Sustainability appraisal and Habitats Regulations Assessment.

## Our Plan: South Hams – Local Plan Arrangements

Under these overall principles the Joint Local Plan could establish the overall housing and employment requirements across the HMA – and then allocate these to deliver specific spatial elements where there are distinctly different contexts for housing and employment. The following approaches are being investigated for inclusion

- Britain’s Ocean City –Plymouth and the Urban Fringe
- Thriving Towns and Villages – South Hams and West Devon
- Nationally Important Landscapes – AONBs and DNPA.

Any Joint Local Plan would only deal with land use planning, development policies, allocations and related matters. The distinct identities and roles of the participating Council’s would be fully retained – as would the separate corporate plans into which the Joint Local Plan would sit. This can be illustrated as follows.



## **Our Plan: South Hams – Local Plan Arrangements**

Discussions around this approach have taken place with Plymouth City Council, West Devon Borough Council and Dartmoor National Park Authority and these authorities are also considering this Joint Local Plan approach. The decisions for DNPA are complicated as it straddles two HMAs and further consideration will be needed. Discussions will also be needed with Devon County Council and Cornwall Council to establish their role in supporting the Joint Plan approach.

Any agreement by members only establishes the principle of the Joint Local Plan approach. It is proposed that the final decision be delegated and be subject to full and detailed further investigations, the establishment of appropriate arrangements and a suitable and legally robust Collaboration Agreement.

Detailed matters relating to policy, allocations and related development matters will continue to be progressed (primarily in conjunction with the Strategic Planning Working Group) and will still require agreement of Council prior to publication and consultation.

In proposing the option of a Joint Local Plan it is helpful to confirm what the Joint Local Plan isn't. It isn't

- A Proposal for joint Services, or broader joint working between the Local Authorities – it is simply the land use planning related Local Plan work.
- A Proposal for SHDC to accommodate ever greater amounts of housing to meet Plymouth's growth – the emerging Spatial Framework anticipates Plymouth taking more than its share of the HMA needs
- A delay to plan timetables – all three Councils are already broadly aligned; a Joint Plan won't change that.
- Creating new, complex governance structures – the suggestion is a Member group, supported by an officer group, with all decisions taken back to individual Executives and Councils

Although the arrangement doesn't anticipate wider integration of services there may well be operational and resource benefits in the establishment of joint staff and resource arrangements to bring forward the Joint Local Plan. These could be time limited and details will be investigated further during establishment of the Collaboration Agreement.

### **3. Outcomes/outputs**

The main requirement is to progress *Our Plan: South Hams* to submission in a manner that will maximise the chances of it being found sound at Examination. To do so the Council needs to carefully consider and address a broad, and increasing, range of issues.

These issues, and implications, were considered in depth in the previous Council report and aren't re-iterated here. What this report does is advance the specific matter of how to address the Duty to co-operate and makes the proposal that addressing this within a Joint Local Plan offers benefits that are worthy of agreeing in principle and subsequently looking to establish in detail.

## Our Plan: South Hams – Local Plan Arrangements

### 4. Options available and consideration of risk

The previous Council resolution established a timeline and process for progressing the Local Plan element of *Our Plan: South Hams* set out as Option 1 below. The proposal in this report is to take a step further and formalise the duty to co-operate work into a Joint Local Plan. This is shown at Option 2.

<p><b>Option 1</b> Work with the other authorities within the HMA to demonstrate conclusively that all have complied with the Duty to Co-operate.</p> <p><i>Potential timescale</i></p> <p>Feb 2016 Duty to Co-operate principles agreed</p> <p>April 2016 Duty to Co-operate agreed and signed up by all authorities</p> <p>July 2016 Further consultation</p> <p>Autumn/Winter 2016 Submission</p>	<p>Pro's</p> <ul style="list-style-type: none"> <li>• Enable the plan to meet the requirements to show a full 15 year supply</li> <li>• Ensure evidence is robust and up to date</li> <li>• Link effectively to sub-regional HMA work</li> <li>• Provide adequate time to work with neighbouring authorities</li> <li>• More efficient distribution of resources across specialist pool within the Council</li> <li>• Fulfil our Duty to Cooperate and enable a common approach across the HMA which would make the plan more robust</li> <li>• Opportunity for further meaningful consultation with town and parish councils and local communities</li> <li>• There will be opportunities for resource efficiencies through joint working</li> </ul> <p>Cons</p> <ul style="list-style-type: none"> <li>• Perception of delay for NP groups, and others, who are awaiting plan requirements</li> <li>• Lack of certainty for new employment allocations</li> <li>• Need to carefully consider presentation to achieve co-operation without losing identity.</li> <li>• Will need to consider timing of neighbouring authorities and expectation for alignment</li> <li>• Uncertainty over emerging planning policies at national level may lead to unforeseen delays</li> </ul>
<p><b>Option 2</b> Work with the other authorities within the HMA on production of a Joint Local Plan</p> <p><i>Potential timescale</i></p> <p>Feb 2016 Joint Local Plan Collaboration principles agreed</p> <p>April 2016 Joint Local Plan Collaboration agreed and signed up by all authorities</p> <p>Summer 2016</p>	<p>Pro's</p> <ul style="list-style-type: none"> <li>• As above but with additional clarity over joint working embedded in Joint Local Plan Collaboration Agreement</li> <li>• Comprehensive and seamless approach to spatial framework, policy and allocations</li> <li>• Single examination</li> <li>• Potential costs savings</li> </ul> <p>Cons</p> <ul style="list-style-type: none"> <li>• As above but requires all authorities to work under binding arrangement on Joint Local Plan thus reliance needed between authorities</li> </ul>

## Our Plan: South Hams – Local Plan Arrangements

Further consultation Autumn/Winter 2016 Submission	<ul style="list-style-type: none"> <li>Potential for loss of individual identity unless appropriately managed</li> </ul>
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The agreement to investigate further the Joint Local Plan is an in principle decision. Final agreement (under delegation) will only progress if suitable arrangements are fully in place supported by an appropriate Collaboration Agreement across the authorities. Areas of potential risk will be identified and managed during this further work and prior to any final arrangement being put in place.

### 5. Proposed Way Forward

Members have already agreed the principle of collaborative working on the Local Plan. This report seeks the agreement of members to take a further step and endorse the principle of a Joint Local Plan within the Housing Market Area.

The establishment of an updated Local Plan – allied to a clear policy basis to support housing delivery is a key focus. The use of a Joint Local Plan is considered to be the most appropriate mechanism.

### 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		Town and Country Planning (Local Planning) (England) Regulations 2012 National Planning Policy Framework 2012 The Planning and Compulsory Purchase Act (2004) Environmental Assessment of Plans and Programmes Regulations 2004
Financial		No further costs identified at this stage
Risk		See section 4.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no direct implications relating to this report on equality and human rights. However, these issues will be considered as the plan is developed
Safeguarding		There are no direct implications relating to this report on safeguarding
Community Safety, Crime and Disorder		Policies will include positive measures to address Community safety, crime and disorder
Health and Wellbeing		Policies will include positive measures to address Health and wellbeing
Other implications		None identified

## **Our Plan: South Hams – Local Plan Arrangements**

### **Supporting Information**

**None**

#### **Background Papers:**

National Planning Policy Framework

National Planning Policy Guidance

Fixing the Foundations(July 2015)

Towards a one nation economy: A 10 point plan for boosting productivity in rural areas (August 2015)

Report to: **COUNCIL**  
Date: **8 December 2015**  
Title: **Heart of the South West Formal Devolution Bid**  
Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

Urgent Decision: **N** Approval and clearance obtained: **N/A**

Date next steps can be taken:  
(e.g. referral on of recommendation or implementation of substantive decision) **Immediately following this meeting.**

Author: **Steve Jordan** Role: **Executive Director (Strategy and Commissioning)**

Contact: **steve.jorden@swdevon.gov.uk**

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## RECOMMENDATIONS

**That Council be RECOMMENDED to:**

- 1. Endorse the Leader's current approach to devolution and the drafting of proposals, their submission and negotiation of a deal for the Heart of the South West, namely:**

**Working with local authorities, National Parks and the Heart of the South West Local Enterprise Partnership to deliver full proposals for devolution which will seek a formal agreement with Government on a formal devolution deal as set out in Appendix 1; and**

- 2. in the event of timescales changing, delegate authority to the Head of Paid Service, in consultation with the Leader of the Council, to approve the final proposal.**

*(NOTE: this report was also considered by the Hub Committee at its meeting on 1 December 2015 (Minute HC 37 refers)).*

## **1. Executive summary**

- Devolution for the Heart of the South West (HotSW) is being led by the Leaders of Somerset and Devon County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks and the Local Enterprise Partnership.
- Our shared Devolution Statement of Intent was submitted to Government on 4 September in response to announcements in the July Budget and a deadline set by the Chancellor of the Exchequer. The Government received 38 bids from cities, towns and counties across England. There is strong competition for devolution powers and some bids are further advanced than HotSW. Nevertheless, the Government has subsequently asked us to produce detailed devolution proposals by the end of 2015 with a view to negotiating a formal deal thereafter.
- The process to produce formal proposals is now under way and is being coproduced across the HotSW. This report updates the Council on the necessary activity to date and seeks endorsement of the council's role in producing formal proposals to the Government's timescales.
- Any final devolution deal with government will be subject to further approval / ratification by all partners individually.

## **2. Background**

- The Government has declared its desire to devolve powers and budgets from Westminster to local authorities, along Local Enterprise Partnership geographies. The Chancellor of the Exchequer is particularly interested in devolution as a driver of economic growth and reducing reliance on the public purse.
- In general, devolution is expected to support the following areas of government policy:
  - Increased productivity
  - Skills and employment
  - Housing
  - Reducing the cost of the public sector
- Many devolution deals are being developed by consortia of local authorities and their Local Enterprise Partnerships. The largest agreed deal so far is the Greater Manchester Devolution Agreement. Known as the 'Northern Powerhouse' this deal will:



- Join up economic growth agendas and public service reform
  - Health and social care integration
  - Devolve business support and skills/training/apprenticeship budgets
  - Create a directly elected Mayor with transport, strategic planning, housing development and Police and Crime Commissioner powers
- Cornwall Council have also recently agreed a devolution deal to give them greater power and influence over business support, skills and employment support, EU funding, and health and social care integration. During tough negotiations with Government they demonstrated that an elected Mayor for Cornwall was not required for their area.
  - During August, Heart of the South West Leaders agreed to produce a high-level set of ambitions stating our desire to negotiate a devolution deal with government where we would make improvements to our area in return for increased powers and responsibilities.
  - The Heart of the South West Devolution Statement of Intent was submitted to Government and made public on 4 September 2015.
  - The Government praised our statement of intent for its clarity and ambition and asked us to move forward swiftly to produce detailed, formal proposals and begin negotiation with them on a formal deal.
  - Government's expectation is that we will submit proposals before the end of 2015 and carry out formal negotiation in early 2016.
  - Therefore, partners are now working on formal proposals and preparing for high-level discussions with Government.

### **3. Outcomes/outputs**

The Council has an opportunity to benefit from devolution across a wide range of topics and services. Benefits may include increased powers over decision-making and funding, leading to decision-making that more closely reflects local needs, improves services and reduces costs.

Devolution has clear links to, and potential to enhance the benefit of the Council 'Our Plan' strategy and links into the Councils transformation programme T18.

These recommendations seek to gain authority to pursue solutions that help the Council maximise the opportunities of devolution. They do not commit the Council to a formal devolution deal, only to make and negotiate on proposals.

At this stage of the process the Council is not required to take decisions on the detail of what would be delivered under any devolution deal or possible future governance arrangements but rather to be actively aware and involved in discussions.

#### Consultations undertaken

Despite the Government's challenging timescales to date, efforts have been made to keep Members informed on the development of the proposals and this will continue going forward.

Any final devolution deal with government will be subject to:

- Further approval / ratification by all partners
- Consultation, as appropriate, before delivery of parts of the deal

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

- Options considered and reasons for rejecting them

<b>Alternative approach</b>	<b>Reason for rejection</b>
Not to participate	There is significant potential benefit to West Devon through devolution which can be explored with minimal risk.
To submit proposals based on a different geography	Government has confirmed that the preferred geography for proposals is based on Local Enterprise Partnership boundaries.

- Failure to secure a deal may affect delivery of the Council's ambitions. Implications will be addressed as any devolution deal is developed and agreed.

- One or more partners may choose not to proceed with a formal bid which could result in the bid floundering.
- There are not considered to be any other implications at this stage however the whole population of our authority could be affected by a devolution deal.
- Any final devolution deal with government will be subject to further approval/ratification by all partners, and will require other implications and impacts to be considered at that stage.

## **5. Proposed Way Forward**

### **Next Steps: Producing formal devolution proposals**

- At a meeting on 5 October it was agreed to write our Statement of Intent by 'themes' so partners could share the load of producing detailed proposals for the final bid document.
- A governance theme will ensure that governance for the devolution deal is acceptable and equitable to all partners and will be brought back to partners for final decision.
- A Programme Management Office is overseeing delivery of each chapter and maintaining communications between partners. Currently this Office is funded through existing resources. It is important to note that each partner remains responsible for their own governance processes and public/in-house communications.
- Each theme 'chapter' will demonstrate a thorough understanding of the issues and the difference that devolved powers and funding would make, including:
  - A robust evidence base
  - A series of 'offers' to government and 'asks' from government showing:
    - Stretching targets
    - Demonstrable outcomes for the Heart of the South West area
  - Resource requirements including an analysis of costs and benefits
  - Impact assessments
  - Proven capacity and capability to deliver

### **Engagement with Members and partners**

- Producing the formal bid is a fast moving process involving many organisations and individuals. In order to keep Members informed and provide background information for partners, the Devolution Programme Management Office produce a weekly newsletter for all partners as well as more detailed updates as they become available.

- Council Members will be kept informed as work continues, including through regular updates, member events and informal briefings
- There is significant discussion under way between partners to produce proposals acceptable to all and more will be known as the bid develops. Furthermore the Statement of Intent's working principles include an agreement that proposals will do no harm, even if a particular proposal offers no advantage to a given area.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		None at this stage. Implications will be addressed as any devolution deal is developed and agreed
HR		None at this stage. Implications will be addressed as any devolution deal is developed and agreed
Financial		<p>Until detailed devolution proposals are developed, financial implications can only be generalised. They fall into three categories:</p> <ol style="list-style-type: none"> <li>1. The Government requires devolution to be a fiscally neutral process – power over funding may be transferred but no new government money will be made available except potentially for 'pump priming' activity</li> <li>2. There is potential for savings across the public sector in the Heart of the South West and proposals are being developed with this in mind</li> <li>3. The Government may however attempt to negotiate additional spending by the council or other partners as a requirement of one or more parts of the final deal</li> </ol>
Risk		As noted in para 4
Comprehensive Impact Assessment Implications		

Equality and Diversity		None at this stage
Safeguarding		None at this stage
Community Safety, Crime and Disorder		None at this stage
Health, Safety and Wellbeing		None at this stage
Other implications		None at this stage

### **Supporting Information**

**Appendices:** Draft Proposal – Appendix 1

### **Background Papers:**

Statement of Intent – e-mailed to Members on 5 October 2015

Draft Proposal

Draft Governance paper

<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed	<b>Yes</b>
SLT Rep briefed	<b>Yes</b>
Relevant Exec Director sign off (draft)	<b>Yes</b>
Data protection issues considered	<b>Yes</b>
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	<b>N/A</b>

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## **Devolution for the Heart of the South West A Prospectus for Productivity**

**“One programme, three plans, £4 billion in productivity by 2030”**

The Heart of the South West sees devolution as a long term strategy with enormous potential. We know that sustainable growth, improved productivity and true transformation require resources and careful planning on top of ambition. To this end we propose to deliver our devolution deal through a single investment programme and three interwoven strategic plans.

### **One programme**

We propose to create a single investment programme to underpin all funding devolved to the heart of the South West. It will be comprised of devolved Government funds alongside in-scope local resources, and incorporate tools for borrowing, revolving funding and reinvesting in growth, infrastructure, resilience, and public sector reform.

This new funding ‘pot’ will be underpinned by three key plans to deliver our devolution deal.

### **Three plans: from here to 2030**

Delivering sustainable productivity and growth from a shared HotSW vision and strong partnership between public and private sectors, requires transparent, long term and forward-thinking plans to succeed. Our proposals for devolution sit under three headings.

- **A Strategic Infrastructure Plan** – this will be our area's chapter in the National Infrastructure Plan, and the basis for future strategic infrastructure investment in connectivity and long-term resilience.
- **A Strategic Development Plan** - detailing our intentions for targeting devolved funds and powers to where they can best increase productivity and reduce public-sector spending.
- **Our Strategic Economic Plan** – aligning national and local investment to support growth and boost productivity.

### **An additional £4bn growth by 2030**

With a devolution deal, we project that by 2030 our area will add £50bn GVA per year to the nation's economy. This represents transformational growth, generating £4bn more than without devolution, and up to 80,000 additional jobs.

(1)

## **Leadership**

We know that to transform the Heart of the South West, we must demonstrate our capacity to deliver. We have an excellent track record on a wide range of schemes and will develop a transparent, robust and efficient governance mechanism for our devolution deal. Residents and Government alike will know who is responsible for our successes, and accountable for any failures.

DRAFT



## What is the Heart of the South West?

Like a language with many dialects, the Heart of the South West has a coherent vision for devolution yet understands that variations across the area must be embraced in order to deliver the immense productivity and efficiency opportunities available.

### A distinctive whole...

Our area covers 4000 square miles. We comprise 17 councils, two national parks, two world-class universities, 6 acute hospitals, international communication hubs, shared strategic road and rail infrastructure, the vanguard of the national nuclear renaissance, vibrant cities and towns and a stunning natural environment.

We have a combined GVA of £30bn, and a population of 1.7million.

We also suffer some particular challenges:

- Our comparative productivity is 29th out of 39 LEP areas
- A skills challenge: first rate educational institutions and yet our need for skilled workers remain stubbornly wide and some areas amongst the furthest in the country from a university
- Our health and care systems will be overwhelmed by the 31% of people who will be over 65 by the mid-2030s

### ...with unique needs and approaches

Distinct challenges and opportunities are a fact of life in an area as diverse as ours, and our devolution proposals respect and capitalise on that.

Some parts of our devolution deal will benefit some partners more than others. For example, capitalising on the potential of new nuclear, marine and aerospace represent key sectoral aspirations for our area, whilst physical and virtual infrastructure will benefit the entire area and link us more strongly to our neighbours and to the world. We wish to embrace this diversity:

*"To reposition the Heart of the South West's profile and reputation, nationally and globally. Connecting people, places, businesses and ideas to transform our economy, securing investment in infrastructure and skills to create more jobs and enable rewarding careers."*

Heart of the South West Local Enterprise Partnership Mission Statement

### Plymouth

The largest urban centre in the area and a key growth location, Plymouth's population is set to rise to 300,000 by 2031 and the city must be empowered to create the right conditions for jobs and homes growth. Building on the success of the Plymouth and South West Peninsula City Deal, and aiming to become one of Europe's most vibrant waterfront cities, its growth plans focus on:

(3)

- **Regeneration of the City Centre and the Waterfront** to deliver 10,000 jobs, 5000 homes and investment in sector strengths from high tech marine to tourism and leisure
- **The Northern Corridor** to deliver 8000 jobs - many in the science and medical technology sectors - 6,600 new homes and major transport improvements;
- **The Eastern Corridor** which provides opportunities for strategic housing and employment sites, delivering 12,000 jobs and 8,000 new homes.

#### Greater Exeter

Comprising the city and neighbouring districts, it is also a key engine of growth. Innovation Exeter partners wish to build on this by shifting the economy towards professional, scientific, and technical business sectors, taking advantage of knowledge sector assets such as Exeter University. Building from successes such as the Science Park, Innovation Centre and Innovation Zone, new objectives include:

- A **Global Environmental Futures Campus**, and **Impact Lab** at the Exeter Science Park
- An international **Research and Innovation Institute** to explore the impact and exploit opportunities presented by climate change
- Becoming a major centre of expertise in new approaches to achieving truly **sustainable cities**

#### Others

To follow as required

## Strategic Infrastructure: Investment, connectivity, resilience

A Strategic Infrastructure Plan will allow us to identify what our economy needs and marshal the resources to deliver long term sustainable economic growth.

### Infrastructure for accelerated growth

For maximum benefit from devolved infrastructure powers and funding, a comprehensive strategic plan for infrastructure is required: we need solid foundations to build on.

We ask for	We offer	Outcomes we will deliver
<p>Government to work with us to develop and deliver a comprehensive and radical 30 year Strategic Infrastructure Plan for the Heart of the South West, to support strategic development across the entire South West</p> <p>Government to jointly own the Plan, and devolve funds and powers to deliver it.</p>	<p>We will use this plan to:</p> <ul style="list-style-type: none"> <li>• Provide Government with a single point of conversation with our area.</li> <li>• Agree clear investment and development priorities</li> <li>• Deliver beyond our existing infrastructure targets.</li> <li>• Accelerate delivery of key housing and employment targets.</li> <li>• Put in place the foundations for long term growth and economic prosperity</li> <li>• Inform the National Infrastructure Plan.</li> </ul> <p>We will pool resources across the Heart of the South West and deliver efficiencies alongside accelerated growth</p>	<p>Stronger and sustained economic growth.</p> <p>Greater productivity</p> <p>Enable Government to meet its infrastructure commitments</p>

### Energy infrastructure

We ask for	We offer	Outcomes we will deliver
Government to prioritise	We will expedite planning	The HotSW area will

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<p>National Grid network developments including to support Hinkley, Marine energy developments and other distributed energy supplies.</p>	<p>consent for grid infrastructure, including F Line. We will expedite planning for marine demonstration sites.</p> <p>We will consider whether retained Business Rate income can be used to facilitate renewable energy schemes.</p>	<p>contribute more energy to the grid.</p> <p>The incidence of fuel poverty in the area will be reduced.</p> <p>More sustainable solutions will be found for areas that are off gas grid provision.</p>
<p>We ask Government to devolve feed in tariffs and community energy funds to our overall infrastructure pool.</p>	<p>Our area will serve as a test bed for demand management initiatives such as smart metering, smart grid solutions, energy storage and supply/demand linkage.</p> <p>We will intensify support for community scale renewable schemes.</p> <p>We will invest in local renewable energy schemes and associated grid developments.</p>	<p>Help Government deliver its national long term energy strategy and global energy commitments</p>
<p>We ask Government to devolve ECO funding incentives to our overall infrastructure pool.</p>	<p>We will invest in energy efficiency and community renewables schemes.</p> <p>We will prioritise areas of high fuel poverty, including those areas that are off the gas grid.</p>	

**Transport**

Transport links are vital to our area. Improved connectivity through a faster, more resilient transport system with better and well maintained roads, railways and faster journey times across the Heart of the South West, and the region, underpin our economy and are key to delivering further growth. Key initiatives include the A303/A358/A30 corridor, Peninsular Rail Task Force and North Devon Link, however more needs to be done. In Somerset alone, 90% of roads are designated 'C' or lower.

To increase productivity and growth, we must help our businesses and residents travel efficiently across our area. This will link our strategic housing and employment sites, encourage businesses to invest in our area, help our rural and tourism economies, and improve connectivity of the Heart of the South West with the rest of UK Plc.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
<p>Government to reaffirm and commit to deliver, to expected timescales:</p> <ul style="list-style-type: none"> <li>• Major road improvements to the M5, A303, A358, and A30.</li> <li>• Smaller scale yet key improvements to the A303/A30 between Ilminster and Honiton, the A38 and North Devon Link Road.</li> <li>• Add Plymouth to the network of Strategic National Corridors.</li> </ul>	<p>We will assist Highways England in delivering timely development consents, sharing information and expertise and assisting with community engagement to minimise objections to schemes.</p> <p>In partnership with neighbouring areas and Highways England, we will use our experience in delivering major transport schemes, preparation of business cases, designs, and funding of preparatory costs for major road improvements.</p>	<p>Stronger growth and greater productivity through improved road, rail and bus transport networks.</p> <p>Unlocking of key development sites, enabling growth.</p> <p>Reduced congestion.</p> <p>Increased productivity through reduced travel times.</p> <p>Improved quality and resilience of the highway network</p> <p>Efficiencies and savings.</p>
<p>To be released from the restrictive and short term Control Period funding cycle to allow the region to develop and deliver an accelerated programme of rail investment.</p> <p>To increase capacity and resilience of the</p>	<p>We will lead as scheme promoter in commissioning competent third parties to design, finance and build selective additional rail infrastructure schemes that are outside of the Control Period cycle: Network Rail to maintain</p>	<p>Cross-network benefits, in particular:</p> <ul style="list-style-type: none"> <li>• Short electrification schemes</li> <li>• Northern line between Exeter and Plymouth via Okehampton</li> <li>• Key line speed improvements</li> <li>• Improvements between Exeter and Axminster.</li> </ul>

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rail network	completed infrastructure, our costs recovered through usage charges underwritten by the Department for Transport.	
Devolved funding and commissioning powers for bus services where there is a need and where the local authority agrees that it is a necessary step.	We will assist government to reduce spending on fuel subsidy; reduce concessionary fare costs.	Stronger growth and greater productivity through improved bus transport networks.  A greater proportion of local bus investment to support essential services that are not commercially viable
We ask Government to devolve Air Passenger Duty from Exeter Airport enabling the duty to be set locally, without loss of other sources of government funding.	We will use Air Passenger duty raised to improve this important regional airport and provide a vital transport link, enabling Government to achieve its objectives in relation to growth and tourism.	Stronger growth and greater productivity through improved air transport networks.

**Investment in productivity infrastructure**

The announcement to fully devolve business rates to local authorities from 2020 is welcome however ongoing reductions to core local authority budgets and rising demand for key services, means that the desired effect – to encourage further investment in economic growth is weakened. In particular the financial benefits of Enterprise Zones appear to be less attractive.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver...</b>
Government to reaffirm its commitment to approved and designated Enterprise Zones.  Government to allow us	We will establish and resource a combined business, education and R&D governance structure, based around functional economic areas.	A strategic approach to infrastructure development  Greater opportunities for

<p>to designate our own Enterprise Zones, on different forms of growth incentive, including the sea bed.</p> <p>Allow councils to borrow at 0% against future productivity bonus.</p> <p>Ensure all Enterprise Zones have necessary support to install the next generation of Broadband from DCMS.</p>	<p>Where we meet Business Income targets and are eligible for Productivity Bonus, we will reinvest this capital into projects and programmes to encourage further growth.</p> <p>In particular, funding will be placed into the HotSW 'Single Productivity Pot' which we will also use to support Enterprise Zones.</p>	<p>business development and growth</p> <p>Local Authority Economic Development teams focused on productivity drivers.</p>
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**Mobile and broadband infrastructure**

We want homes and businesses to have access to superfast broadband and reliable mobile connectivity. This infrastructure is vital for growth and productivity: our business community place a very high importance on it. Furthermore the economic and social benefits of digital infrastructure show a 20 to 1 benefit of investment. Our urban areas tend to have good connectivity however rural areas do less well.

Deployment of superfast broadband in under-served areas in Devon and Somerset will assist business competitiveness, productivity and innovation.

Mobile connectivity has significant potential to complement superfast broadband. It has been suggested that 4G LTE rollout could boost the UK GDP by half of one percent – a £1.87bn uplift over a decade across the Connecting Devon and Somerset area based on 2011 figures.

3G is now regarded as a utility yet Ofcom statistics show 3G and 2G coverage is significantly below the national average across Devon and Somerset. Despite additional base stations through the Mobile Infrastructure Project, there is still significant scope for improvement, for instance on main railway lines.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
<p>Government to match local partner contributions to connect the final 5% of homes and businesses to superfast broadband</p>	<p>We will target investment from our local infrastructure pool for this purpose.</p>	<p>Facilitated growth and improved productivity across the area. Public sector improvement and transformation.</p>

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<p>Government to work with us and OFCOM to provide high speed broadband to all employment and key development sites.</p>	<p>Local authority partners will develop a consistent approach to planning policy to deliver superfast broadband on all new business and residential sites, including</p> <p>We will fast-track planning consents for masts and other infrastructure.</p>	
<p>We ask Government to prioritise the Connecting Devon and Somerset Ultrafast bid for £4m funding to 4,000 premises by December 2017.</p>	<p>Local planning and highways authorities will work together to expedite planning consents, wayleaves and highways permissions.</p>	
<p>Government to facilitate conversations with providers about strategic development of mobile connectivity in the area, including 4G and 5G.</p> <p>Government to instruct Mobile Network Operators and Network Rail to provide uninterrupted mobile connectivity in the South West Peninsula and on the main rail lines to London, Midlands and the north</p>	<p>Local authorities will enter into discussions with telecoms providers on how the public estate could support continuous mobile connectivity.</p> <p>Local authority partners will develop a consistent approach to planning policy to deliver planning consents for mobile telephony infrastructure.</p> <p>We will advise on local problems with mobile connectivity and hot-spots.</p>	<p>A higher level of mobile connectivity within the area to support growth and productivity.</p>



## Built environment

Homes and employment sites are essential to underpin economic growth that can be sustained. We need to accelerate existing housing and employment land allocations, deliver more in key strategic locations, and factor in regeneration and remediation for improved socio-economic outcomes.

It is essential for growth and productivity that we address high house and land values, low wages, poor connectivity to national and international markets, and real or perceived slowness in delivering. Our offers and asks seek to address these problems.

### Accelerated housing and employment in the identified Growth Hubs

We have areas of high demand in the Heart of the South West, dynamic cities and towns, ambitious plans for growth in key locations, and the desire to be creative to deliver what is needed.

We ask for	We offer	Outcomes we will deliver
Devolution of £tbc a year for 30 years of government resources to fund land assembly, infrastructure, site remediation and regeneration	Accelerated housing and employment growth in the identified Growth Hubs of: <ul style="list-style-type: none"> <li>• Plymouth</li> <li>• Greater Exeter</li> <li>• Torbay</li> <li>• Hinkley Growth Zone</li> </ul>	Housing and employment land allocations accelerated by 20%  Lead in period for key strategic site development reduced by 50%
Continued New Homes Bonus funding in Growth Hubs	To create a revolving investment fund for land assembly, infrastructure, site remediation and regeneration	Cost-effective delivery of enabling infrastructure enabling increased private sector investment
To be able to borrow against current and future Community Infrastructure Levy receipts	Fast-track delivery of strategic sites through an innovative commissioning approach so that more land value uplift is re-invested locally	Land uplift values reinvested into infrastructure and low cost ownership
Asset transfer of key Network Rail sites	The provision of local authority serviced plots for private sector development, self-build and starter homes	Key rail stations regenerated and developed Acceleration and alignment the completion of Local Plans across HotSW, respecting the primacy of local planning authorities.
An ask around Environment Agency and Natural England		

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<p>requirements</p> <p>Powers to fast-track strategic planning processes</p> <p>Exemptions from 5 year land supply rules to support strategic growth sites</p>	<p>Willingness to borrow against CIL receipts and prioritise spend to accelerate delivery.</p> <p>Commitment to contribute a proportion of New Homes Bonus into the investment fund</p> <p>Partnership with the HCA to align funds and CPO powers to delivery strategic sites and locations of growth.</p> <p>Regeneration and high density development around key Network Rail sites</p> <p>To pilot innovative approaches to strategic planning for growth</p> <p>To pilot innovation in the delivery of growth through new modals</p>	<p>Clear, consistent and stretching investment strategies</p> <p>Improved housing stock Reduced fuel poverty and deprivation.</p> <p>Improved health outcomes</p> <p>Employment and training opportunities for local residents</p> <p>Reduced opportunities for crime and anti-social behaviour</p> <p>Reduced carbon emissions</p> <p>Lead in period for key strategic site development reduced by 50% by 2026</p> <p>£tbc private sector investment by 2026</p> <p>£tbc local funds reinvested into infrastructure and low cost ownership by 2026</p> <p>Fast-tracked plans in place by 2017</p>
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**Co-ordinated development management services that deliver accelerated growth across the area**

We ask for	We offer	Outcomes we will deliver
Agreement to local planning authorities having local control over planning fees	A collective approach to using existing CPO powers to speed up land assembly	Housing and employment land allocations accelerated

<p>Changes to regulations governing the planning process so that CPO procedures are simplified where necessary</p> <p>Exemption from section 106 and CIL implementation to enable infrastructure to expedite growth</p>	<p>A collective approach to unlocking banked or stalled development sites</p>	<p>Fast tracked consents for housing and employment applications</p> <p>Planning fees set to more accurately reflect time and cost of service delivery and to create capacity to support growth.</p> <p>Performance targets aligned to growth objectives and major applications.</p> <p>A single developer agreement for CIL and section 106 obligations.</p>
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**A stronger supply chain for housing that better meets specific housing needs within the area's overall housing supply**

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
<p>Devolution of HCA National Affordable Housing Programme to a local Housing Delivery Fund.</p> <p>Flexible criteria on Starter Homes Scheme</p> <p>CITB levy to be devolved locally</p>	<p>To establish a local Housing Delivery Fund to support sites being brought forward</p> <p>We want to work with HCA and the government to coordinate investment and agree and implement an ambitious plan for delivering more starter homes.</p> <p>We will develop funding to invest in housing schemes to support the delivery of low-cost starter, rural affordable, self-build and extra care homes</p>	<p>Increased take-up of the Starter Homes Scheme in the area</p> <p>Direct local training funds to local construction skills needs</p> <p>5000 local low cost houses</p>

	<p>Consistent approach to s106 for support for construction skills</p> <p>To commission the manufacture of local low cost houses linking to local supply chains built with local labour over 10 years</p>	
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### **Flood and coastal defence, resilience and protection**

Our Strategic Economic Plan shows that protecting our communities, businesses and infrastructure from flooding is a pre-condition for growth.

Environment Agency data shows that there are 27,850 residential and 13,720 commercial properties at significant risk of flooding by rivers or the sea. This will nearly double by 2035 without additional action.

In recent years the Heart of the South West has suffered from flood and storm damage and this has harmed our economic prospects as well as our communities and businesses.

### **Protecting the economy to help it grow, and building for the future**

We want to keep our area open for business, create an environment where the economy can grow in safety, and offer more security to at-risk communities. In doing this, investment in flood defence infrastructure can also be a source of job creation, both in the construction and land-based sectors.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
Legislation to enable the Somerset Rivers Authority and other areas with flood risk issues to become precepting authorities.	Capacity to continue to deliver the 20 Year Somerset Levels and Moors Flood Action Plan.	Income stream to fund development of and maintenance of schemes
Devolution of Coastal Communities Funding to our overall infrastructure pool and provide interim	A rolling programme of flood risk management, infrastructure resilience and community resilience activities: we will contribute to interim funding	A higher level of protection than nationally affordable: over and above the activities of the HotSW's Risk Management Authorities (RMAs).

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<p>funding whilst this is developed.</p>	<p>required.</p> <p>Joint working between the RMAs to deliver efficiencies in planning and delivery.</p>	<p>Reduced risk of and increased resilience to flooding, minimising negative economic impacts.</p> <p>Increased confidence in HotSW as an area to do business.</p> <p>Better integrated and cost effective investment programmes between Risk Management Authorities</p>
<p>Convergence of funding criteria for flood and coastal resilience and protection infrastructure.</p>	<p>tba</p>	<p>tba</p>
<p>Government commitment to a programme of flood and coastal risk schemes through the devolution of funding and decision-making through the 'Short Form Project Appraisal Process'.</p>	<p>We will create a prioritised investment programme reflecting the specific requirements of our area.</p>	

## Skills and employment

Devolved powers will give employers a voice in skills and training policy, help them to recruit and retain the workforce they need, and ensure no-one is left behind. Many sectors in the Heart of the South West cannot realise their true potential because of a lack of skilled workers. This problem affects both public and private sectors. The Higher Education sector is vibrant in some areas but in other areas it is largely absent – Somerset for example would benefit from a university.

### A Strategic Development Plan

We want to provide comprehensive access to education and skills, and for vocational opportunities to be as attractive and rewarding as academic choices.

We ask for	We offer	Outcomes we will deliver
A mechanism for agreeing and aligning short and long term interventions and resources in the Skills and Employment area with Government	To develop a 30 year Strategic Labour Market Plan focusing on skills and employment, taken forward by the Employment and Skills Board	Single agreed framework for skills and employment interventions and outcomes for the Heart of the South West

### Careers Information, Advice and Guidance: Poor performance of 11-18 School Based and Further Education CIAG

Students are underserved by existing provision, which is fragmented and inconsistent across the area and between education providers. GCSE outcomes and wider skills performance reflects this. Ongoing challenges on aspiration and a significant mismatch between learner destination and local economic needs are clearly evident and impacting on our economic potential.

We ask for	We offer	Outcomes we will deliver
Fully devolved control of DfE CIAG Budgets and powers to influence funding already in	Establish a new governance structure across HoTSW for this	A comprehensive multi-pathway advice service for the entire HotSW.

School Funding Formula for CIAG activity	work, including aligned funding and resourced.	Improved outcomes: <ul style="list-style-type: none"> <li>• Destination of learners</li> <li>• The economy.</li> </ul>
Closer working relationship with Ofsted on relevant aspects of inspection framework	<p>Influence over Ofsted's Common Inspection Framework to include CIAG as a limiting factor.</p> <p>A single strategic approach to school and FE based CIAG across the area.</p> <p>Implementation of best practice gained from initiatives such as Manufacturing Challenge / Mentor Programme under the City Deal; The Inspire Programme linked to Hinkley;</p>	<p>A more efficient service able to do more with less.</p> <p>A stronger route to vocational provision and non-academic opportunities.</p> <p>Reduction in NEET numbers.</p>

**Careers Information, Advice and Guidance: Provision of Post 18 CIAG not informed and reactive to local economic priorities**

Adult CIAG is focused heavily on generic skills sets and activities, reflecting national contracting requirements. There is a lack of joining up with local requirements and tailoring to meet HotSW needs. There's also an imperative for strengthening employer engagement.

We ask for	We offer	Outcomes we will deliver
Fully devolved control of adult CIAG provision.	<p>A new governance structure, as above,</p> <p>A new joint working group will produce and oversee an adult CIAG business plan.</p>	<p>An aligned and comprehensive multi pathway advice service which is consistent and impartial, covering the HotSW area</p> <p>Improved economic outcomes, specifically</p> <ul style="list-style-type: none"> <li>• Upskilling</li> </ul>

		<ul style="list-style-type: none"> <li>Enhanced diversity and value</li> </ul>
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**Level of per Pupil Funding lower than the national average. Issue exacerbated with further reductions at age 16-17 and at age 18**

Funding for individual pupils in the Heart of the South West is lower than elsewhere in the UK.

Lack of investment has downstream effects on learning outcomes and there is significant level of demand for post-16 remedial Maths and English education.

We ask for	We offer	Outcomes we will deliver
Equity for the Heart of the South West in per pupil funding compared to the rest of the country	To develop an employer-led HotSW-wide business case and delivery plan to best use the additional funding.	<p>Enhanced GCSE outcomes and longer term academic and vocational achievement and employability.</p> <p>Increased apprenticeship numbers</p> <p>Reduction in related cost base for remedial Maths and English training post 16.</p> <p>Better vocational outcomes.</p>

**Higher than UK average NEET levels in pockets of our rural and urban communities.**

NEET levels are falling overall, but ongoing challenges in concentrated areas persist, revolving around urban deprivation and rural peripherality,. National contracting of provision and monitoring limits our flexibility and support for SEN groups needs to be enhanced.

We ask for	We offer	Outcomes we will deliver
Devolution of Young People Programmes	Establishment of a HotSW	<b>Zero NEETs within the HotSW</b>



from DWP, SFA and Cabinet Office	commissioning board, bringing together funding, resources and intelligence.	Provision targeted to meet evidenced local challenges.
Influence over any retained funding held by EFA, SFA and Ofsted This may include Pupil Premium; EBP Funding and other bespoke resources.	Establishment of a NEET action Plan for the area, focused on expenditure of devolved funds, with a focus on those with special educational needs.  We will focus on the top 10 underperforming locations for NEETs  Influence and shaping of ESF Programme as it emerges.	Significant reduction in the number of wards within the bottom 20% nationally by 2020.  Improved educational and economic outcomes for under 24s,  Reductions in benefit claimant numbers and service costs.

**Poor employability skills amongst some young people**

A lack of coherent engagement between education providers and employers causes a lack of basic employment skills amongst education leavers and as a result, poor employment prospects.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
Control over relevant areas of EFA and SFA funding to increase employer contribution and engagement in delivery / work experience within provision.	Establishment of reinforced employment and skills governance arrangements for the HotSW area.  An outcome-focused approach	Improved employability and work readiness of young people.  Longitudinal improvements in career progression and achievement across the economy.

<p>Outcome based funding for 14-19 provision, including schools.</p>	<p>and reinforced employer led strategy.</p> <p>Alignment with business support asks to encourage the business community to better engage with school and young people.</p>	<p>Improved employer buy-in and involvement in shaping training and work preparation activity.</p>
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**We need more flexibility in apprenticeship provision to meet local needs, in particular around qualifications and imposed additional requirements. Furthermore, there is weak employer engagement, especially amongst SME and Micro Businesses**

Apprenticeship provision and uptake rates are mixed across the HotSW area, with some employers finding them inflexible or being put off by related costs and additional training requirements (above and beyond the placement itself). This is particularly true amongst SME and micro business, where the focus on the process being business led has acted as a further disincentive to individual businesses. The lack of business-specific accreditation or fit is also a key issue amongst the area's diverse economy.

We ask for	We offer	Outcomes we will deliver
Devolution of apprenticeship services to target apprenticeship provision in strategic growth sectors	Establishment of integrated employment and skills governance arrangements for the HotSW area.	Significant increases in apprenticeship numbers generally and across a broader number of sectors.
Creation and funding of an Apprenticeship Skills Bank programme with the SFA, alongside relevant funding flexibility.	Strategic Development Plan developed and implemented for the area.	More higher level traineeships and apprenticeships? More apprentices taken on by micro, small and medium enterprises.
Continuation of existing funding and resources: current programme due to end in 2017.	Existing provision within LA control drawn into control of the board. Apprenticeship Skills Bank programme to be jointly resourced,	A better offer to young people furthest from the labour market. Improved numbers undertaking wider employability and traineeship placements.

**There is insufficient adult skills funding and insufficient higher level and specialist skills provision (level 3 and above) to drive priority sectors**

The Heart of the South West does not receive enough adult skills funding in the right areas or with the right flexibilities to meet the needs of our economy.

The result is gaps in broader labour market, and over provision in some generic skills. There are particular challenges in social care, health, construction and manufacturing.

Furthermore, funding for level 3 and specialist skills is heavily restricted by age and sector. This reinforces existing labour patterns and undermines the economy.

We ask for	We offer	Outcomes we will deliver
<p>SFA Funding for Adult Skills devolved to local partners, to be directed towards greatest local priorities and fits with local economic opportunities.</p> <p>Additional funding flexibility to allow local partners to best attract and train local adults, both reinforcing local economic conditions, and also address public sector cost issues related to underemployment.</p>	<p>Establishment of strengthened employment and skills governance arrangements for the HotSW area.</p> <p>Strategic Development Plan for the area.</p> <p>Existing provision within LA control drawn into control of the board.</p> <p>Improved tailoring / targeting of provision</p>	<p>Better outcomes for learners and employers.</p> <p>Improved ROI on individual training costs.</p> <p>Gaps in the wider labour market filled and priorities identified for local provision.</p> <p>Wider reduction in service costs across the public sector, related to health, justice and crime and housing.</p>
<p>Recognition of the additional costs related to the delivery of rural provision and skills training.</p>	<p>Match resources drawn from existing initiatives to close the gap on delivery in remote areas.</p>	<p>Extended opportunities in traditional deprived rural areas and amongst those hardest to reach.</p>

**Ongoing and increasing competition between providers is preventing cost effective solutions for poor lower level skills.**

There is fragmentation and misalignment across the sector arising from competition for the most lucrative provision under national contracting. A focus on higher value business provision often misses small business and local

needs. Reductions in adult skills budgets further incentivises pursuit of 14-19 learners and related funding.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
Devolution of related funding to strengthen internal collaboration between public and private providers.	Establishment of strengthen employment and skills governance arrangements for the HotSW area.	Better alignment of provision, reduced duplication and conflict in the FE sector.
Direct influence over the area based review process so outcomes support our devolved approach.	Development of a Strategic Development Plan to guide funding  Existing provision within LA control drawn into control of the board.  More provider incentives (sanctions and rewards)	Unit costs of delivery reduced over time, whilst relevance of outcome for local economy improved.  Outcome based metrics demonstrate clear link to improve GVA outcomes and productivity.

### **Ongoing challenges on higher levels skills performance across the Heart of the South West, with impacts of area productivity and competitiveness**

There is significant underperformance at NVQ level 4, gaps in higher provision within the wider HotSW labour market, lack of dynamism and innovation in related sectors, and socio-economic spillovers into urban and rural communities.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
Support to increase higher education provision across the entire Heart of the South West area, including the development of a specific hub within Somerset.	Alignment of relevant capacity and funding within the HotSW and supporting in bringing together the HE sector.  Funding support for provision in Somerset	Improved NVQ 4 performance across the Heart of the South West  Increased GVA, wage and productivity performance, with reciprocal taxation benefits

Additional support for and alignment of resources for higher level apprenticeships, to allow local partners to enhance capacity to deliver.	Improved alignment and signposting for higher level apprenticeship, and downstream promotion through devolved CIAG provision.	Increased uptake of vocational routes to higher level professions and careers.  Reduction in the Level 4 gap with the national average.
Joint appointment of a range of centres of sectoral training excellence within the Heart of the South West by partners and government, prioritising activity and capital resources.	Matched resource from public and private partners to develop relevant capacity and to expand existing sectoral strengths within the HotSW.	Improved performance within the HotSW Priority sectors, with benefits for both the area and UK plc.  Increased performance on higher levels skills and added value employment within the area.  Reinforcement of the local inward investment offer and diversity of supply chain opportunities within the HotSW.

**Ongoing challenges with high levels of in-work poverty, seasonality and inter-generational unemployment.**

Provision of support for the workless is ineffective for those furthest from the labour market. There is evidence of a lack of progress on Employment Support Allowance (ESA) despite significant investment and benefit reform.

With historically low unemployment in the area, this group is currently a top priority for our labour market. However, few tools are in local hands to address challenges.

In addition a lack of advice and support for those in work but underemployed reinforces this long term trend.

We ask for	We offer	Outcomes we will deliver
Control of the Flexible Support Fund, the Work Programme and other initiatives and pilots, with the establishment of a local commissioning model.	<p>Unified Skills and Employment Governance for the Heart of the South West area, reporting to its Combined Authority</p> <p>Employment and Skills Action Plan for the area.</p> <p>Existing provision within LA control drawn into control of the board.</p> <p>Learning drawn from the City Deal pilots, including lessons related to Wage Incentives.</p>	<p>Improved in work outcomes, showing evidence of upskilling in the workplace.</p> <p>Reduction in ESA numbers and other benefit types across the area</p> <p>In work benefit claimant levels reduced through employer led activity.</p> <p>GVA and productivity improvements across area, including within most deprived communities.</p>

**We need better localised integration between employment support services and wider nationally led services (health, mental health, justice)**

Service provision for those furthest from the labour market is fragmented between an array of service providers, with no one-stop approach. National evidence however suggests aligning provision gives better outcomes as well as increased efficiency.

We ask for	We offer	Outcomes we will deliver
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<p>Devolution of funding for support provision and aligned services to allow wraparound support for the hardest to reach families and individuals.</p> <p>Provision would include Adult Care, NHS, Justice and Education providers and services. This ask is in alignment with those within the Health and Social Care area.</p>	<p>Establishment of combined employment and skills governance arrangements for the HotSW area, working with the NHS and other partners.</p> <p>Employment and Skills Action Plan for the area.</p> <p>Existing provision within LA control drawn into control of the board.</p>	<p>Reduction in ESA claimants and other benefit types across the HotSW area</p> <p>Reduced total unit cost for those furthest from the market, benefitting both the NHS, Local Government and DWP.</p> <p>Net increase in tax take and reduction in individual support costs.</p>
<p>Additional support secured through devolved funding for Health and Social Care Skills Budgets, allowing local partners to proactively address labour market shortages.</p>	<p>Alignment of relevant funding, delivery partners and providers to maximise sectoral delivery and drive cross sector efficiencies.</p>	<p>Improved use of combined resources to deliver cohesive skills and training offer.</p> <p>Reduced need for bank and agency staff. Improved clinical outcomes through relevantly skilled staff.</p>

**We need closer alignment for publicly funded support for self-employment and start-up provision**

Self-employment support is often fragmented and sat within employment support provision and services. As such, it often fails to integrate with the wider business support and start up support offer. There are opportunities to use the funding better and achieve a greater return on investment.

We ask for	We offer	Outcomes we will deliver
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<p>Full devolution of self-employment and other business start-up funding to local authority control.</p> <p>Stronger referral services between JCP and other providers and mainstream business support provision.</p>	<p>We will align self-employment provision with existing business support infrastructure and resources within the HotSW.</p> <p>We will seek to maximise ROI by better leveraging self-employment support against wider provision.</p> <p>Tailored support to drive new business performance and sustainability.</p>	<p>Increases in self-employment and start up levels over the next five years.</p> <p>Better self-employment outcomes and increased productivity</p>
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## **Health, Social Care and Wellbeing**

**We want to enable people to lead longer, healthier and more fulfilling lives while ensuring the sustainability of health and care services.**

The cost of health and social care in the Heart of the South West is large and increasing.

People who are healthier longer not only enjoy a better quality of life: the public cost of providing health and social care services reduces. Despite the efficiencies being made across the system demand is expected to increase as our population ages.

By changing the way that we design and deliver health and social care in the Heart of the South West - focussing on integration, mental health, public health and early intervention - we can significantly improve the health of our residents, reduce the cost of the public sector, and boost our economy.

## Commissioning

We ask for	We offer	Outcomes we will deliver
<p>We want the Government to set long-term (at least 5 years), place-based population budgets for health, care and public health.</p> <p>Alongside this we require the freedom to pool our collective resources.</p>	<p>We will deliver whole system commissioning to meet the needs and priorities of the local population</p> <p>We will take a longer-term view in the return on our investment in preventive approaches</p> <p>We will ensure sustainable investment in prevention as an integral part of health and care pathway commissioning</p>	<p>A health and care system that is commissioned around people and the places where they live</p>
<p>We want the Government to devolve the commissioning of primary and appropriate specialist care services</p> <p>In particular we need powers to commission specialised mental health services so we can build capacity and rethink the system around local needs.</p>	<p>We will work with the NHS to identify which services currently commissioned nationally or regionally would be better commissioned locally.</p>	

## Delivery

We ask for	We offer	Outcomes we will deliver
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<p>We want to work with the Department of Health to develop a capitation based payments system that would encourage providers to collaborate and take preventive approaches</p>	<p>We will work to remove 'perverse incentives' that encourage activity rather than improve outcomes</p>	<p>A health and care system that is delivered in a joined-up way</p>
<p>We want to work with NHS England on new forms of contracting for primary care and alliance contracting approaches that encourage provider collaboration and/or integration</p>	<p>We will use the opportunities presented by the NHS England Five Year Forward View to commission in ways that encourage providers to work together and/or reshape themselves to deliver more joined up health and care services</p>	

### Regulation

We ask for	We offer	Outcomes we will deliver
<p>We want the Department of Health to work with us to adapt regulations so they encourage whole system working and sector-led improvement</p>	<p>We will participate in trials of any changes in regulation, and encourage local Scrutiny, Health and Wellbeing Board and Healthwatch to take part.</p>	<p>A health and care system that is regulated in a way</p>

<p>We want freedom to develop single frameworks for performance, finance, and transformation across local health and care systems while remaining committed to high-level national outcomes frameworks</p>	<p>We will ensure our frameworks are relevant to the needs, priorities and outcomes of our local population, addressing inequalities while meeting the pledges of the NHS Constitution</p>	<p>that best enables it to improve</p>
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**Prevention**

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
<p>We want the Government to make the changes outlined above in funding, payment, commissioning, contracting and regulatory arrangements to enable prevention to be integral to all health and care commissioning</p>	<p>We will intensify our conversation with local people to determine their priorities and establish mutual expectations and responsibilities, working with our vibrant voluntary and community sector</p> <p>We will take advantage of our larger geographical footprint by exploring the potential of new approaches such as social finance and social marketing</p>	<p>A health and care system that has prevention embedded and encourages and supports people of all ages to make healthy lifestyle choices and manage their own care diverting or delaying dependency</p>

<p>We want the freedom to develop local conditions and criteria for accessing and choosing between services: within the framework outlined in the NHS Constitution</p>	<p>We will make healthy lifestyle choices the easy choice through our whole system approach to prevention with a particular focus on addressing inequalities of healthy life expectancy.</p> <p>We will promote our unique environment as a 'Natural Health Service'</p>	
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### Sustainability

We ask for	We offer	Outcomes we will deliver
<p>We want the freedom to manage the public estate locally</p>	<p>We will sweat our assets by redeploying them or reinvesting funds realised through sale into the health and care system</p>	
<p>We support the freedoms requested elsewhere in our bid to address local challenges in the health and care workforce</p>	<p>We will use these freedoms to work with Health Education South West and Skills for Care to recruit, develop and retain people in key roles.</p> <p>We will do this by taking a strategic approach, for example:</p> <ul style="list-style-type: none"> <li>• Promoting the Heart of the South West to live and work in</li> <li>• Developing career pathways</li> <li>• Aligning HR policies</li> </ul>	<p>A health and care system that is financially sustainable and makes best use of the resources available to it</p>

<p>We support the freedoms requested elsewhere in our bid to improve transport infrastructure and the availability of affordable housing</p>	<p>We will explore how essential workers in the sector can better access housing and transport opportunities</p> <p>We will improve the links between housing and care strategies to better support people to live well at home</p>	
<p>We want the Government to ensure that standards and approaches in NHS and Local Government information technology, sharing and governance are compatible, including ensuring that health and social care data across the system is linked by NHS number and available to all commissioners</p>	<p>We will increasingly integrate infrastructure and systems to enable services to be developed around the person</p> <p>We will oversee the South West Academic Health Science Network so our combined intelligence enables more sophisticated analysis of demand, supply and cost across the health and care system</p>	

## Strategic Economy: business, innovation, growth

### Business Support

The business support landscape is complex.; recent mapping has identified in excess of 200 separate business support services.

#### Enterprise & Business Growth: More businesses to take up support, as these do better than those that do not

Businesses in the Heart of the South West and the public sector partners in the LEP have a shared ambition for a 'Growth Hub' to provide simple, easy access to the area's business support services.

A significant barrier is the complexity of the central government and European funding currently available. A complex web of accountabilities, performance frameworks and funding conditions make it extremely difficult to design a seamless Growth Hub service. It is therefore unsurprising that a number of national business support offerings have struggled to make significant inroads into our business community.

Furthermore, this complexity, in addition to the uncertainty about the future funding available for Growth Hub activity, makes it very difficult to plan ahead or to attract match-funding.

We ask for	We offer	Outcomes we will deliver
<p>A 5-year Growth Hub, Skills Hub and Growth Service (MAS) Growth Accelerator programme agreement.</p> <ul style="list-style-type: none"> <li>• Devolved funding for the growth accelerator element</li> <li>• MAS element to be delivered locally with local co-commissioning.</li> </ul> <p>Devolution of national business support budgets, including the Business Growth Service.</p> <p>Access to increasing</p>	<p>A new governance structure to drive this work, with alignment of relevant Local Authority funding and resources to implement plans for the Heart of the South West Growth Hub.</p> <p>The Growth Hub will be in place by January 2016 with governance provided jointly by the public and private sectors through the LEP.</p> <p>Integrate delivery of the Hub and growth service with physical business support assets.</p>	<p>Business-led support, tailored to local high-growth industries, fostering growth where it matters the most.</p> <p>Exploitation and networking of managed workspace, innovation centres and science parks.</p> <p>Business support coverage across our urban and</p>



levels of national investment under a 'payment by results' framework with Government		rural geography.
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**Enterprise & Business Growth: Business engagement and entrepreneurial culture**

The Office for National Statistics has shown that the Heart of the South West has low start-up rates. There are approximately 85,000 businesses in our area and there may be another 100,000 self-employed, small businesses. We need to help people grow their businesses.

We ask for	We offer	Outcomes we will deliver
<p>All careers support to include advice and guidance about running one's own business.</p> <p>Devolution of the DWP budget to locally commission start-up support.</p> <p>All government grants offered to businesses to require support and promotion of enterprise in schools, or start up activity.</p> <p>Devolved HMRC VAT registration workshop budgets.</p>	<p>All LA managed workspace, innovation space, and science parks will provide start up advice and business support, through the Growth Hub.</p> <p>VAT registration workshops will be supported by local business support to help them flourish.</p> <p>All young people aged 16-18 will be exposed to running their own business as a career choice.</p> <p>An HEI commitment to graduate entrepreneurship across all curricula.</p>	<p>Increased start up rates.</p> <p>Increased survival rates.</p>

**Innovation and Investment**

**Science & Innovation: science and innovation not taken up by enough of our businesses**

The Heart of the South West ranks 38<sup>th</sup> out of 39 LEP areas on many standard measures of innovation. This has the potential to portray us as a poor

prospect for generating a return on investment and lead us to be overlooked by investors. The relatively low level of Innovate UK investment in the Heart of the South West in recent years attests to this.

However, the national economy cannot afford to overlook the emerging opportunities in the Heart of the South West and their potential to drive national productivity. National Government has taken a considerable stake in these emergent sectors, for example through:

- Major national and international investment in the nuclear industry at Hinkley Point C.
- Major investment in environmental sciences in Exeter represented by the planned Met Office supercomputer.
- Designation of South Yard in Plymouth as an Enterprise Zone dedicated to supporting innovation and growth in the marine industries.

In addition, the Heart of the South West has existing advanced manufacturing strengths of importance to UK productivity.

If the South West continues to be seen as slow to respond on innovation and science, major new breakthroughs from the sectors will be missed. National Government and a local consortium of business, academia and local government must work together to fully understand and support the opportunities available.

Due to the nature of our businesses the take up of support from Innovate UK is very low: it is not regarded as highly by local business as it could be.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
<p>A pilot Science and Innovation Audit (SIA)</p> <p>A devolved single 5 year science and innovation investment programme, to direct all Innovate UK funding within the LEP-area.</p> <p>Co-design with Innovate UK a mechanism for calls relevant to the strengths of our area.</p> <p>Devolved Enterprise Europe Network budget</p>	<p>An area-wide multi-partner plan for science and innovation.</p> <p>We will develop a support framework for science and innovation that provides bespoke support for our smart specialisms (see priority 5 below).</p> <p>Greater collaboration between research institutions around transformational opportunities for our area, including with other LEP areas.</p>	<p>Increase uptake of Innovate UK support by 25%.</p> <p>Closer linkages between business, R&amp;D, and productivity.</p> <p>Protection for university and research institutions as a driver of productivity and innovation, attracting and</p>

to local HEIs.  Protection of HEIF budgets	Support from Research Institutions to help secure business investment and leveraging off the HEI's Exploit Research Institution's international reach.	securing high-tech jobs and businesses in the area.
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**Export, Trade & Inward Investment: we do not attain the levels of inward investment that we could reasonably expect to attract**

The inward investment approaches across the Heart of the South West mean that we have an opportunity to significantly improve our offer to prospective investors. As partners we recognise this and we want to find a more effective and efficient way of attracting inward investment.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
<p>UKTI's export team to work with the UKTI FDI teams in our key sectors, to ensure globally-minded investors are supported to export, supporting the Mayflower 2020.</p> <p>Continuation and expansion of the Britain is Great Marine project.</p> <p>Reallocation of UKTI resourcing and presence to the South West to reflect our nuclear, marine, environmental and aerospace offers and potential.</p>	<p>New governance structure to drive consistency in soft landing services (Business Rates Relief). We will align local authority funding, resources, and account management services.</p> <p>Collaborate with neighbouring LEPs on a cluster approach to inward investment in Aerospace, Marine and Nuclear.</p> <p>We will commit to exploring mechanisms for recycling business rate uplift back into our Inward Investment service.</p> <p>Income streams from Enterprise Zones will be redeployed to resource a collaborative approach to inward investment and further "Enterprise Areas"</p>	<p>Better partnership between different areas of UKTI.</p> <p>Better service to businesses looking to invest in our area.</p> <p>A single point of contact for inward investment to the area.</p> <p>Cross-LEP working to strengthen our area's UK sector offer and inward investment offer.</p> <p>Better UKTI to engagement with the South West</p>

		<p>More inward investment in new nuclear, environmental, marine, aerospace</p> <p>More Enterprise Zones.</p>
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**Export, Trade & Inward Investment: businesses do not benefit from globalisation**

Growing levels of export and trade are critical to solving the UK's productivity challenge. In the Heart of the South West we have a thriving base of small businesses, but which have a low propensity to export and trade globally. Often trading online is the first step to internationalisation and exporting.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
<p>Ensure an appropriate proportion of UKTI export service staff are based in or working in our area.</p>	<p>We will allocate EUSIF funding to ensure the best broadband coverage.</p> <p>We will ensure local EU funding supports business uptake of broadband helps to enable international trading.</p>	<p>20% more businesses referred to UKTI by 20%.  Number of exporting businesses doubled between 2015 and 2020.  All businesses have access to global markets through high speed broadband</p>

**Export, Trade & Inward Investment: more international visitors**

Tourism is an important sector however the level of promotion of the Heart of the South West by Visit England does not reflect the value of our tourism industry to the economy.

The RGF funding recently allocated to promote the area has very tight deadlines (March 2016) forcing stop/start delivery.

We ask for	We offer	Outcomes we will deliver
<p>Increased HotSW content in Visit England media, and proportional Visit England promotional spend.</p> <p>Extend the funding deadline for the RGF – Visit SW England project to March 2017.</p> <p>Allow any underspend in RGF overall budget to be used to extend the life of the project.</p>	<p>All areas will have a recognised DMO with a plan to increase the economic importance and productivity of the sector.</p> <p>The LEP will capital fund improvements to image and connectivity gateways.</p>	<p>Increase the number of overseas visitors to HotSW by 10% by 2020.</p>

**Export, Trade & Inward Investment: increasing use of the online world to access new markets**

Research from PayPal has shown that businesses who trade online on average have double the turnover of offline businesses. We want all our businesses to be able to exploit this opportunity to access new national and global markets.

We ask for	We offer	Outcomes we will deliver
<p>Fully devolve the Growth Accelerator budget from December 2016.</p>	<p>We will repurpose some of this funding on an 'exploiting new markets' project, focused on trading and exploiting social media and virtual distribution.</p>	<p>tba</p>

**Finance & Investment: maximising the impact of investments through a single productivity pot - National Government Funding**

External funding currently enters the Heart of the South West through a number of local, national and European streams.

There is a lack of alignment and strategic oversight between the different funding streams which can lead to isolation and duplication of projects.

We are also aware of market failure in our area, which means that in many of our rural and peripheral areas the end value of a commercial building is less than the cost of financing its construction. This leads to an inability to finance commercial property extensions or new builds, without some form of public sector intervention.

With often-conflicting accountability, performance requirements and governance arrangements, the task of joining up capital funding to deliver a seamless investment programme absorbs an enormous amount of local time and effort.

We ask for	We offer	Outcomes we will deliver
<p>Fully devolve Local Growth Funding secured through the annual Growth Deal programme.</p> <p>Remove existing monitoring and reporting requirements to allow us to operate a single productivity fund guided by local economic need.</p>	<p>New governance structure across HotSW to deliver</p> <p>Aligned relevant funding and resources in a Single Productivity Pot for investment in economic growth,</p> <p>We will explore using the Single Productivity Pot as match for ESIF.</p>	<p>Easier access to finance, facilitating transformational growth.</p> <p>Savings and efficiencies through better alignment of funds.</p> <p>Investment prioritised according to the potential to drive growth.</p>

**Finance & Investment: maximising the impact of investments through a single productivity pot - European Funding**

All decisions on EU funding are being made centrally meaning local priorities to do not necessarily get the notice they deserve. Local Authorities and the LEP have very limited, purely advisory influence on call specifications and decision making. Finding match funding is an ongoing difficulty for applicants and often leads to local applicants being unable to apply for funding.

In order to make the principles of a Single Capital Pot work in tandem with European funding, we need a much more streamlined way of engaging with the European funding arrangements.

The current local ESI Sub-Committee arrangements have simply duplicated existing partnership arrangements which were already in place in the LEP structure. In its current form, the Committee adds negligible value to the delivery of the programme.

Each of the LEP's existing sub groups has a direct relationship with an element of the ESIF programme:

- People Group – ESF
- Business Group – ERDF / EAFRD
- Place Group – ERDF & EAFRD

On a practical level, these groups are already providing support to the managing authority on the strategy for investment, and the timing and content of calls. They are partnership groups, with conflicts of interest appropriately managed. With small tweaks to their membership they could meet the requirement of the partnership agreement between central Government and the European Commission to involve a broad range of partners.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
<p>As part of the forthcoming national 12-month review of European &amp; Structural Investment Fund governance arrangements, trial a governance model in the Heart of the South West, including:</p> <ul style="list-style-type: none"> <li>- Abolition of the local ESI Sub-Committee.</li> <li>- Local partner engagement in the delivery of ESIF programme, to be achieved through an Memorandum of Understanding with the LEP and its subgroups.</li> </ul>	<p>We will provide a streamlined model for ESIF governance.</p> <p>Investment will be used alongside other forms of public and private investment to maximise local impact.</p>	<p>Better coordination of capital and revenue funding, and join up between funding streams</p>

<p>- National Partnership Agreement for broad engagement with partners, through adjustments to the membership of the LEP's People, Place &amp; Business Groups.</p>		
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## Capitalising on our Unique Selling Points

There are a number of transformational opportunities and distinctive assets in the Heart of the South West, which, if local and national partners can work together in the right way and at the right level, have the potential to unlock major productivity gains for the national economy. Whilst our science and innovation audit proposals will help us to identify those clusters which have national and even global significance, and what we need to do to unlock their potential, there are a number of existing opportunities where greater local control and flexibility of approach, and some additional national alignment with local ambition, could unlock major growth.

### Unique Selling Point: marine industries

The South Coast marine sector has a poor record of benefiting from innovation funding and support – resulting in low productivity.

The South Coast marine cluster has nationally significant strengths to deliver the UK Marine Industries Alliance (MIA) Technology Roadmap, but is challenged by geographic remoteness both internally and from the wider innovation offer e.g. National Composite Centre (Bristol), National Oceanography Centre (Southampton), Wave Hub/Fabtest (W.Cornwall) and Offshore Renewable Catapult (Scotland).

The MIA recognises that a facilitated in-sea test range is required to bring marine innovations into production.

We ask for	We offer	Outcomes we will deliver
<p>Commit resources to create a Marine Business Technology Centre.</p> <ul style="list-style-type: none"> <li>Innovate UK recognition of the project as part of its Catapult Centre</li> </ul>	<p>We will establish a MBTC and Smart Sound test bed for academic and industrial R&amp;D.</p> <p>Workshops and access to open water to facilitate</p>	<p>Increased marine R&amp;D</p> <p>More high-value jobs.</p> <p>Sector growth.</p>



<p>programme.</p> <ul style="list-style-type: none"> <li>• Support ongoing research through National Marine Technology Roadmap.</li> <li>• Support and briefings for businesses through MTC.</li> </ul>	<p>testing.</p> <p>Specific business and innovation support.</p>	
<p>RGC to provide a South West Marine Innovation Fund.</p>		<p>Leverage for partner companies to collaborate on marine R&amp;D.</p>

**Unique Selling Point: South West Nuclear Cluster**

Sourcing and suggesting SW companies which fit the requirements for Nuclear Joint Ventures (JVs). Pairing both indigenous and foreign companies searching for JVs with appropriate South West partners, according to their local requirements to support their operation in the South West, with a view to encouraging them to ultimately invest in the SW and become long-term inward investors. We are working alongside BIS to develop the cluster and a delivery plan.

<b>We ask for</b>	<b>We offer</b>	<b>Outcomes we will deliver</b>
<p>We want Government to recognise the SW Nuclear Cluster as the key centre of expertise and innovation in nuclear</p> <p>A dedicated Nuclear Industry Specialist to work with on developing the cluster.</p> <p>To confirm Huntspill Energy Park as an important component of delivering our ambitions for nuclear.</p>	<p>HotSW will utilise its Nuclear SW Cluster status to ensure that it utilises the strengths in collaboration and innovation with its stakeholders.</p>	<p>Deliver maximum proportion of the £19bn investment in New Nuclear Build is won by UK companies</p> <p>Encourage long-term investments from firms outside the region.</p>

**Unique Selling Point: Aerospace**

The South West comprises a significant proportion of the UK's aerospace sector, including a leading role within the rotorcraft sector centred on AgustaWestland in Yeovil and its supply chain. The aerospace prime contractors in the South West have developed a collaborative vision for the sector in the region, consistent with the national strategy for aerospace. The iAero initiative focusses on the future productivity of the industry, and in particular the skills and technological innovation required to ensure that supply chain businesses in the South West can compete for future contracts and the next generation of aerospace products

We ask for	We offer	Outcomes we will deliver
<p>Support and commit resources to:</p> <ul style="list-style-type: none"> <li>• South West iAero</li> <li>• iAero rotorcraft technology centre in Yeovil.</li> </ul> <p>BIS and Innovate UK to facilitate strong links with the national composites centre and the advanced manufacturing catapult.</p> <p>Innovate UK will provide funds to help commercialise supply chain innovation.</p>	<p>We will collaborative with the aerospace sector to deliver the iAero rotorcraft technology centre.</p> <p>We will maximise links with schools and colleges to encourage students to consider this sector.</p>	<p>Our aerospace sector will benefit from Increased research and development</p> <p>Commercialised innovation.</p> <p>Retention and development of supply chain SMEs</p> <p>Retention of existing high value jobs and creation of new ones.</p>

**Unique Selling Point: Innovation Exeter and environmental futures**

Information received; to be incorporated ASAP.

We ask for	We offer	Outcomes we will deliver
To be added		

**Unique Selling Point: Rural productivity Programme - deriving economic value from resources in rural areas.**

We have a high proportion of rural businesses relative to population centres, and a high proportion of micro-enterprises. Micro-businesses in rural areas are less likely to access national business support. The dispersed nature of rural

businesses means collaboration and supply chain opportunities are less likely to occur without specific support.

Feedback from funding programmes appears to show that rural areas are less likely to pursue potential funding streams. Urban areas are far more likely to apply to programmes such as the UGF. Funding is not locally centralised, perhaps explaining the uneven coverage. There is also poor engagement with research and development, due in part to their relative remoteness.

We ask for	We offer	Outcomes we will deliver
DEFRA to support the HotSW to bring forward a call under "measure 16.4"	Devolve DEFRA funding for RGN type activity. Further invest in the Rural Growth Network, where the HotSW region will target support in remote rural areas, in sectors such as agri-tech and renewables, which have been identified as areas of specialisation for the region in HotSW's Smart Specialisation framework.	Rural areas able to bid for EAFRD funds to establish supply chain networks around key rural industries
<p>DEFRA to use our National Parks and AONBs as test beds for innovative models to boost rural productivity.</p> <p>DEFRA to work with HotSW to develop Protected Geographical Status products.</p> <p>DCMS – To use our rural area as a test-bed for innovative solutions to ultrafast broadband</p> <p>DCMS - Gap funding from discontinued MIP budget to pilot integration of mobile telephony with superfast broadband.</p> <p>Innovate UK/Local Partners – A test-bed for applied digital innovation (rural).</p> <p>Infrastructure support</p>	<p>Co-ordinate with National Park Authorities to deliver change for the better.</p> <p>Raise awareness and deliver a tailored engagement programme to ensure rural business benefits.</p>	<p>Increased diversity and propensity to export in traditionally low growth and low productivity industries.</p> <p>Improved rural access to broadband and mobile.</p>

<p>budget from Natural England.</p> <p>Farmers need the ability to allow livestock movements within our borders.</p>		
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**Governance**

Options appraisal to follow.

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## **Financial assessment**

Work is under way on proposals as they develop: work to be carried out by a finance officers group.

To maximise the power and value of these funds our financial assessment will examine how best to pool or otherwise align these funds and the way they are managed.

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# Heart of the South West Devolution Proposals

## Options for Governance Arrangements

### 1. Introduction

The government has indicated that “city” and “county” area proposals for devolved powers will be treated equally.

This is an important, and possibly unique, opportunity for the Heart of the South West area to negotiate a deal which boosts the economy and better serves local people and communities. Devolving significant new powers for economic development will help to close the productivity gap and accelerate new housing and employment. Devolution will also enable health and social care provision to be redefined and deliver cost-savings through incentivising more efficient working at local level.

The experience of the negotiation processes for county area deals is that government has some unwritten rules around governance<sup>1</sup>. One of these is an apparent insistence on the introduction of a directly elected mayor.

### 2. Three options for proposed governance arrangement for the Heart of the South West

#### Option 1: Form follows Function

Propose that the governance arrangements for the Heart of the South West are determined after the content of the devolution deal has been agreed with government and subject to the outcome of a review which would explore all the options, including:

- A combined authority with and without a directly elected mayor.
- A joint committee(s) and executive arrangements.
- A public service board.

The review would also examine ways to delegate or devolve to parish and town councils and community groups.

This option adheres to the HotSW partners' commitment to take a pragmatic and flexible approach. However, it may not be seen by government as being ambitious enough to justify the devolution of the responsibilities being sought.

#### Option 2: Combined Authority

Propose the establishment of a Combined Authority for the Heart of the South West area. The Combined Authority would be constituted to deliver the content of the devolution deal. Each constituent authority would appoint one elected councillor to be a member of the Combined Authority and decision-making would be on the basis of one-member one-vote. Co-opted / associate members would include the Local Enterprise Partnership, National Park Authorities and clinical commissioning groups.

The statutory functions delegated to the Combined Authority would depend on the enactment of the Cities and Local Government Devolution Bill<sup>2</sup> and substance of the HotSW deal.

The proposal would include a model for strong leadership of the Combined Authority to make its leader visible to the public with channels for engagement and

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<sup>1</sup> “Empowering counties: unlocking county devolution deals”. IPPR (November 2015)

<sup>2</sup> The second day of Committee Stage took place on the 17th of November. The Bill might then progress to Report Stage and Third Reading in the last week of November with Royal Assent before Christmas.

communications between the leader, public and other partners. The leader of the Combined Authority would have resources to take a strategic approach and deliver on the HotSW priorities.

The proposal would also include a commitment to identifying and agreeing opportunities to delegate or devolve to parish and town councils and community groups in order to bring decision making closer to communities and service users and deepen the benefits of devolution.

**Option 3: Combined Authority with a directly elected mayor**

A mayoral combined authority would be a variant on option 2.

An elected mayor for a combined authority is different to the elected mayors that a number of councils have in place of a Leader and Cabinet or Committee model.

The Government has stated that significant powers would only be devolved if a directly elected mayor is created as they are of the view that this ensures clear accountability over powers, functions and funding that is devolved from national government to the local level.

The Cities and Local Government Devolution Bill includes provisions which permit the introduction of powers that could be exercised **only** by the elected mayor in the context of a combined authority.

The mayor would be elected by the local government electors for the area. The mayor would chair and be a member of the Combined Authority.

*Note: At present, the Greater Manchester Combined Authority (GMCA) is the only place that has agreed to adopt a directly-elected mayor but will have a different model to that used in London. GMCA will operate on a Cabinet Model, where all GMCA leaders have a clear portfolio of responsibilities, will act as a supporting and advisory function to the Mayor and the CA in respective policy areas. Although the strategic planning function will sit with the Mayor, the Statutory Spatial Framework will need to be approved by a unanimous vote of the Cabinet. In May 2015, the GMCA appointed an interim Mayor, with the first elections expected in early 2017.*



## Combined Authority

Combined authorities are statutory bodies. Their creation is voluntary but they are set up via a statutory process. To establish a combined authority, the local authorities must carry out a governance review. They must also publish a "scheme" for the creation of a combined authority with the consent of the local authority areas included in the scheme.

The Secretary of State must consult the authorities that would be covered by the combined authority. There is a requirement that the Secretary of State must have regard to the need—  
(a) to reflect the identities and interests of local communities, and  
(b) to secure effective and convenient local government.

The membership and functions of the combined authority are specified in the Order setting it up. The first to be set up was the Greater Manchester Combined Authority (GMCA) in April 2011, followed by the North-East, West Yorkshire, Sheffield City Region and Liverpool City Region combined authorities in April 2014.

Combined authorities do not have any directly-elected members. They are joint bodies, managed by boards or 'cabinets' of the leaders (or other representatives) of the member councils. The cabinet is in effect the 'executive' of the combined authority, and it would therefore not be able to exercise independent scrutiny of its own decisions. Arrangements for the scrutiny of combined authorities must take a different form.

The Cities and Local Government Devolution Bill, if enacted, would remove the current statutory limitation on functions that can be conferred on a combined authority (currently economic development, regeneration, and transport). Exactly which statutory functions will be transferred to which areas will not become clear until Orders are made in respect of the individual devolution deals agreed.

Some transfers of powers will be achieved by other routes. For instance, the integration of health and social care in Greater Manchester is to proceed via joint arrangements under section 75 of the National Health Service Act 2006.

There would be a general power for the Secretary of State to transfer public bodies' functions to a combined authority by order. In principle, a very large number of public authorities could see their functions transferred to local authorities under these provisions. The Secretary of State would be able to "make provision for conferring on a combined authority in relation to its area a function corresponding to a function that a public authority has in relation to another area". This would allow the Secretary of State to create a power in a combined authority that currently only exists elsewhere: in other words, to 'copy and paste' powers from other localities.

In principle, a very large number of public authorities could see their functions transferred to local authorities under these provisions. The Secretary of State would be permitted to "make provision for conferring on a combined authority in relation to its area a function corresponding to a function that a public authority has in relation to another area". This would allow the Secretary of State to create a power in a combined authority that currently only exists elsewhere: in other words, to 'copy and paste' powers from other localities.

## Directly Elected Mayor

The Government has explicitly stated that significant powers would only be devolved if a directly elected mayor is created as they are of the view that this ensures clear accountability over powers, functions and funding that is devolved from national government to the local level.

Greater Manchester, which has agreed to have an elected mayor, has been offered the broadest devolution deal. Sheffield has been offered more powers after agreeing to a directly-elected mayor. The Government anticipates the first elections taking place in May 2017. However, Cornwall has been offered a multi-year transport budget and bus franchising powers without being required to establish an elected mayor.

There are provisions in the Cities and Local Government Devolution Bill which, if enacted, would empower the Secretary of State to provide by Order for there to be an elected mayor of the area of a combined authority following a proposal being made by each county and district council within the area of a proposed combined authority.

The mayor would be elected by the local government electors for the area. The mayor will both chair and be a member of the combined authority. If a combined authority were to adopt a directly-elected mayor, it could not revert to being a non-mayoral combined authority. The only way to abolish the mayoralty would be to abolish the combined authority altogether.

The Secretary of State could introduce an elected mayor for a combined authority if it and its member authorities (or prospective member authorities) agree.

The standard mayoral term of office is to be four years, and elections are to coincide with local authority.

The first mayoral election must take place not less than six months after an order brings the position of elected mayor into existence. These standard provisions can be adjusted by order to enable election timetables to be harmonised if necessary.

Combined authority mayors would be elected by the supplementary vote system<sup>3</sup>. A combined authority mayor cannot be a councillor in a constituent council of the combined authority, and their council seat will become vacant on their election as mayor: but this provision would not stop an existing local authority mayor from simultaneously being mayor of the combined authority.

The Order establishing the combined authority must specify which functions are to belong to the mayor and which to the combined authority; but the combined authority must assent to this division of powers. The mayor will exercise 'general functions', though s/he may delegate them to officers or members of the combined authority. his power reflects that available in local authorities, where an elected mayor or leader may delegate functions to cabinet members, councillors or officers. However, the Secretary of State is permitted to specify by Order the functions that a mayor may delegate, and/or those that the mayor may not delegate.

The Order establishing a mayoral combined authority may provide for members or officers of the combined authority to assist the mayor with regard to 'general functions'; give the mayor

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<sup>3</sup> Under SV, there are two columns on the ballot paper – one for voters to mark their first choice and one in which to mark a second choice. Voters mark one 'X' in each column, although voters are not required to make a second choice if they do not wish to. All the first choices are then counted, and if a candidate has a majority, they are elected. If no candidate receives a majority, the top two candidates continue to a second round and all other candidates are eliminated. The second-choice votes of everyone whose first choice has been eliminated are then counted. Any votes for the remaining candidates are then added to their first-round totals. Whichever candidate has the most votes after these second-preferences have been allocated is declared the winner.

ancillary powers to the general functions; and permit the mayor to appoint a political adviser, also setting the terms and conditions of that appointment.

The Bill permits the introduction of powers for a mayoral combined authority to introduce a precept on the council tax bills of residents in the combined authority area. This gives the mayor an independent source of finance, and the revenue must be used for the Mayor's 'general functions'. The mayor's precept would be covered by the council tax referendum regime. The Secretary of State will be able to make orders regarding the Mayor's budget and how it should be scrutinised.

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Report to: **Council**  
Date: **10 December 2015**  
Title: **Corporate Enforcement Policy**  
Portfolio Area: **Customer First**  
Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **N/a**

Date next steps can be taken: Immediately following this meeting

Author: **Catherine Bowen** Role: **Lead Specialist for Legal**

Contact: [Catherine.Bowen@swdevon.gov.uk](mailto:Catherine.Bowen@swdevon.gov.uk)

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**RECOMMENDATION:**

**That the Council be recommended that the Corporate Enforcement Policy (as attached at Appendix A) be adopted.**

**1. Executive summary**

- The purpose of this report is to recommend that Members adopt the attached Corporate Enforcement Policy in respect of the Council's wide-ranging enforcement powers and duties (Appendix A).
- The proposed Policy covers all of the Council's enforcement responsibilities in one document instead of individual policies for each relevant area (e.g. planning, environmental health etc).
- The single Policy will ensure that the Council takes a consistent, accountable and proportionate approach to its enforcement duties and powers, and explains to individuals and businesses the range of options that the Council may take in relation to non-compliance, potential breaches of the law and Council Policy.

**2. Background and Outcomes**

- The Council has previously adopted Enforcement Policies relating to its different service areas and in some instances these have been internal working documents.

- Following the T18 restructure, these policies are due for review, and it is considered best practice to include the Council’s approach to its wide-ranging powers and duties in respect of enforcement in one public document. This will ensure that the Council takes a consistent and transparent approach to regulatory and enforcement action in a proportionate way, and one that is easily understood by the public and businesses potentially affected by enforcement action.
- In drafting the Policy, regard has been given to the Regulators’ Code (which is now a Government requirement), together with other relevant legislation such as Code for Crown Prosecutors’ and the Human Rights Act.
- Appendices which relate to a specific area only, and which have not been covered elsewhere in the Policy, are attached at the end of the Policy.

**3. Options available and consideration of risk**

- It is important to have a consistent Corporate Enforcement Policy with regards to the way that the Council approaches and responds to non-compliance with various legislative requirements.
- One option is not to adopt any Policy, but there are serious risks to the Council, including potential challenges for inconsistent approaches or unreasonable and disproportionate action being taken (or the risk of no action being taken at all resulting in a breach of the Councils statutory duties).
- A further option is to adopt separate enforcement policies for the Council’s various and wide-ranging enforcement and regulatory functions (such as planning, environmental health, the environment, street scene, revenue and benefits etc) but the risk here is an inconsistent approach to enforcement in their application by a range of officers, together with the difficulties that this presents to the public as to the Council’s approach to enforcement. Neither would this support the Council’s business approach under T18.
- All relevant Senior Officers who deal with non-compliance have been consulted and have had the opportunity to input into this Policy.

**4. Proposed Way Forward**

- It is recommended that the Council adopts a single Corporate Enforcement Policy as attached at Appendix A, which will minimise the risks set out above and provide a consistent and proportionate approach to enforcement and non-compliance and which supports the Councils cohesive way of working under the T18 structure.

**5. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council’s overarching statutory obligations are set out in the body of the report and more specifically, in the Enforcement Policy.

Financial	N	There are no direct financial implications to the adoption of the Policy.
Risk	Y	These are set out in paragraph 3 of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The Council is committed to equality of opportunity, promoting diversity and eliminating discrimination. Enforcement decisions will be fair and objective and not influenced by ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Decisions will not be influenced by improper or undue pressure from any source.
Safeguarding		The Council will ensure that it deals appropriately with vulnerable people in making enforcement decisions, having regard to its Safeguarding Policy
Community Safety, Crime and Disorder		These will be considered in relation to specific enforcement cases
Health, Safety and Wellbeing		These will be considered in relation to specific enforcement cases

### **Supporting Information**

#### **Appendices:**

**Appendix A:** Corporate Enforcement Policy

#### **Background Papers:**

None

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# South Hams District Council and West Devon Borough Council

## Enforcement Policy

### 1. Introduction

This Enforcement Policy sets out how South Hams District Council and West Devon Borough Council ('the Councils') deal with non-compliance with the wide-ranging legislation that we have a duty to enforce as local authorities. This Policy is available on our website and copies can be obtained from our offices (details of which are given at the end of this document).

This Policy complies with the requirements of the Regulators' Code, introduced by Government in April 2014. All local authority regulators and many other public enforcement bodies must have regard to this. This Enforcement Policy is a living document and will evolve in the light of feedback from businesses, emerging best practice and Government Guidance.

The Councils are committed to good enforcement practice as set out in the Legislative and Regulatory Reform Act 2006, and we aim to exercise our regulatory activities in a way which is:

- **Proportionate:** our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,
- **Accountable:** our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- **Consistent:** our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,
- **Transparent:** we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- **Targeted:** we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

In drawing up and developing our enforcement policy we have had regard to:

**The Regulators' Code 2014** (as set out by Department for Business Innovation & Skills): in certain circumstances it may be appropriate to deviate from the Code, but any such cases will be reasoned and documented.

**Human Rights Act 1998 and the European Convention on Human Rights:** in

particular, decisions need to have regard to the right to a fair trial and the right to respect for private and family life, home and correspondence.

**Data Protection Act 1998:** details the provisions to be followed where there is a need for the Council to share information about enforcement with other agencies.

**Code for Crown Prosecutors** (as set out by the Crown Prosecution Service): a public document that sets out the general principles to follow when decisions are made in respect of prosecuting offenders. The Code sets out two tests that must be satisfied; commonly referred to as the 'Evidential Test' and the 'Public Interest Test'.

**Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015:** changes to some fines and wording of notices.

Revised **Home Office Code of Practice on PACE part B:** powers of entry and provision of Notice of Powers and Rights when entering land.

The Councils are fully committed to the Devon and Somerset Better Business for All (BBfA) Regulatory Services Partnership, which is endorsed by the Better Regulatory Delivery Office (BRDO), part of the Department for Business, Innovation and Skills (BIS). The purpose is to build a local partnership between businesses and regulators across Devon and Somerset to promote economic prosperity, whilst maintaining public protection. This document will ensure that the Regulator will work in accordance with the BBfA principles. In doing so the Councils will create an environment and culture which will support our local businesses by making the activity that is being regulated easy to access, simple and clear to understand, whilst ensuring public protection.

The Councils will listen to business needs and act in an open and transparent way to help shape the way support is provided, this will be done following business consultations and throughout service use.

Better Business for All is business-focused, using business-led improvements to create better regulation, support business growth and create a level playing field for businesses. In order to achieve this, the Policy will be implemented in a consistent manner with competent enforcement staff who are working with the right attitudes and behaviours for the benefit of our Communities.

We are committed to avoid imposing unnecessary regulatory burdens, and to assessing whether similar social, environmental and economic outcomes could be achieved by a less burdensome means. We will adopt a proportionate approach to those we regulate based on relevant factors, for example, business size and capacity.

We will review our approach to regulatory activities from time to time, in order to remove any unnecessary burdens. We will also monitor our approach to ensure

compliance with our stated policy.

## **Equality**

We are committed to equality of opportunity, promoting diversity and eliminating discrimination. Enforcement decisions will be fair and objective and not be influenced by ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Decisions will not be influenced by improper or undue pressure from any source. A copy of our Equality and Diversity Strategy is available on our website or can be obtained from our offices.

## **2. What is this policy for?**

This Policy seeks to clarify, communicate and explain our enforcement approach, to businesses, residents, consumers and others affected by our enforcement activities, and also sets out a consistent and transparent policy as to how the Council will approach Enforcement.

This Policy is intended to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens. We recognise the positive impact that our services can have on economic progress and growth within the local economy and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

Our staff are aware of this Policy and associated service standards and will act in accordance with this Policy and the standards set.

The overall aim of our services engaged in regulatory activity (where appropriate):

- To support good practice and promote growth for business.
- To protect our community from unsafe, unfair or illegal trading practices or unlawful activities.
- To intervene with individuals who cause nuisance or environmental crime in our communities.
- To protect the environment and amenity in our communities
- To safeguard persons in the workplace and those affected by work activities.
- To improve health and well-being across the community.

There may be legitimate circumstances where it is not possible to follow this Policy but if this is the case, we will justify the decision and record it.

The appendices to this Policy reflect practices specific to individual areas, such as Environmental Health and Planning Enforcement.

### **3. When does this policy apply?**

We recognise that the majority of businesses and residents want to meet their legal requirements without being faced with unnecessary burdens. We are keen to be supportive by adopting a pragmatic approach through advice and guidance where we can. This Policy is our overarching approach to enforcement and is supplemented where necessary by service-specific policies.

### **4. Our approach to dealing with non-compliance**

Where a breach of legislation, Government Guidance or Council Policy is identified, by far the most common outcome is for advice to be given to the business or individual concerned. This may be at a very early stage or after some further investigation. However we are committed to dealing firmly with those that deliberately or persistently fail to comply with the law or policy.

#### **Communication**

We will provide general information, advice and guidance to make it easier for businesses and members of the public to understand and meet their legal obligations. This will be provided promptly, in clear, concise and accessible language, using a range of appropriate formats and media. Information will cover legal requirements relating to our regulatory and enforcement activities, as well as changes to legal requirements. Where there are significant changes, we will look at the best ways of informing businesses and the public of the changes.

We will provide targeted and practical advice by telephone and, where practicable and reasonable, promote self-service via our website. Where appropriate, we will provide this advice by personal visit. We will try to maximise the accessibility and effectiveness of advice to ensure efficient use of resources and we will involve businesses and members of the public in developing both the content and style of regulatory or enforcement guidance to ensure that it meets their needs.

Businesses and individuals can confidently request advice from us on non-compliance without directly triggering enforcement action where they show a willingness to resolve the non-compliance and we encourage those we regulate / enforce against to contact us for advice.

Our staff are committed to explaining clearly the non-compliance and any advice being given, actions required or decisions taken, with reasons for these. There will be an opportunity for dialogue in relation to this. If formal action is likely to be considered as an option that dialogue may be needed to be by way of a formal recorded interview as the Police and Criminal Evidence Act 1984 requires. This is a legal process but it is used to provide fairness and clarity to anyone who is at risk of prosecution.

### **Delegated powers**

The Council delegates the powers it has to enforce various pieces of legislation, so that individual Council 'enforcement' officers with the appropriate levels of competence, have specific authority to act. Officers with enforcement powers carry identification and confirmation of their authorisation.

Investigations are overseen by team managers and qualified senior officers, in line with the adopted Scheme of Delegation.

### **Sharing information/intelligence**

We will refer matters to other authorities or enforcement bodies where we believe they are the most appropriate to deal with a matter. We will also accept referrals from others where we are the most appropriate enforcement body to deal with something effectively. We are committed to liaising with these bodies to target our resources and rationalise our approach. Where we refer matters to another body, we will advise the business or member of the public accordingly.

In order to maximize the effectiveness of any enforcement, we will share intelligence relating to regulatory matters both within the Councils and more widely with:

- Government agencies
- Police
- Fire authorities
- Local authorities
- Other statutory bodies

### **Conflict of interest**

In the event of a possible conflict of interest, for example, where a key enforcement decision involves parts of the Council or its staff, we will if deemed appropriate involve another local authority in ensuring an impartial decision is made.

### **Publicity**

In the event of a business or individual being prosecuted and sentenced as a result of enforcement action, the Council will usually issue a media release, which may also appear on the Council's website.

### **Risk assessment**

We will ensure that our resources are targeted where they will be most effective. We will ensure that intelligence and risk assessment inform all aspects of our approach to regulatory or enforcement activity, including (where relevant):

- Data collection and other information requirements;
- Inspection programmes;
- Advice and support programmes;
- Enforcement activity and sanctions;

Where appropriate and relevant to the non-compliance, we will use the appropriate Government risk assessment scheme to inform any inspection programme or intervention but, where these do not exist, we will consult and involve businesses and other interested parties in designing any risk methodologies that we create, and publish the details. In the absence of other factors when determining risk, we will consider:

- Compliance history and potential future risks
- The existence of effective management systems
- Evidence of recognised external accreditation
- Management competence and willingness to comply
- Use of complaints/investigation filters.

We will also use intelligence to direct inspection based projects, targeting activities or businesses or individuals where there are known issues. However, complaints may also trigger a visit if that is the most appropriate response.

## **5. Conduct of investigations**

Investigations are subject to controls on how evidence is gathered and used and give a range of protection to members of the public and potential defendants. Our investigations will be carried out in accordance with the following legislation and in accordance with any associated guidance or codes of practice, including:

- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Criminal Justice and Police Act 2001
- Human Rights Act 1998

We will comply with the requirements of the particular legislation under which we are acting and any associated guidance or codes of practice.

Where any business has a 'Primary Authority' relationship established with a local authority regulatory service, our officers will communicate with that service at the earliest opportunity.

### **Powers of officers**

Under certain pieces of legislation that we enforce, officers are given particular powers to carry out certain activities including, for example, sampling; inspection of premises, land, buildings, goods, equipment or documents. In certain circumstances, where offences are suspected or evidence required, legislation gives our officers powers to seize items and documents. Powers vary depending on the legislation being used.

Where any items are seized officers will supply written confirmation of anything taken at the time or if not practical as soon as possible afterwards.

### **Obstruction of officers**

The legislation we enforce can include offences of obstructing officers involved in enforcement activities and this can include failure to give appropriate assistance in some circumstances. We will view obstruction as a serious matter.

Occasionally, our officers work with the Police and in some circumstances the Police may use their powers of arrest. Our officers do not directly have the power of arrest or detention of persons. Failure to give Council officers appropriate assistance or information may result in prosecution proceedings in its own right.

### **Interviews of potential defendants and evidence processing**

Where a person, company or other legal entity is suspected of breaching legal requirements and formal action remains under consideration, wherever possible (and relevant) they will:

- be formally interviewed in accordance with the Police and Criminal Evidence Act 1984 (usually but not exclusively audio recorded)
- be given the opportunity to demonstrate if a statutory defence is available to them;
- have the opportunity to give an explanation or make any additional comments about the alleged breach.

### **Time limits for action**

Individual pieces of legislation usually stipulate time limits within which prosecutions can be brought. This is dependent upon the particular piece of legislation. We will seek to conclude our investigation in a timely manner and advise the potential defendant of the outcome without undue delay.

### **Review of evidence**

Before a decision to prosecute is taken, the alleged offence(s) will be fully investigated, evidence gathered and a confidential report compiled by the investigating officer that will include the evidence obtained. This will be reviewed by the appropriate specialist. Cases in which a prosecution is to be pursued will be reviewed by our Legal Services team. The prosecution will then be managed through the court system by a member of the Legal Services team, with other

legal representation being appointed or advice sought if required.

### **Keeping in touch**

Alleged offenders (or their legal representatives) are encouraged to contact the investigating officer or a member of the Legal Services team if they wish to know the progress on their investigation. Any person interviewed under caution will be informed in writing of decisions on enforcement action and the matter should not be considered as concluded until confirmed in writing, or a court hearing taken place.

Witnesses will be kept informed of the progress in accordance with our service standards.

## **6. Decisions on Enforcement Action**

We recognise that most businesses and the public wish to comply with the law. We will endeavour to help people to meet their legal obligations without unnecessary expense. When a business or individual does break the law, we will consider all the surrounding circumstances before deciding whether formal action is appropriate.

Formal action is more likely to be pursued in instances where the offender has:

- acted fraudulently
- put the safety or health of consumers, neighbours or others at risk
- put the environment or amenity at risk
- acted irresponsibly and negligently
- failed to heed advice or previous warning, or
- failed to take reasonable steps to avoid offences being committed.

Our approach to enforcement action will aim to:

- change the behaviour of the offender;
- eliminate any damage, risk or harm caused as a result of any offences
- eliminate any financial gain or benefit from non-compliance;
- be responsive and appropriate for the particular offender and regulatory / enforcement issue;
- be proportionate to the nature of the offence and the harm caused;
- restore the harm caused by non-compliance, where appropriate; and
- aim to deter future non-compliance.

We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, including potential harm and loss and its significance in making the decision to take formal action. Our approach will be based on risk and expediency.



In respect of action under health and safety laws we will adopt the Enforcement Management Model (EMM) developed by the Health and Safety Executive.

There are a range of enforcement options available to us through the legislation we enforce. These vary depending on the particular circumstances and legislation and one or more options may be relevant in each case. The level of the action taken varies from 'no action' through to proceedings in Court. Examples of the main types of action that can be considered are:

- No action;
- Compliance advice, guidance and support;
- Voluntary undertakings;
- Statutory (Legal) notices (including Direct Action);
- Financial penalties;
- Injunctive actions
- Enforcement orders and notices etc;
- Simple Caution;
- Anti-social Behaviour notices, order
- Prosecution; and
- Refusal/suspension/revocation of licence or registration.

#### **A. No Action**

There will be circumstances where a contravention may not warrant action, or it may be inappropriate or not in the wider public interest. Many minor contraventions can most appropriately be dealt with via advice and guidance.

#### **B. Compliance Advice, Guidance and Support**

For minor breaches of the law we will give advice on how to put matters right, including a deadline by which this must be done. The time allowed to put things right will be reasonable, and take into account the seriousness of the breach and the implications of the non-compliance. Advice is usually provided in the form of a 'warning letter', to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an 'informal notice') will set out what should be done to rectify the breach and to prevent re-occurrence. Failure to comply could result in an escalation of enforcement action.

If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

Where ever possible we will advise offenders about 'good practice', but we will clearly distinguish between what offenders *must* do to comply with the law and what is *recommended*.

We recognise that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and we will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, we recognise that there is likely to be an ongoing need for compliance advice and support to prevent further breaches.

### **C. Voluntary Undertakings**

We may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. We will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

### **D. Statutory (Legal) Notices**

In respect of many breaches, our authorised officers have powers to issue statutory notices. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the **carrying out of work in default** (sometimes known as **Direct Action**). This means that if a notice is not complied with (a breach of the notice), we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge the person / business served with the notice for any cost we incur in carrying out the work.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Notices may require immediate action where, for example, there are risks to public health or health and safety of persons, or an immediate risk of environmental damage or serious nuisance.

In certain limited circumstances (for example, under the provisions of food safety legislation) where an authorised officer is satisfied that there is an imminent risk of injury to health from the condition of the premises, the officer may serve notice to close the premises. This is followed by an application to a Magistrates Court to confirm the closure.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

Where a statutory notice is issued, an explanation of the relevant appeals process will be provided to the recipient.

#### **E. Financial penalties**

Certain offences are subject to fixed penalty notices where prescribed by legislation. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning. They will be used in appropriate circumstances to give a fast and measured response to the situation.

If a Fixed Penalty is paid in respect of a breach, we will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

If a fixed penalty is not paid, we may commence criminal proceedings or take other enforcement action in respect of the breach.

#### **F. Injunctive Actions, Enforcement Orders etc.**

In some circumstances we may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

We are required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, we will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

#### **G. Simple Caution**

We have the power to issue Simple Cautions (previously known as 'Formal Cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the Simple Caution. Where a Simple Caution is offered and declined, prosecution is likely.

A Simple Caution will appear on the offender's criminal record. It is likely to influence how we and others deal with any similar breaches in the future, and

may be cited in court if the offender is subsequently prosecuted for a similar offence. If a Simple Caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment. Offenders will be made aware of this before agreeing to accept a simple caution.

Simple Cautions will be used in accordance with the Home Office Circular and other relevant guidance issued by the relevant Lead Specialist.

## **H. Anti-Social Behaviour**

Anti-social behaviour will be dealt with in accordance with the statutory guidance issued by the Home Office 'Anti-social Behaviour, Crime and Policing Act 2014: reform of anti-social behaviour powers – statutory guidance for professionals'. We will liaise with our statutory partners to ensure that Anti-social Behaviour is effectively dealt with and that our actions are proportionate.

### **I. Prosecution**

We are more likely to prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute we will have regard to the provisions of the Code for Crown Prosecutors issued by the Director of Public Prosecutions.

Under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. Exceptions would be where there is a serious risk to personal safety or the environment, or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment. Each case will be considered on its own facts and merits.

Once an officer has completed their investigation, s/he will submit a case report to a senior officer, who will decide the most appropriate course of action.

The senior officer will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether or not to authorise the institution of legal proceedings.

The Legal Lead Specialist (in consultation with the relevant Senior Lead Specialist) must be satisfied that there is sufficient evidence to provide a reasonable prospect of conviction against each defendant on each charge (i.e. that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged). To this end, the Legal Lead Specialist (in consultation with the relevant Lead Specialist) will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. Only when

this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether a prosecution will serve the public interest, the senior officer will balance factors for and against the prosecution carefully, fairly and impartially. Some factors may increase the justification to prosecute whereas others may militate against.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors or, in the case of food safety laws, from managing a food business.

The Council will always seek to recover all prosecution costs where possible.

In some cases we are likely to make applications to the Court under the Proceeds of Crime Act 2002 (POCA) for confiscation of assets. These are the most serious cases or where there is persistence of offending over a long period of time or where the offences are deemed to be 'lifestyle crime' under POCA. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct.

## **J. Refusal/Suspension/Revocation of Licences**

We issue a variety of licences and permits and register certain persons/activities. Many of these include conditions which require the licence holder to take steps to ensure that, for example, a business or activity is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, we may take previous breaches and enforcement action into account.

We will provide a timely explanation in writing to any rights of representation or appeal to our enforcement action and provide practical information on the process involved.

Where legislation allows and information arises which goes to the heart of the licensing legislation then a case may be brought for immediate revocation of the licence.

## **7. Review of this Policy**

This Policy will be updated should any changes in legislation or relevant codes of practice require it to be updated, and we welcome any comments on the Policy at any time.

We will adopt mechanisms to engage with those we regulate; including businesses and individuals to offer views and contribute to the development of our policy and service standards. Before changing our policy, practice or service standards, we will consider the impact on business and engage with business representatives.

## **8. Comments and Complaints**

If a matter has not yet reached court or in any other case where a person affected by an enforcement decision is dissatisfied, as with other complaints about our service or staff, one of our managers will be able to discuss the cause of the dissatisfaction, and will try to find a solution.

We have a Complaints Procedure and any person aggrieved by the enforcement action taken by the Council in connection with our enforcement activity (or any other actions) may register their complaint in accordance with that procedure. Copies of this document (and other documents referred to in this Policy) are available upon request by writing to either:

- South Hams District Council, Follaton House, Plymouth Road, Totnes TQ9 5NE or telephoning 01803 861234 or via the Council's website at [www.southhams.gov.uk](http://www.southhams.gov.uk) or,
- West Devon Borough Council, Kilworthy Park, Drake Road, Tavistock PL19 0BZ or, telephoning 01822 813600 or via the Council's website at [www.westdevon.gov.uk](http://www.westdevon.gov.uk).

All our publications are available in alternative formats, such as large print or a language other than English. Please contact us using the above contact details or email:

[customer.services@southhams.gov.uk](mailto:customer.services@southhams.gov.uk) or, [customer.services@westdevon.gov.uk](mailto:customer.services@westdevon.gov.uk).

## Appendix 1

### Environmental Health

A separate document (available on the website) details our Service Standards and how we can support businesses.

**Primary Authority Scheme:** (developed by the Better Regulation Delivery Office): when considering taking enforcement action against any business or organisation that has a 'Primary Authority' agreement, we will have regard to guidance issued by the Secretary of State in relation to the Primary Authority scheme pursuant to the Regulatory Enforcement and Sanctions Act 2008.

**Home Authority Principle** (as set out by Local Government Regulation): we support this principle which is to promote good enforcement practice and reduce burdens on business. (It was developed for food and trading standards authorities and applies to a local authority where the decision making base for a large multi-site business is located). Under this we will:

- provide businesses for whom we are the 'home authority' with appropriate guidance and advice;
- maintain records of our contacts with 'home authority' businesses to reduce the amount of information they have to provide to us;
- support efficient liaison between local authorities, and
- provide a system for the resolution of problems and disputes.

We recognise that where a business has entered into a 'primary authority' or a 'home authority' arrangement with a particular regulatory service then that primary or home authority will provide compliance advice and support. We will take such advice into account when considering the most appropriate enforcement action. We may discuss any need for compliance advice and support with the primary or home authority. Liaison will take place at the earliest opportunity with that authority.

## **Appendix 2**

### **Planning Enforcement**

#### **1.0 Introduction**

- 1.1 South Hams District Council and West Devon Borough Council are the responsible Authorities for the Planning Enforcement Service within their administrative areas. Effective enforcement is important as a means of maintaining public confidence in the planning system.
- 1.2 In order for the Councils to give the best possible service to members of the public, it is vital that this document clearly sets out what matters we are able to deal with and how we balance demands on our services against the resources available to us.

#### **2.0 What is Planning Enforcement?**

- 2.1 The Councils are responsible for investigating breaches of planning control which will ordinarily constitute the following:-

- Development or change of use of land without planning permission
- Not complying with conditions of a planning permission
- Demolition in a Conservation Area without consent
- Works to a Listed Building or protected tree without consent
- Neglecting land or buildings which harms local amenity
- Advertisements which harm amenity or public safety

#### **What is not Planning Enforcement?**

- 2.2 The planning enforcement team will not investigate:-

- Boundary disputes/trespass
- Destruction of property during the building process
- Devaluation of property
- Competition to other business
- Squatting
- Unsafe structures
- Fly tipping
- Civil disputes
- Party wall disputes



### **3.0 The Council's Approach to Planning Enforcement**

- 3.1 Local Authorities have a general discretion to take enforcement action, when they regard it as expedient. In considering any enforcement action, the decisive issue for the Councils will be whether the breach of control would unacceptably affect public amenity or an existing use of land and buildings meriting protection in the public interest
- 3.2 Planning legislation and policies will be enforced in a fair, equitable and consistent manner, although care will be taken to ensure that the merits of each case are carefully considered. The emphasis of South Hams District Council and West Devon Borough Council policy is on persuasion, influence and education to secure the aims of the above legislation and planning policies.
- 3.3 Where serious harm is being caused by the breach of planning control, both Councils will take firm action and may not enter into any negotiations before doing so.
- 3.4 Enforcement action should always be commensurate with the breach of planning control to which it relates. The Councils will not normally take enforcement action in order to remedy only a slight variation in excess of what would have been permitted by virtue of the Permitted Development Legislation or Planning Permission.
- 3.5 Section 70c of the Town & Country Planning Act 1990 (as amended) provides that a local planning authority may decline to determine an application where any part of that application relates in whole or part to the matters specified in an enforcement notice as constituting a breach of planning control. The purpose of the provision is to stop time being taken with repeat applications for slightly amended schemes, each subsequently being taken to appeal which delays full compliance with an existing enforcement notice. Both Councils will use this power where any proposed application fails to sufficiently address the breaches of planning control set out within the existing enforcement notice on the land.

### **4.0 What action can the Councils take?**

- 4.1 In every case it investigates, the Councils must first establish whether or not a breach of planning control has in fact taken place. In some cases this will not always be clear and in such circumstances the authority may serve a 'Planning Contravention Notice' on the owner/occupier of land or property which will require answers to specific questions relating to any alleged breach of planning control.

4.2 If a breach of planning control is established and it is considered expedient to do so then the Councils can take formal enforcement action this can be through:

- Service of an 'Enforcement Notice'
- Service of a 'Breach of Condition Notice'
- Service of a 'Section 215 Notice'
- Service of a 'Listed Building Enforcement Notice'
- Service of a 'Conservation Area Enforcement Notice'
- Service of a 'Section 207 Notice' requiring the replacement of a protected tree which has been felled without permission.

Failure to comply with any of the above notices is a criminal offence

4.3 A copy of any Enforcement Notice served will be kept on a publicly available Enforcement Register, a copy of the Notice will also be placed on the Land Charges Register. The Notice will remain on public record and will be revealed on any property searches.

4.4 Where the requirements of any Enforcement Notices are not complied with within the specified time frame the Councils will take appropriate action which can take the form of a Criminal Prosecution, Injunctive Relief or Direct Action.

4.5 In cases where it appears that there has been significant financial benefit in failing to comply with any enforcement notice, the Council will use the Proceeds of Crime Act 2002 to seek to recover any monies or assets gained during the time the Enforcement Notice has been breached.

4.6 Prior to taking any formal enforcement action or instigating any prosecution proceedings in relation to planning enforcement, the Councils will give careful consideration to the provisions of the Human Rights Act 1988 and will have due regard to Public Sector Quality Duty as set out within s.149, Equality Act 2010.

## **5.0 Complaints of Breaches of Planning Control**

5.1 The Councils will investigate complaints of a breach of planning control if they are provided with:

- The exact address / location of the property or land affected
- (if the property / land is not correctly identified Council officer may not be able to inspect the site)
- Details of the alleged breach
- Any other relevant information
- Your name and address

- 5.2 Complaints can be forwarded by email, by telephone, in writing or through the South Hams District Council and West Devon Borough Council websites. Contact details are available at the end of this Policy. South Hams District Council and West Devon Borough Council have a policy of maintaining the confidentiality of the complainant in all cases.
- 5.3 Anonymous complaints will not be accepted. If you are concerned about submitting your details, please contact your Local Councillor who can submit a complaint on your behalf. We will then be able to use the Councillor as the point of contact and they in turn can update you on the complaint.
- 5.4 The Councils receives approximately 700 planning enforcement complaints every year which must be investigated. When assessing your complaint the Councils will take into account whether the works are:
- to a Listed Building
  - causing a serious risk to public health
  - to a Protected Tree
  - within a Conservation Area
  - contrary to a Planning Condition
  - unauthorised display of an Advertisement in a prominent location
  - contrary to Local and National Policy
  - to a building that adversely affects the amenity of adjacent properties
  - conversion of a building into flats
  - a High Hedge complaint
  - a breach of planning control
  - sufficient to warrant any action by the Council

## 6.0 Contact Information

If you have any further questions relating to the planning enforcement process please do not hesitate to contact us using the following methods:

**By Email:** [PlanningEnforcement@swdevon.gov.uk](mailto:PlanningEnforcement@swdevon.gov.uk)

**By Phone:** Customer Services 01803 861234

**By Post:** South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
Devon  
TQ9 5NE

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 23 SEPTEMBER 2015**

<b>Members in attendance</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil (pm only)	*	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	*	Cllr R J Vint

<b>Other Members in attendance</b>
Cllrs Baldry, Blackler, Saltern, Ward and Wright

Item No	Minute Ref or App. No. below refers	Officers in attendance and participating
All agenda items		Planning Officers, Solicitor and Senior Case Manager
	37/2548/14/O	Senior Specialist Place and Strategy, Highways Officer
	57/2472/14/O	Senior Specialist Environmental Health, Highways Officer
	27/1159/15/F	Highways Officer

**DM.28/15 MINUTES**

The minutes of the meeting of the Committee held on 2 September 2015 were confirmed as a correct record and signed by the Chairman.

**DM.29/15 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:

The Chairman declared a personal interest on behalf of all Committee Members in application **37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwelling, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers by virtue of the applicant being an Honorary Alderman of the Council. Members remained in the meeting and took part in the debate and vote thereon;

Cllr Steer declared a further reason for his personal interest in this application by virtue of knowing the applicant's son through his work as a land agent. He remained in the meeting and took part in the debate and vote thereon;

Cllr Hitchins declared a disclosable pecuniary interest in application **57/2472/14/O** Outline application for mixed use development of approx. 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered) – Land at SX6483 5632, off Rutt Lane, Ivybridge, by virtue of the applicant working on his behalf. He left the meeting for the duration of this application;

Cllrs Rowe and Cane both declared a personal interest in the following applications by virtue of being the Chairman and Vice-Chairman of the South Devon AONB Partnership Committee within which the applications were sited. They remained in the meeting and took part in the debate and vote on each of these applications:-

**37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers;

**52/0782/15/F**: Change of use to domestic curtilage and erection of greenhouse and shed – Land adjacent to 8 Andrews Park, Stoke Gabriel;

**41/1023/15/F**: READVERTISEMENT (Revised Plans Received) Demolition of existing dwelling and erection of building to contain 6 no. apartments with associated landscaping and car parking – Spion Lodge, Bennett Road, Salcombe; and

**41/1262/15/F**: Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5no. residential units above, new vehicular access and parking – Development site at SX 738 392, Forer Gars Works, Gould Road, Salcombe.

## DM.30/15 PUBLIC PARTICIPATION

The Chairman proceeded to announce that the following members of the public had registered their wish to speak at the meeting:-

- **37/2548/14/O**: Objector – Mr John Tighe: Supporter – Mr Richard Yonge: Parish Council Representative – Cllr Alan Cooper: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land SX 5670 4944, West of Collaton Park, Newton Ferrers;
- **57/2472/14/O**: Supporter – Mr Mike Craggs: Outline application for mixed use development of approx. 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered) – Land at SX6483 5632, off Rutt Lane, Ivybridge;
- **27/1159/15/F**: Objector – Mrs Dee Marshall: Supporter – Ms Tamzin Wood: Town Council Representative – Cllr Tom Bowden: Change of use of redundant barn to 2 no. dwellings, erection of garages, additional access and associated alterations – Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge;

- **52/0782/15/F**: Objector – Mrs Barbara Heath: Supporter – Mr Mark Newell: Change of use to domestic curtilage and erection of greenhouse and shed – Land adj. to 8 Andrews Park, Stoke Gabriel, Totnes;
- **41/1023/15/F**: Supporter – Mr Jan Tribble: READVERTISEMENT (Revised Plans Received) Demolition of existing dwelling and erection of building to contain 6 no. apartments with associated landscaping and car parking – Spion Lodge, Bennett Road, Salcombe;
- **41/1262/15/F**: Supporter – Mr Paul Fong: Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5 no. residential units above, new vehicular access and parking – Development site at SX 738 392, former Gas Works, Gould Road, Salcombe.

## DM.31/15 **PLANNING APPLICATIONS**

The Planning Case Officers submitted details of the planning applications as presented in the agenda papers.

During discussion of the planning applications, the following motions (which were in contradiction to the planning officer recommendation in the published agenda report), were **PROPOSED** and **SECONDED** and on being put to the vote were either **CARRIED** or **LOST**:-

- a) In respect of application **37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

‘That the application be deferred’

- b) In respect of application **52/0782/15/F**: Change of use to domestic curtilage and erection of greenhouse and shed – Land adj. to 8 Andrews Park, Stoke Gabriel, Totnes, the Case Officer introduced the application and set out the background to the site which should have been planted as part of the landscaping plan of the original Rowes Meadow development. A plan and elevations of the proposal were shown and Members asked a number of questions in relation to the ownership of the land and the condition that related to the current planning permission.

The local Ward Member advised Members of the misunderstandings around the site, and also the concerns of resident’s in terms of the unneighbourly impact of the proposal as the site was originally designated a buffer zone. The Ward Member concluded her presentation by proposing that the application be refused, contrary to officer recommendation.

Members discussed the application in detail. It was then **PROPOSED, SECONDED** and on being put to the vote and determined by way of Chairman's casting vote, declared **LOST**

'That application **52/0782/15/F** be refused'

It was then **PROPOSED, SECONDED** and on being put to the vote and determined by way of Chairman's casting vote, declared **CARRIED:-**

'That application **52/0782/15/F** be conditionally approved in line with the case officer recommendation'.

DM.32/15 **PLANNING APPEALS UPDATE**

There were no planning appeals to update at this meeting.

(Meeting commenced at 10.00 am and concluded at 4:20 pm)

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Chairman



## Voting Analysis for Planning Applications – DM Committee 23 September 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
37/2548/14/O	SX 5670 4944, West of Collaton Park, Newton Ferrers	Deferral	Cllrs Bramble, Cane, Foss, Hitchins, Hodgson, Holway, Pearce, Rowe, Vint (9)	Cllr Steer (1)	(0)	Cllrs Cuthbert, Brazil (2)
57/2472/14/O	Land at SX 6483 5632, off Rutt Lane, Ivybridge	Conditional Approval	Cllrs Bramble, Cane, Foss, Pearce, Rowe, Steer (6)	Cllrs Hodgson, Holway (2)	Cllr Vint (1)	Cllrs Cuthbert, Brazil; Cllr Hitchins was absent for this item as a result of a DPI (3)
27/1159/15/F	Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge	Conditional Approval	Cllrs Bramble, Cane, Foss, Pearce, Hitchins, Holway, Rowe, Steer (8)	Cllrs Hodgson, Vint (2)	(0)	Cllrs Cuthbert, Brazil (2)
52/0782/15/F	Land adj 8 Andrews Park, Stoke Gabriel	Refusal	Cllrs Hodgson, Vint, Bramble, Pearce, Rowe (5)	Cllrs Cane, Foss, Hitchins, Holway, Steer (5)  Lost by Chairmans casting Vote	(0)	Cllrs Cuthbert, Brazil (2)
52/0782/15/F	Land adj 8 Andrews Park, Stoke Gabriel	Conditional Approval	Cllrs Cane, Foss, Hitchins, Holway, Steer (5)  Carried by Chairmans casting Vote	Cllrs Hodgson, Vint, Bramble, Pearce, Rowe (5)	(0)	Cllrs Cuthbert, Brazil (2)
41/1023/15/F	Spion Lodge, Bennett Road, Salcombe	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Vint (7)	Cllr Pearce (1)	Cllr Brazil (entered the meeting part way through the presentation); Cllr Rowe (2)	Cllrs Cuthbert, Hodgson (2)
41/1262/15/F	Development site at SX 738 392, Former Gas Works, Gould Road, Salcombe	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Pearce, Rowe (8)	Cllr Brazil (1)	Cllr Vint (1)	Cllrs Cuthbert, Hodgson (2)

56/1693/15/AD	16 Leechwell Street, Totnes	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Pearce, Rowe, Brazil, Vint (10)	(0)	(0)	Cllrs Cuthbert, Hodgson (2)
56/1694/15/LB	16 Leechwell Street, Totnes	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Pearce, Rowe, Brazil, Vint (10)	(0)	(0)	Cllrs Cuthbert, Hodgson (2)

**APPENDIX A****37/2548/14/O**

Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land

**Parish or Town Council** – Newton and Noss

**Parish Council's Views** – Objection

**Officer Update**

Officers provided updates with respect to the detail of the Affordable Housing (AH) offer; the consideration of an alternative sites assessment (ASA) that had been submitted by the applicant; and the previous use of the land.

With respect to AH it was confirmed that the applicant was offering 50% and that the housing would be an appropriate mix of shared ownership and social rented properties. The applicant's representative later described the AH element as 'self-build' / 'custom-build', which contradicted Officer advice to Members.

With respect to the ASA Officers advised that this had been reviewed to an extent, but not thoroughly due to it only being available ten days prior to Committee. The initial view of Officers was reported as not disputing the conclusion of the report that the site was potentially the best to deliver a major development in the AONB in Newton and Noss Parish, but that the report was limited in its validity since it had not considered sites outside the AONB and was, in any case based on a quantum of development the need for which had not been demonstrated.

Officers advised that, based on the definition of pdl in the National Planning Policy Framework, the site is partly pdl.

**Recommendation** – Refusal

**Recommended Conditions** – N/A

**Committee Decision** - Deferral

**57/2472/14/O**

Outline application for mixed use development of approx 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered)

**Parish or Town Council** - Ugborough

## **Parish Council's Views - Objection**

### **Officer Update**

Officers provided an update with respect to the review of the Affordable Housing (AH) / s106 offer; the design of the roundabout; and the medical centre. In addition a petition with some 300 signatures was handed to the Chair by Cllr Holloway. The petition requested highway safety measures on the A38 at Bittaford and Wrangaton.

With respect to the review of the AH / s106 offer Officers advised that a comprehensive review had now been completed and that the applicant had provided more detail about costs, including abnormal costs. The review concluded that the applicant would not make an unreasonable profit.

Officers confirmed that the design of the roundabout now met highway safety standards.

Officers advised that the proposal was to provide land for the medical centre, not its construction, and that the phasing plan would seek to ensure it could be delivered during the first phase of development.

### **Recommendation – Conditional Approval**

#### **Recommended Conditions**

1. Standard time limit for commencement;
2. Accord with Plans, Drawings and FRA;
3. GPDO Exclusion;
4. Unsuspected Contamination;
5. On-site highway works in accordance with plans / drawings;
6. Construction Management Plan to be submitted and approved prior to commencement;
7. Construction Method Plan to be submitted and approved prior to commencement;
8. Phasing Plan to be submitted and approved prior to commencement;
9. Surface water drainage layout and details to be submitted prior to commencement and the approved details completed and operational prior to occupation;
10. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
11. Submission, prior to commencement, of a Lighting Strategy;
12. Tree / hedge protection;
13. Submission and agreement, prior to commencement, of a Landscape and Ecological Management Plan.
14. Adherence to measures within Preliminary Ecological Appraisal, and Bat
  1. Activity Survey Report;
15. As part of any Reserved Matters application for this site, the applicant shall undertake an acoustic assessment of the proposal and provide details of any attenuation necessary in accordance with BS8233:2014, to the Local Planning Authority for approval. This scheme once approved shall be implemented and maintained in perpetuity;
16. A link road to the remainder of the allocation site;

17. Construction method statement and management plan;
18. Phasing plan;
19. Highway works to be completed in accordance with approved details to be submitted to the LPA;
20. Submission of a stage 2 highway safety audit;
21. Details of retaining walls/structures;
22. Details of boundary treatments;
23. Lifetime homes;
24. Use of employment land; and
25. Inclusion of a review mechanism to allow a revision upwards of s106 payments/ the proportion of AH with respect to any uplift in plot value that may arise if more valuable alternative land use(s) are, subsequently, permitted;
26. A foot and cycle path will be provided to link the site to the existing residential area to the west.

### **S106**

1. 20% Affordable Housing;
2. Affordable Housing occupancy;
3. Green Travel Plan and Vouchers;
4. Education;
5. Solar pv;
6. Play space;
7. Off site sports;
8. Applicant and LPA legal fees; and
9. A 'claw back' mechanism with respect to any uplift in plot value that may arise if more valuable alternative land use(s) are, subsequently, permitted

**Committee Decision** – Authority to grant conditional approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement

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### **27/1159/15/F**

Change of use of redundant barn to 2no.dwellings, erection of garages, additional access and associated alterations

**Parish or Town Council** – Ivybridge

**Parish Council's Views** – Objection

### **Officer Update**

Mr Jones drew the committee's attention to a late letter received from an objector and comments made by Ivybridge Town Council. He responded as follows:

- Acknowledged factual inaccuracies within the submitted Design and Access Statement, however, they were not deemed to prejudice assessment of the application
- Agreement that extant TRO prohibits all vehicular movements
- Emphasised that both SHDC and DCC officers have considered merits of application on basis that TRO restricts all vehicular movements
- Regardless of existence or otherwise of separate access members must assess the application as it is before them
- Clarified, as within officer report, that revised plans encompass small scale alterations to scheme which did not require formal readvertisement

**Recommendation** – Conditional Approval

**Recommended Conditions**

1. Time
2. Accord with Plans
3. Removal of Permitted Development Rights
4. Parking and garaging retained in perpetuity
5. Details of dividing boundary treatment prior to commencement of development
6. Confirmation of granting of licence prior to commencement
7. Removal of hedgerow outside of nesting season
8. Bathroom/toilet windows on north elevation obscure glazed
9. Joinery details prior to installation
10. Natural slate, sample prior to installation
11. Natural stone, matching existing
12. Unsuspected contamination
13. Landscape plan prior to commencement of development
14. Soakaway specification prior to commencement of development
15. Construction Environment Management Plan prior to commencement of development

**Committee Decision** – Conditional Approval

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**52/0782/15/F**

Change of use to domestic curtilage and erection of greenhouse and shed

**Parish or Town Council** – Stoke Gabriel

**Parish Council's Views** – Objection

**Officer Update** – None

**Recommendation** – Conditional Approval

### **Recommended Conditions**

1. Time Limit
2. Accord with Plans
3. Boundary planting to be implemented in first available planting season and thereafter
4. Use as garden area only
5. Removal of permitted development rights for additional structures

### **Committee Decision – Conditional Approval**

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#### **41/1023/15/F**

Demolition of existing dwelling and erection of building to contain 6No apartments with associated landscaping and car parking

**Parish or Town Council - Salcombe**

**Parish Council's Views – No objection**

**Officer Update** – Additional comments received from Town Council who raise no objection; two further letters of representation objecting to the application; error in calculation for affordable housing contribution as the net gain of units is five, not six as calculated. Revised figure of £130,783; comment of Town Council in report refers to 6 parking spaces which should be 8 and error in Highways/Access section which incorrectly refers to no cycle parking which is incorrect as the proposal does provide secure cycle parking.

**Recommendation** – Conditional approval subject to the completion of Section 106 Legal Agreement

### **Recommended Conditions**

1. Time Limit for commencement
2. In accordance with plans
3. Materials
4. Unsuspected contamination
5. Works to adhere to measures within Ecological Survey
6. Landscaping
7. Construction Management Plan

**Committee Decision** – Authority to grant Conditional Approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee subject to completion of Section 106 Agreement

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## **41/1262/15/F**

Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5no residential unites above, new vehicular access and parking

**Parish or Town Council** - Salcombe

**Parish Council's Views** - Objection

**Officer Update** – Comments received from Environmental Health who raise no objection subject to condition regarding details of extraction equipment for the commercial use (s); one further letter of representation objecting on the basis of overlooking of 'Jilmar' which would be hemmed in by the development.

**Recommendation** – Conditional approval subject to Section 106 Legal Agreement in respect of financial contribution

### **Recommended Conditions**

1. Time limit for commencement
2. In accordance with plans
3. Materials
4. Details of surfacing
5. Construction Management Plan
6. Highway works to be completed prior to occupation
7. Submission of combined Stage 1 and Stage 2 safety audit
8. Use Class of commercial units to be A1/A2/A3 and no other permitted changes.
9. Flood Warning and Evacuation
10. Contaminated Land
11. Unsuspected Contamination
12. Details of inbuilt provisions for birds to be agreed.
13. Vegetation removal to be outside of bird nesting season

**Committee Decision** – Authority to grant Conditional Approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee subject to completion of Section 106 Agreement

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## **56/1693/15/AD**

Advertisement consent for 2no. hanging signs and to add text to window and door

**Parish or Town Council** - Totnes

**Parish Council's Views** – No objection



**Officer Update** - None

**Recommendation** – Conditional Approval

**Recommended Conditions**

1-5 Standard Advert conditions

**Committee Decision** – Conditional Approval

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**56/1694/15/LB**

Listed building consent for 2no. hanging signs and to add text to window and door

**Parish or Town Council** - Totnes

**Parish Council's Views** – No objection

**Officer Update** - None

**Recommendation** – Conditional Approval

**Recommended Conditions**

1. Time Limit
2. Accord with approved plans
3. External redecoration to be in a cream colour

**Committee Decision** – Conditional Approval

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**MINUTES OF A MEETING OF THE AUDIT COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 24 SEPTEMBER 2015**

<b>Members in attendance</b> * Denotes attendance ∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J T Pennington (Chairman)
*	Cllr J Brazil	*	Cllr K R H Wingate (Vice-Chairman)
*	Cllr R J Foss		

<b>Members also in attendance:</b>
Cllrs H D Bastone, R J Tucker, L A H Ward 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 – Support Services, S151 Officer, Grant Thornton Representatives, Devon Audit Partnership Manager, Senior Specialist – Democratic Services and Finance Business Partner
5	A.16/15	Assistant County Treasurer, Investments and Treasury Management – Devon County Council

**A.14/15 MINUTES**

The minutes of the meeting held on 30 July 2015 were confirmed as a correct record and signed by the Chairman.

**A.15/15 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.16/15 PRESENTATION FROM MARK GAYLER (ASSISTANT COUNTY TREASURER, INVESTMENTS AND TREASURY MANAGEMENT) OF DEVON COUNTY COUNCIL ON THE PENSION FUND**

The Committee received a presentation from Mr Mark Gayler (Assistant County Treasurer, Investments and Treasury Management) of Devon County Council on the Devon Pension Fund Investments and Risk.

The presentation concluded by looking to the future and made reference to:

- The Pension Fund having a long term horizon over which to invest;
- A need to invest in return seeking assets to reduce deficit position;
- The Fund needing to adapt to a changing world and increasing volatility of markets;
- Negative cashflow (contributions less benefits) needing to be factored into investment strategy for future years;
- Greater emphasis on cost savings (proposals for pooled investments / greater collaboration); and
- Long term performance still being the overriding objective.

In discussion, reference was made to:-

- (a) the Deficit Recovery Position. The Committee was advised that the County Council was more than happy to open up dialogue with the Council if it wished to consider reducing its deficit recovery period (which currently stood at 27 years (the Devon Pension Fund average was 25 years));
- (b) the increase in net pension liability from £32,704 million (at 1 April 2014) to £46,671 million (at 31 March 2015). Whilst acknowledging that this was attributed to a change in actuarial assumptions in 2014/15, Members still wished to express their concern at the substantial increase in total liability. The reduction in the discount rate from 4.4% to 3.3% was the main reason for the increase in the net pension liability and Mr Gayler explained that the discount rate fluctuated on a daily basis and a snapshot was taken on 31 March each year. In response, Mr Gayler informed that the actuary would look in a much more holistic way at this issue during its next actuarial review;
- (c) the Council decision to invest £17 million in its pension fund in 2003. Mr Gayler reassured the Committee that this had been a good decision and had resulted in the Council paying considerably less in its annual contribution rates;
- (d) the impact of the Transformation Programme. Throughout the Programme, the S151 Officer confirmed that the actuary was kept fully informed of the impact on the pension fund and, as a consequence, the Council had accurately predicted the strain of all employees over the age of 55 leaving the authority and had budgeted accordingly. In the ensuing general discussion, Mr Gayler confirmed that he would let officers know the cost of seeking actuary opinion on the merits of making a future capital payment. In addition, the Committee acknowledged that the age profile of the organisation was now significantly lower and this would also have an impact;

(e) the performance of the Fund. In comparison to other Funds, Mr Gayler informed that the Devon County Council Pension Fund had not performed as well in recent years. However, with the government direction of travel appearing to be to pool pension funds across the South West region, then there was not felt to be any value in changing investment managers at this time.

In conclusion, the Chairman thanked Mr Gayler for his informative presentation and interesting responses to Committee questions.

#### A.17/15 **ANNUAL GOVERNANCE STATEMENT 2014/15**

The Committee considered a report that informed that no changes were required to the Annual Governance Statement (AGS) from the version that was considered and approved at the July 2015 Audit Committee meeting (Minute A.10/15 refers).

In discussion, reference was made to:-

- (a) the identified issue in relation to Land Charges. In light of legal advice, it was noted that reference to the settlement figures had been removed from the Code of Corporate Governance;
- (b) the role of the S151 Officer at meetings of the Senior Leadership Team (SLT). The Committee was advised that the S151 Officer had access to the weekly SLT agenda and also had an open invitation to attend SLT meetings.

It was then:

#### **RESOLVED**

That it be noted that no changes were required to the Annual Governance Statement 2014/15 from the version considered and approved at the July 2015 Audit Committee.

#### A.18/15 **ANNUAL STATEMENT OF ACCOUNTS 2014/15**

Members considered a report that presented a summary of net revenue and capital expenditure.

During discussion, it was confirmed that the published version of the Statement of Accounts would be updated to reflect the fact that the job title of the S151 Officer had changed from the 'Head of Finance' to the 'Finance Community Of Practice Lead'.

It was then:

**RESOLVED**

1. That the wording of the Letter of Representation (as outlined at Appendix A of the presented agenda report) be approved; and
2. That the audited Statement of Accounts for the financial year ended 31 March 2015 (as outlined at Appendix B of the presented agenda report) also be approved.

**A.19/15 THE AUDIT FINDINGS FOR SOUTH HAMS DISTRICT COUNCIL**

A Grant Thornton report was considered that highlighted the key matters arising from their audit of the Council's financial statements for the year ended 31 March 2015.

Once the Grant Thornton Audit Manager had taken the Committee through the report, Members emphasised the excellent outcome and wished for their congratulations and thanks to be extended to the Section 151 Officer and her finance colleagues.

It was then:

**RESOLVED**

That the paper be noted.

**A.20/15 THE USE OF AGENCY STAFF**

A report was considered that provided the Committee with an update on the Council's use of agency staff.

In discussion, the following points were raised:-

- (a) Some Members expressed their concerns at the upward trend in the percentage of agency staff (increased from 6.0% in 2012/13 to 9.9% in 2014/15) and the subsequent costs arising from using agency staff. In response, officers advised that this trend was being reversed in light of Environment Services (which had been employing a number of agency staff) now permanently filling their vacancies. In addition, the recent completion of Phase 2 of the Transformation Programme had enabled the Council to be in a position to advertise to fill its vacancies.

However, the Committee also recognised that the percentage of agency staff in the future may stay fairly constant in light of there being less permanent total staff numbers on the Council's establishment;

- (b) It was the future aim of officers to be in a position to reduce the total staffing costs to £10 million;

- (c) Such was the importance of this issue, the Committee was of the view that it would like to be in a position to review the trends again via a further report in six months' time. For the next report, officers also agreed to give consideration to methods of better illustrating the percentage and cost splits between South Hams District Council and West Devon Borough Council.

It was then:

**RESOLVED**

1. That the contents of the report be noted;
2. That the Senior Leadership Team continue to monitor the use and cost of using agency workers; and
3. That an update report be presented to the Committee in six months' time.

A.21/15

**UPDATE ON PROGRESS ON THE 2015/16 INTERNAL AUDIT PLAN**

The Committee considered a report that informed it of the principal activities and findings of the Council's Internal Audit team for 2015/16 to 31 August 2015.

In discussion, the following points were raised:-

- (a) Whilst it would be formally reported to the next Committee meeting, the Group Manager – Support Services advised that the Council had just received a 'good' audit finding from central government in respect of its IT security compliance;
- (b) The Committee was given assurances that the cash collection audit findings were in no way linked to the Council changing its bank account;
- (c) With regard to the 50 days unplanned audit work for the Greater Dartmoor Local Enterprise Action Fund (LEAF) and South Devon Coastal Local Action Group (LAG), some Members commented that this seemed to be excessive. In reply, officers advised that these were funded from EU Grants and, as a result of EU legislative requirements, were very resource intensive.

It was then:

**RESOLVED**

That the progress made against the 2015/16 internal audit plan, and any key issues, be noted.

(Meeting commenced at 10.00 am and finished at 12 noon)

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Chairman



**MINUTES OF THE MEETING OF  
THE SALCOMBE HARBOUR BOARD  
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY 28 SEPTEMBER 2015**

<b>Members in attendance</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr J Brazil (Chairman)	*	Mr G Burrell
*	Cllr J A Pearce	*	Dr C C Harling (Vice Chairman)
∅	Cllr K R H Wingate	∅	Mr M Mackley
*	Cllr S A E Wright	∅	Mr H Marriage
		*	Mr A Thomson
		*	Mr M Taylor

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Salcombe Harbour Master, Group Manager – Commercial Services, Finance Business Partner and Senior Case Manager

**SH.11/15 MINUTES**

The minutes of the meeting of the Salcombe Harbour Board held on 13 July 2015 were confirmed as a correct record and signed by the Chairman.

**SH.12/15 DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following were made:

Cllr Wright, Dr Harling, Mr Burrell, Mr Taylor and Mr Thomson all declared a disclosable pecuniary interest in all related agenda items by virtue of having moorings or paying harbour dues to the Council. As a result of the Solicitor granting each Board Member a dispensation, they were all able to take part in the debate and vote on any related matters (Minute SH.05/15 refers).

**SH.13/15 PUBLIC QUESTION TIME**

The following issues were raised during Public Question Time:

1. A representative from Kingsbridge Estuary Boat Club asked that the Club be included on the list of e-recipients who received a copy of the Salcombe Harbour Annual Report;
2. Mr Jonno Barrett updated the Board with the news that Mr Peter Goldsworthy had recently passed away. Mr Goldsworthy had been a Chair of the Estuary Association and had played an important role during the Municipal Review.

The Chairman thanked Mr Barrett for bringing this to the Boards attention and asked that the minutes reflect the appreciation of the Board for the work that Mr Goldsworthy had undertaken.

3. Mr Richard Martin updated the Board on the forthcoming visit in relation to the export of crab to China. Part of the process was to show that crab was wild and not farmed. The visit would be important to local trade. In replying to a query regarding any support that the Board could give, Mr Martin responded that the support offered so far had been more than adequate.

## SH.14/15 **FEEDBACK FROM HARBOUR COMMUNITY FORUMS**

The Board received verbal update reports from the Board Members who attended the Harbour Community Forums. The updates were as follows:

### **Salcombe Kingsbridge Estuary Association (SKEA)**

There was no update to give at this meeting.

### **Salcombe Kingsbridge Estuary Conservation Forum (SKECF)**

The Forum would be meeting later that week. The recent Bioblitz event had been successful.

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

The Shellfishermen had stated that they were comfortable with the recent changes.

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

There was no update to give at this meeting.

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

There was no update to give at this meeting.

## SH.15/15 **PROPOSED BUDGET FOR 2016/17**

The Board was presented with a report that sought a recommendation to Council in respect of the proposed 2016/17 budget. The Harbour Master introduced the report and highlighted the key areas of particular note. He responded to questions. The Finance Business Partner brought Members attention to the budget forecast which had been included in the agenda papers at the request of the Board. Members discussed the Marine Infrastructure Reserve and it was agreed that the Lead Specialist Assets should attend and present a report on infrastructure matters within the Salcombe Kingsbridge area at a future Board meeting. To conclude this item Members praised the work of the Finance team in producing the presented budget.

It was then:

**RECOMMENDED**

That Council be **RECOMMENDED** that the proposed 2016/17 budget set out within the presented agenda report be approved, subject to agreement of the fees and charges to enable a balanced budget.

**SH.16/15 FEES AND CHARGES 2016/17**

The Harbour Master presented a report that sought to recommend changes to the current charging policy and proposed fees and charges for implementation from 1 April 2016.

Members discussed the proposed charging strategy, particularly in relation to overnight berthing charges, and whether a percentage or flat fee increase would be more appropriate. During discussion, Members were mindful not to return to the days of the reputation of Salcombe being that of a 'rip off' destination. Members also noted that the forthcoming workshop event would present an opportunity for a more specific strategy to be produced.

It was then:

**RECOMMENDED**

That Council be **RECOMMENDED** that:-

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

**SH.17/15 ANNUAL REPORT**

The Harbour Master presented a report that sought to publish the Annual Report which covered the period 1 April 2014 to 31 March 2015 and reported the progress made against the Board's Strategic Objectives up to 31 March 2015.

A Member asked that the report be forwarded to the yachting press.

It was then:

**RESOLVED**

That the Annual Report be published.

**SH.18/15 PERFORMANCE INDICATORS**

Members were asked to consider a report that proposed a revised set of Performance Indicators (PIs) and reported progress made in the first quarter of this financial year against both the proposed and existing PIs.

The Harbour Master introduced the report, and then advised Members that all PIs had either met or exceeded their target. He particularly drew attention to the visiting boat income. Members thanked the Harbour Master for the new format. The issue of speeding within the Harbour was also raised and the Harbour Master reiterated the importance of receiving a report at the time of the incident.

It was then:

**RESOLVED**

That the latest PIs be noted.

**SH.19/15 EGREMONT**

The Board was asked to consider a report that updated it on the situation regarding the MV Egremont and outlined potential future courses of action. The Trustee Chairman, Mr Martin, was in attendance, and at the invitation of the Chairman, updated the Board on the latest position. He advised that the process of making a bid to the Heritage Lottery Fund had now stopped. There was a plan of the work needed to be undertaken to make the ship secure and the Trust were working towards a spring departure.

Members had a detailed discussion and asked further questions of clarity of the Trust Chairman.

It was then:

**RESOLVED**

That the report be noted.

**SH.20/15 SAFETY MANAGEMENT SYSTEM**

The Harbour Master introduced a report that sought to update the Safety Management System for adoption by the Board in the role as the Harbour's 'duty holder'.

The Chairman advised that this was the first time that the document had been signed off by the new Designated Person. Members asked that the risk assessment be a topic for discussion at the forthcoming workshop.

It was then:

**RESOLVED**

That the updated Safety Management System be adopted.

**SH.21/15      OPTIONS IN RELATION TO WIFI**

The Board was asked to consider a report that provided an update on the provision of WiFi by the Harbour Authority and outlined potential alternatives.

The Harbour Master introduced the report and drew Members attention to the graph within the report that identified the pattern of WiFi take up over the year. Members agreed with the conclusions reached within the report and felt that visitors should be encouraged to come ashore to take advantage of WiFi hotspots.

It was then:

**RESOLVED**

That the report be noted.

**SH.22/15      MATTERS OF TOPICAL INTEREST**

Members were asked to consider a report that updated them on a number of issues of topical interest which did not merit a separate report in their own right. Several Members raised concerns and disappointment with the incidences of pollution in the estuary.

It was then:

**RESOLVED**

That the report be noted.

**SH.23/15      MATTERS FOR FUTURE CONSIDERATION**

A report was considered that highlighted matters for future consideration by the Board. Members were reminded that the workshop was to take place on 20 October 2015.

**RESOLVED**

That the report be noted.

(Meeting commenced at 2.30 pm and concluded at 4.15 pm)

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**APPENDIX A - SALCOMBE HARBOUR - PROPOSED CHARGES FOR 2016/2017 (excluding VAT)**

DETAIL	2015/16 NET RATE £	Calculated 2016/17 increases based on proposed % increase					Proposed Charges for 2016/17				
		Proposed Increase %	Increase £	NET RATE £	VAT 20% £	Gross Charge £	ROUNDED NET RATE £	VAT 20% £	Gross Charge £	Actual Increase %	
<b>Section A</b>											
Canoes, kayaks, Sailboards, Stand Up Paddle Boards and rowing boats	£9.00	0.00%	0.00	9.00	1.80	£10.80	£10.80	9.00	1.80	10.80	0.00%
Sailing dinghies and any vessel without an engine upto 4.5 metres in length	£18.00	0.00%	0.00	18.00	3.60	£21.60	£21.60	18.00	3.60	21.60	0.00%
Dues up to 4.5 m	£26.33	0.00%	0.00	26.33	5.27	£31.60	£31.60	26.33	5.27	31.60	0.00%
Over 4.5 m	£20.00	0.00%	0.00	20.00	4.00	£24.00	£24.00	20.00	4.00	24.00	0.00%
High Powered Craft up to 4.5 m	£39.50	0.00%	0.00	39.50	7.90	£47.40	£47.40	39.50	7.90	47.40	0.00%
Over 4.5 m	£30.00	0.00%	0.00	30.00	6.00	£36.00	£36.00	30.00	6.00	36.00	0.00%
Daily Charge (Maximum 7 days) All craft without engine or engine under 40hp	£4.25	0.00%	0.00	4.25	0.85	£5.10	£5.10	4.25	0.85	5.10	0.00%
Daily Charge (Maximum 7 days) All craft with engines over 40HP	£8.50	0.00%	0.00	8.50	1.70	£10.20	£10.20	8.50	1.70	10.20	0.00%
Daily dues	£0.75	0.00%	0.00	0.75	0.15	£0.90	£0.90	0.75	0.15	0.90	0.00%
Daily mooring and dues	£1.54	0.00%	0.00	1.54	0.31	£1.85	£1.85	1.54	0.31	1.85	0.00%
Weekly dues	£3.75	0.00%	0.00	3.75	0.75	£4.50	£4.50	3.75	0.75	4.50	0.00%
Weekly mooring and dues	£7.71	0.00%	0.00	7.71	1.54	£9.25	£9.25	7.71	1.54	9.25	0.00%
Part Day	£4.58	0.00%	0.00	4.58	0.92	£5.50	£5.50	4.58	0.92	5.50	0.00%
Whitestrans and Normandy Town Landing + 50%											
<b>SECTION B Commercial Passenger Vessels - visiting</b>											
	£0.87	1.00%	0.01	0.88	0.18	£1.06	£1.06	0.88	0.18	1.06	1.15%
per metre											
plus	£0.55	1.00%	0.01	0.56	0.11	£0.67	£0.67	0.56	0.11	0.67	1.82%
per passenger landed											
<b>SECTION C</b>											
Merchant Vessels under 100 tons	£0.49	1.00%	0.00	0.49	0.10	£0.59	£0.59	0.49	0.10	0.59	0.00%
Over 100 tons or over	£0.56	1.00%	0.01	0.57	0.11	£0.68	£0.68	0.57	0.11	0.68	1.79%
<b>SECTION D</b>											
Hull boats up to 4.5 metres	£52.66	0.00%	0.00	52.66	10.53	£63.19	£63.20	52.67	10.53	63.20	0.02%
Over 4.5 metres	£40.00	0.00%	0.00	40.00	8.00	£48.00	£48.00	40.00	8.00	48.00	0.00%
<b>SECTION E</b>											
Tugs	£24.36	1.00%	0.24	24.60	4.92	£29.52	£29.52	24.60	4.92	29.52	0.99%
<b>SECTION F</b>											
Laying up Merchant Vessels ashore	£15.70	1.00%	0.16	15.86	3.17	£19.03	£19.03	15.86	3.17	19.03	1.02%
Laying up Merchant Vessels afloat	£0.97	1.00%	0.01	0.98	0.20	£1.18	£1.18	0.98	0.20	1.18	1.03%
<b>SECTION G</b>											
Goods shipped	£1.46	1.00%	0.01	1.47	0.29	£1.76	£1.76	1.47	0.29	1.76	0.68%
<b>SECTION H</b>											
Foreshore mooring licence	£6.08	1.00%	0.06	6.14	1.23	£7.37	£7.37	6.14	1.23	7.37	0.99%
(Minimum charge payable)	x6										
Boatyard Mooring Charge/metre	£36.47	1.00%	0.36	36.83	7.37	£44.20	£44.20	36.83	7.37	44.20	0.99%
(Minimum charge payable)	x6										
Boatyard Mooring Charge/metre	£9.10	1.00%	0.09	9.19	1.84	£11.03	£11.03	9.19	1.84	11.03	0.99%
(Minimum charge payable)	x6										
Deep Water mooring licence	£10.10	1.00%	0.10	10.20	2.04	£12.24	£12.24	10.20	2.04	12.24	0.99%
(Minimum charge payable)	x6										
Boatyard Mooring Charge/metre	£60.59	1.00%	0.61	61.20	12.24	£73.44	£73.44	61.20	12.24	73.44	1.01%
(Minimum charge payable)	x6										
Boatyard Mooring Charge/metre	£12.67	1.00%	0.13	12.80	2.56	£15.36	£15.36	12.80	2.56	15.36	1.03%
(Minimum charge payable)	x6										
	£76.02	1.00%	0.76	76.80	15.36	£92.16	£92.16	76.80	15.36	92.16	1.03%

APPENDIX A - SALCOMBE HARBOUR - PROPOSED CHARGES FOR 2016/2017 (excluding VAT)

DETAIL	2015/16 NET RATE £	Calculated 2016/17 increases based on proposed % increase					Proposed Charges for 2016/17				
		Proposed Increase %	Increase £	NET RATE £	VAT 20% £	Gross Charge £	ROUNDED	NET RATE £	VAT 20% £	Gross Charge £	Actual Increase %
<b>SECTION I</b>											
Laying up private vessels	£10.53	1.00%	0.11	10.64	2.13	£12.77	£12.77	10.64	2.13	12.77	1.04%
<b>SECTION J - Crime Prevention charges</b>											
Category 1	£4.89	1.00%	0.05	4.94	0.99	£5.93	£5.93	4.94	0.99	5.93	1.02%
Category 2	£32.10	1.00%	0.32	32.42	6.48	£38.90	£38.90	32.42	6.48	38.90	1.00%
Category 3	£13.60	1.00%	0.14	13.74	2.75	£16.49	£16.49	13.74	2.75	16.49	1.03%
<b>SECTION K - Whitestrand Pontoon Licence (Resident Commercial)</b>											
Category A	£220.15	1.00%	2.20	222.35	44.47	£266.82	£266.82	222.35	44.47	266.82	1.00%
Category A1	£440.28	1.00%	4.40	444.68	88.94	£533.62	£533.62	444.68	88.94	533.62	1.00%
Category A2	£1,761.07	1.00%	17.61	1,778.68	355.74	£2,134.42	£2,134.42	1,778.68	355.74	2,134.42	1.00%
Category B	£440.28	1.00%	4.40	444.68	88.94	£533.62	£533.62	444.68	88.94	533.62	1.00%
Category B1	£880.53	1.00%	8.81	889.34	177.87	£1,067.21	£1,067.21	889.34	177.87	1,067.21	1.00%
Category B2	£3,522.14	1.00%	35.22	3,557.36	711.47	£4,268.83	£4,268.83	3,557.36	711.47	4,268.83	1.00%
Category C	£880.53	1.00%	8.81	889.34	177.87	£1,067.21	£1,067.21	889.34	177.87	1,067.21	1.00%
Category C1	£1,761.07	1.00%	17.61	1,778.68	355.74	£2,134.42	£2,134.42	1,778.68	355.74	2,134.42	1.00%
<b>SECTION L</b>											
Mooring Advertising Boards at Whitestrand	£51.47	0.00%	0.00	51.47	0.00	£51.47	£51.47	51.47	0.00	51.47	0.00%
<u>Mooring Hire Deep Water</u>											
Above Tosnos	£55.43	1.00%	0.55	55.98	11.20	£67.18	£67.18	55.98	11.20	67.18	0.99%
(Minimum charge payable)	=Cx7.5	1.00%	4.16	419.89	83.98	£503.87	£503.85	£419.85	83.97	503.82	0.99%
Boatyard Above Tosnos	D=Cx1.5	1.00%	0.83	83.97	16.79	£100.76	£100.76	83.97	16.79	100.76	1.00%
(Minimum charge payable)	=Dx7.5	1.00%	6.24	629.80	125.96	£755.76	£755.76	629.80	125.96	755.76	1.00%
All other areas including pontoons	E	1.00%	0.66	66.61	13.32	£79.93	£79.93	66.61	13.32	79.93	1.00%
(Minimum charge payable)	=Ex7.5	1.00%	4.95	499.60	99.92	£599.52	£599.52	499.60	99.92	599.52	1.00%
Boatyard Mooring	F=Ex1.5	1.00%	0.99	99.92	19.98	£119.90	£119.90	99.92	19.98	119.90	1.00%
(Minimum charge payable)	=Fx7.5	1.00%	7.42	749.40	149.88	£899.28	£899.28	749.40	149.88	899.28	1.00%
<u>Mooring Hire Foreshore</u>											
Visitors per day	£11.39		0.00	11.39	2.28	£13.67	£13.70	11.42	2.28	13.70	0.26%
Visitors per week	£62.73		0.00	62.73	12.55	£75.28	£75.25	62.71	12.54	75.25	-0.03%
Resident	£39.74	1.00%	0.40	40.14	8.03	£48.17	£48.17	40.14	8.03	48.17	1.01%
(Minimum charge payable)	=Gx4.5	1.00%	1.79	180.62	36.12	£216.74	£216.74	180.62	36.12	216.74	1.00%
Boatyard Mooring	H=Gx1.5	1.00%	0.60	60.22	12.04	£72.26	£72.26	60.22	12.04	72.26	1.01%
(Minimum charge payable)	=Hx4.5	1.00%	2.68	270.97	54.19	£325.16	£325.16	270.99	54.20	325.19	1.01%
<b>Batson &amp; Victoria Quay Pontoon (per season)</b>											
Single Category max 2.0 metre wide berth	£250.39	1.00%	2.50	252.89	50.58	£303.47	£303.47	252.89	50.58	303.47	1.00%
Category 4 - 2.3 metre wide berth (Batson Only)	£319.50	1.00%	3.20	322.70	64.54	£387.24	£387.24	322.70	64.54	387.24	1.00%
Boatyard Mooring - 2.0 metre wide berth	£375.57	1.00%	3.76	379.33	75.87	£455.20	£455.20	379.33	75.87	455.20	1.00%
Boatyard Mooring - 2.3 metre wide berth	£479.27	1.00%	4.79	484.06	96.81	£580.87	£580.87	484.06	96.81	580.87	1.00%



APPENDIX A - SALCOMBE HARBOUR - PROPOSED CHARGES FOR 2016/2017 (excluding VAT)

DETAIL	2015/16 NET RATE £	Calculated 2016/17 increases based on proposed % increase					Proposed Charges for 2016/17				
		Proposed Increase %	Increase £	NET RATE £	VAT 20% £	Gross Charge £	ROUNDED	NET RATE £	VAT 20% £	Gross Charge £	Actual Increase %
<b>Shadycombe pontoons (annual)</b>											
Category 3	£250.39	1.00%	2.50	252.89	50.58	£303.47	£303.47	252.89	50.58	303.47	1.00%
Category 4	£319.50	1.00%	3.20	322.70	64.54	£387.24	£387.24	322.70	64.54	387.24	1.00%
Boatyard Category 3	£375.57	1.00%	3.76	379.33	75.87	£455.20	£455.20	379.33	75.87	455.20	1.00%
Boatyard Category 4	£479.27	1.00%	4.79	484.06	96.81	£580.87	£580.87	484.06	96.81	580.87	1.00%
<b>Kingsbridge Pontoon</b>											
Berth Charge	£250.39	1.00%	2.50	252.89	50.58	£303.47	£303.47	252.89	50.58	303.47	1.00%
Boatyard Charge	£375.57	1.00%	3.76	379.33	75.87	£455.20	£455.20	379.33	75.87	455.20	1.00%
<b>Storebox Mooring Rental</b>											
Storebox Registration Fee	£10.20	1.00%	0.10	10.30	2.06	£12.36	£12.36	10.30	2.06	12.36	0.98%
Fish Quay Pontoon	£61.32	1.00%	0.61	61.93	12.39	£74.32	£74.32	61.93	12.39	74.32	0.99%
Whitestrand Boat Park	£135.56	1.00%	1.36	136.92	27.38	£164.30	£164.30	136.92	27.38	164.30	1.00%
<b>Water Taxi Charges</b>											
Onis fare from any point	£0.42	0.00%	0.00	0.42	0.08	£0.50	£0.50	0.42	0.08	0.50	0.00%
Off Town	£1.25	0.00%	0.00	1.25	0.25	£1.50	£1.50	1.25	0.25	1.50	0.00%
The Bag	£1.67	0.00%	0.00	1.67	0.33	£2.00	£2.00	1.67	0.33	2.00	0.00%
Trips to and from areas above Tosnos Point	£2.50	0.00%	0.00	2.50	0.50	£3.00	£3.00	2.50	0.50	3.00	0.00%
<b>Discount 20x Water Taxi Tickets</b>											
Off Town	£16.67	0.00%	0.00	16.67	3.33	£20.00	£20.00	16.67	3.33	20.00	0.00%
The Bag	£25.00	0.00%	0.00	25.00	5.00	£30.00	£30.00	25.00	5.00	30.00	0.00%
Trips to and from areas above Tosnos Point	£33.33	0.00%	0.00	33.33	6.67	£40.00	£40.00	33.33	6.67	40.00	0.00%
<b>Whitestrand Pontoon Charge July &amp; August</b>											
Residents & Visitors Per Month	£28.33	1.00%	0.28	28.61	5.72	£34.33	£34.50	28.75	5.75	34.50	1.48%

APPENDIX A - SALCOMBE HARBOUR - PROPOSED CHARGES FOR 2016/2017 (excluding VAT)

DETAIL	2015/16 NET RATE £	Calculated 2016/17 increases based on proposed % increase					Proposed Charges for 2016/17				
		Proposed	Increase	NET RATE	VAT 20%	Gross Charge	ROUNDED	NET RATE	VAT 20%	Gross Charge	Actual
		Increase %	£	£	£	£	£	£	£	£	Increase %
<b>Harbour Authority Services charges</b>											
Barge Hire Minimum 4 hours	£552.68	1.00%	5.53	558.21	111.64	669.85	558.21	111.64	669.85	1.00%	
Barge Hire Per Day	£1,105.35	1.00%	11.05	1,116.40	223.28	1,339.68	1,116.40	223.28	1,339.68	1.00%	
Barge Hire per week	£5,526.77	1.00%	55.27	5,582.04	1,116.41	6,698.45	5,582.04	1,116.41	6,698.45	1.00%	
Launch hire minimum 1 hour	£69.08	1.00%	0.69	69.77	13.95	83.72	69.77	13.95	83.72	1.00%	
Launch Hire per day	£552.68	1.00%	5.53	558.21	111.64	669.85	558.21	111.64	669.85	1.00%	
Launch Hire per week	£2,763.38	1.00%	27.63	2,791.01	558.20	3,349.21	2,791.01	558.20	3,349.21	1.00%	
Launch routine towage (less than 30 mins)	£26.53	1.00%	0.27	26.80	5.36	32.16	26.80	5.36	32.16	1.02%	
FLT hire minimum 1 hour	£69.08	1.00%	0.69	69.77	13.95	83.72	69.77	13.95	83.72	1.00%	
FLT Hire per day	£552.68	1.00%	5.53	558.21	111.64	669.85	558.21	111.64	669.85	1.00%	
FLT Hire per week	£2,763.38	1.00%	27.63	2,791.01	558.20	3,349.21	2,791.01	558.20	3,349.21	1.00%	
FLT Small task (less than 30 mins)	£26.53	1.00%	0.27	26.80	5.36	32.16	26.80	5.36	32.16	1.02%	
Crane Hire minimum 1 Hours	£94.02	1.00%	0.94	94.96	18.99	113.95	94.96	18.99	113.95	1.00%	
Crane Hire per day	£752.19	1.00%	7.52	759.71	151.94	911.65	759.71	151.94	911.65	1.00%	
Crane hire per week	£3,760.92	1.00%	37.61	3,798.53	759.71	4,558.24	3,798.53	759.71	4,558.24	1.00%	
Hourly rate for additional member of staff	£24.94	1.00%	0.25	25.19	5.04	30.23	25.19	5.04	30.23	1.00%	
Salcombe Town Landings - Electricity	£2.65	1.00%	0.03	2.68	0.54	3.22	2.68	0.54	3.22	1.13%	
Winter Storage Afloat 1 Oct to 31 March											
			Annual Dues + 50% Annual Mooring								

**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY, 15 OCTOBER 2015**

<b>Members in attendance: * Denotes attendance</b>			
*	Cllr H D Bastone	*	Cllr R J Tucker
*	Cllr R D Gilbert	*	Cllr L A H Ward
*	Cllr M J Hicks	*	Cllr S A E Wright

<b>Also in attendance and participating</b>		
Item 7	E.31/15	Cllrs Bramble, Brazil, Hodgson, Pearce, Pennington and Saltern
Item 9	E.33/15	Cllr Pearce
Item 10	E.34/15	Cllrs Brazil, Hodgson, Pennington and Saltern
Item 11	E.35/15	Cllrs Baldry, Brazil, Hodgson, Pearce and Pennington
Item 12	E.36/15	Cllrs Brazil, Hawkins and Hodgson
Item 13	E.37/15	Cllrs Baldry, Brazil, Cuthbert, Hodgson, Holway, Pearce and Saltern
Item 15	E.39/15	Cllr Hawkins
Item 16	E.40/15	Cllrs Hodgson, Holway and Saltern
Item 17	E.41/15	Cllr Pennington
<b>Also in attendance and not participating</b>		
Cllrs Barnes, Brown, Green, May, Smerdon, Steer and Vint		

<b>Officers in attendance and participating</b>		
All items		Executive Director Strategy & Commissioning (SJ), Executive Director Service Delivery and Commercial Development (SD&CD) (SH) and Senior Case Manager (KT)
Item 7	E.31/15	COP Lead Specialist Place and Strategy (RK)
Item 8	E.32/15	COP Lead Specialist Assets (CB)
Item 9	E.33/15	Group Manager Commercial Services (HD)
Item 10	E.34/15	COP Lead Specialist Housing, Revenues and Benefits (IB), Case Manager (AL)
Item 11	E.35/15	COP Lead Specialist Finance (S151 Officer) (LB)
Item 12	E.36/15	COP Lead Specialist Finance (S151 Officer) (LB), COP Lead Specialist Assets (CB)
Item 13, 14 and 15	E.37/15, E.38/15, E.39/15	Operational Manager (Environment Services) (CA)

**E.26/15 MINUTES**

The minutes of the meeting of the Executive held on 10 September 2015 were confirmed as a correct record and signed by the Chairman.

**E.27/15 URGENT BUSINESS – NEIGHBOURHOOD PLAN PROCEDURES**

The Leader advised that he had agreed that an urgent report could be considered at this meeting entitled Neighbourhood Plan Procedures. This item was considered urgent in light of the associated time constraints and this would be taken as the next agenda item (Minute E.28/15 below refers).

## E.28/15 **NEIGHBOURHOOD PLAN PROCEDURES**

Members were asked to consider an urgent report that sought agreement to approve the Neighbourhood Plan Procedures as set out in the presented report.

The Portfolio Holder introduced the report and proposed a slight correction to the first recommendation to amend the Portfolio Holder title. He took Members through the key parts of the report, and then the Lead Specialist – Place and Strategy confirmed that approval of this report would help to speed up the Neighbourhood Plan process, which was in line with the recently published central government intention to have Local Plan documents in place by 2017.

It was then:

### **RESOLVED**

1. That authority to approve the neighbourhood Plan procedures set out in Appendix 1 of the presented report be delegated to the Lead Specialist, Place and Strategy, in consultation with the Customer First Portfolio Holder and the local ward member(s) for the designated Neighbourhood Plan area; and
2. That, subject to agreement of recommendation 1, appropriate changes be made to the Council's Neighbourhood Plan Protocol.

## E.29/15 **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. In accordance with the Council Constitution, r Cllr Bastone advised that he would abstain from the vote on agenda Items 14 'Operational Amendments to Off Street Parking Order' (Minute E.38/15 refers) and 15 'Dartmouth Park & Ride Service Review' (Minute E.39/15 refers) as both Items referred to matters within his local ward. He also abstained from the vote on Item 11: 'Medium Term Financial Strategy' (Minute E.35/15 refers).

## E.30/15 **PUBLIC QUESTION TIME**

It was noted that no public questions had been received.

## E.31/15 **OUR PLAN UPDATE**

Members considered a report that updated them on the status of Our Plan, in particular the Development Plan element of the Plan. It made recommendations for next steps which involved an adapted approach focussed around the Housing Market Area (HMA) and a strengthened Duty to Co-operate arrangement. This would require an amendment to the Local Development Scheme which was the document that established the timescale for Our Plan.

The Leader introduced the report and confirmed that this matter would be on the agenda for the regular meetings held between the Leader, Deputy Leader and Executive Directors to enable monitoring of progress, capacity and resources.

The Chairman of the Strategic Planning Working Group added a number of comments, including that there had been some concern over the length of time taken over Our Plan, but it was a complex issue with a range of subjects within it, which had been interfered with by the myriad of changes in central government policy.

During discussion, the following points were raised:

- One Member hoped that the Council would be proactive and would encourage sites to come forward. The Chairman of the Strategic Planning Working Group confirmed that there may be an opportunity to review previously discounted sites. The Lead Specialist Place and Strategy confirmed that officers would go back over the existing evidence and be more proactive with sites;
- The Leader stated that Members could have a role in bringing sites forward. The Lead Specialist Place and Strategy stated that the guidance to Neighbourhood Plan groups would be refreshed;
- A Member requested quarterly reports on progress be brought back to the Executive. This was proposed, seconded and on being put to the vote carried and the recommendation was duly amended;
- Members noted that the Duty to Co-operate would be central to the process. Members also discussed the inclusion of Torbay within the defined Housing Market Area;
- One Member raised concerns over the level of infrastructure in place and noted that the Highways Authority and South West Water had a key role in this regard;
- The Leader asked that officers produce a briefing paper on the impact of the recently published Housing and Planning Bill;
- Members discussed the importance of objectively assessed housing need numbers and how policy objectives would be governed from this definitive number;

- One Member stated that the support of the Neighbourhood Plan groups would give security to Our Plan on the ground;
- One Member suggested that the name Our Plan should be revisited, but there was no support for this at this stage amongst his Executive colleagues.

It was then:

## RECOMMENDED

That Council be **RECOMMENDED** that:

1. Option 2 for progression of *South Hams Our Plan*, as set out at section 4 of the presented agenda report, be pursued recognising that this will need a plan period to 2032 or 2033 or alignment with neighbouring authorities;
2. a detailed Duty to Co-operate protocol, or similar agreement, be established with neighbouring planning authorities within the Housing Market Area. This would address joint approaches to strategic planning relating to timetable, evidence, policies, strategic allocations, governance, staffing, scope of Housing Market Area, viability and infrastructure amongst other matters;
3. the Local Development Scheme be reviewed and re-issued in line with recommendation 1;
4. further evidence work (joint or specific) be procured as required;
5. the response to the Our Plan Topic Papers public consultations be published as set out at section 4 of the presented agenda report;
6. remaining Strategic Housing Land Availability assessment work be published as set out in section 4 of the presented agenda report and options for additional sites be explored;
7. a budget provision for 2016/17 of £75,000 be made for Our Plan examination anticipated to be met from the *Planning Policy and Major Development Reserve*.
8. guidance for Neighbourhood Plan Groups be issued to inform their work as it relates to Our Plan
9. a refreshed Our Plan Engagement Strategy be issued
10. regular updates be provided to the Strategic Planning Working Group
11. further monitoring reports be submitted to the Executive every three months and the Council as and when required making specific proposals for future consultation, consideration and submission of Our Plan
12. those specific details to be agreed under recommendations 2,3,6,8 and 9 be delegated to the Lead Specialist – Place and Strategy in consultation with the Chairman of the Strategic Planning Working Group and the Leader of Council.

**E.32/15 BUSINESS DEVELOPMENT – ASSET MANAGEMENT STRATEGY**

Members were asked to consider a report that sought approval of the updated Asset Management Strategy as detailed in the presented agenda report.

The Portfolio Holder for Business Development introduced the report. It was confirmed that a robust business plan would be expected in respect of any proposal to devolve assets.

It was then:

**RECOMMENDED**

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

**E.33/15 PROVISION OF DISCRETIONARY INSPECTION SERVICES BY DEVON BUILDING CONTROL PARTNERSHIP**

Members were asked to consider a report that sought agreement that the Devon Building Control Partnership provide inspections on behalf of new homes warranty providers where requested as set out in the presented report.

The Portfolio Holder for Commercial Services introduced the report and the Group Manager Commercial Services responded to questions relating to the Partnership acting in the capacity of providing New Homes Business Warranties when they had or had not assessed the progress of the build.

It was then:

**RESOLVED**

That the Devon Building Control Partnership provide inspections on behalf of new homes warranty providers where requested as set out in Section 2 of the presented agenda report.

**E.34/15 COUNCIL TAX REDUCTION SCHEME**

Members were asked to consider a report that recommended to agree to continue with the existing Council Tax Reduction scheme for 2016/17, and for delegated authority to be given to the Finance COP Lead in consultation with the Portfolio Holder to make amendments to the policy to take account of any further changes in law, government guidance or policy that required urgent attention.

The Portfolio Holder for Customer First introduced the report and advised that the recommendation should be amended for clarity to

include 'Support Services' after Portfolio Holder. Members discussed the exceptional hardship fund and officers were congratulated on how well the process was working and how the communication of the scheme when it was first introduced had been successful. The officer confirmed that they expected the amount spent of the exceptional hardship fund to increase as the year progressed.

A Member asked that the Overview and Scrutiny Panel include the Council Tax Reduction Scheme as an item on their future work programme. The Chairman responded by advising of the process to enable that to happen.

It was then:

### **RECOMMENDED**

That Council be **RECOMMENDED** to:-

1. agree to continue with the existing Council Tax Reduction scheme for 2016/17 with:
  - 80% maximum liability restriction meaning that working age claimants pay a minimum of 20% towards their council tax bill;
  - a property valuation band D restriction 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 to help those claimants experiencing severe financial difficulties;
2. delegate authority to the Finance Community of Practice Lead (s151 officer), in consultation with the Portfolio Holder (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.35/15

### **MEDIUM TERM FINANCIAL STRATEGY**

Members were presented with a report that asked them to consider the five year Medium Term Financial Strategy and provided an indication of the budget principles to be adopted.

The Portfolio Holder for Support Services introduced the report.

The COP Lead Specialist Finance explained that the Financial Strategy was an iterative process and responded to a number of questions regarding the use of New Homes Bonus to be included in the base budget and how there would still be a budget gap in future years, even after accounting for the savings delivered from the Transformation Programme.



Members also discussed the possible future position in respect of business rates and the Executive Director (CD&SD) advised Members that they should not expect the changes to result in a net gain.

It was then:

### **RESOLVED**

That the five year Medium Term Financial Strategy be considered and the presented budget principles be adopted with particular reference to:

- the level of council tax increase;
- the use of New Homes bonus to support the revenue budget;
- the outcomes of the Budget Workshop held on 30 September summarised in Appendix D of the presented report;
- the amount of Council Tax Support Grant to be passed on to Parish and Town Councils (appendix E of the presented agenda report refers);
- bringing forward income generation and budget savings; and
- maintaining the current Council policy on the minimum level of unearmarked reserves being £1.5 million.

E.36/15

### **CAPITAL PROGRAMME MONITORING REPORT**

Members were asked to consider a report that advised them of the progress on individual schemes within the approved capital programme, including an assessment of their financial position.

The Portfolio Holder for Support Services introduced the report. A local Ward Member for Dartmouth raised questions relating to the use of funds allocated to the public slipway to be transferred to fund a link corridor between the leisure centre at Dartmouth and the proposed new indoor swimming pool. The Executive Director (S&C) confirmed that the link was important and the funding of this was best explored through the procurement process.

A Member asked for further information on the redeployment of employment units, and another Member sought clarification on a project on Salcombe. In response to a query on updates on the leisure procurement project being circulated to town and parish clerks, the Executive Director (S&C) advised that updates would be sent when possible, but at this stage it was important not to breach commercial sensitivity.

It was then:

### **RESOLVED**

1. That the report be noted;

That Council be **RECOMMENDED** that:

2. £153,000 of the capital programme contingency budget of £300,000 is approved to be allocated to the capital projects as set out in Appendix A of the presented agenda report; and
3. the capital budget for the purchase of a recycling depot is withdrawn from the Capital Programme as set out in Appendix A of the presented agenda report.

E.37/15

### **IVYBRIDGE PAY AND DISPLAY TARIFF REVIEW**

Members were asked to consider a report that recommended approval of new Pay and Display tariffs for all car parks in Ivybridge, in response to the Ivybridge community requesting that South Hams District Council consider reviewing the tariffs so that community led tariffs are implemented. It was thought that this would encourage more footfall in the town and encourage visitors and shoppers to stay for longer.

The Portfolio Holder for Commercial Services introduced the report and outlined the proposed scheme. The Operations Manager Environment Services explained the financial modelling that supported the pilot. A local Ward Member advised Members of the background to the initiative and the detail of the proposal. He confirmed that local Ward Members had worked together with the Town Council and traders.

Members noted that the proposal was not cost neutral. It was also confirmed that commuter vehicles would be monitored and if the scheme was abused then the pilot would not be rolled out as a permanent scheme. If the pilot was successful, then the Town Council may consider supporting the scheme to cover any future financial shortfall.

It was then:

#### **RESOLVED**

That the proposed new Pay and Display tariffs for all car parks in Ivybridge, as detailed in paragraph 3 of the presented agenda report, be approved.

E.38/15

### **OPERATIONAL AMENDMENTS TO OFF STREET PARKING ORDER**

Members were asked to consider a report that requested that amendments be made to the South Hams Off Street Parking Places

Order in respect of reserved parking bays in Mayor's Avenue Car Park Dartmouth, the provision of reserved parking for Leisure Centre customers at Dartmouth Park and Ride site, and the provision of parking on Dartmouth South Embankment.

The Portfolio Holder Commercial Services introduced the report. In discussion, Members asked that parking regulations on Dartmouth South Embankment be enforced.

It was then:

### **RECOMMENDED**

That Council be **RECOMMENDED** that:

- a) 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;
- b) 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
- c) 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.39/15 DARTMOUTH PARK & RIDE SERVICE**

Members were asked to consider a report that sought approval of the proposal to carry out a tender exercise to appoint a contractor for the provision of the bus service for Dartmouth Park and Ride.

The Portfolio Holder for Commercial Services introduced the report and a local Ward Member asked that existing s106 funds be used to provide lighting to improve security in the area. The Leader responded that as Park and Ride was a Devon County Council (DCC) function, then perhaps DCC could be approached for support.

It was then:

### **RESOLVED**

That the proposal to carry out a tender exercise in order to appoint a contractor for the provision of the bus service for Dartmouth Park and Ride be approved.

## **E.40/15 HEALTH AND SAFETY MANAGEMENT**

Members were asked to consider a report that sought approval and recommendation of the Health and Safety Statement of Policy, and that the Statement of Policy be reviewed annually.

The Leader introduced the report and Members raised a small number of queries.

It was then:

### **RECOMMENDED**

That Council be **RECOMMENDED** that:

1. the Health and Safety Statement of Policy be accepted and signed by the Head of Paid Service and the Leader of Council; and
2. 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**

### **RESOLVED**

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

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

##### **i. O&S.39/15 (2) SOUTH HAMS CVS MONITORING**

### **RECOMMENDED**

That Council be **RECOMMENDED** 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)

**(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.31/15, E.32/15, E.34/15, E.36/15 (2) and (3), E.38/15, E.40/15 AND E.41/15 a) i) WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 10 DECEMBER 2015, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 26 OCTOBER 2015 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

(Meeting commenced at 10.00 am and concluded at 12.30 pm)

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Chairman

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 21 OCTOBER 2015**

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

<b>Other Members in attendance</b>
Cllrs Baldry, Blackler, Brown, Green and Tucker

Item No	Minute Ref or App. No. below refers	Officers in attendance and participating
All agenda items		COP Lead Specialist – Planning, Planning Officers, Solicitor and Senior Case Manager
	37/2548/14/O	Senior Specialist Place and Strategy

**DM.33/15 MINUTES**

The minutes of the meeting of the Committee held on 23 September 2015 were confirmed as a correct record and signed by the Chairman.

**DM.34/15 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:

The Chairman declared a personal interest on behalf of all Committee Members in application **37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers by virtue of the applicant being an Honorary Alderman of the Council. Members remained in the meeting and took part in the debate and vote thereon;

Cllr Steer declared a further reason for his personal interest in this application by virtue of knowing the applicant’s son through his work as a land agent. He remained in the meeting and took part in the debate and vote thereon;

Cllr Hitchins declared a disclosable pecuniary interest in application **58/1014/15/F**: Redevelopment of site to provide replacement public house and restaurant and 10 no. holiday units with owner's apartment. Construction of 6no. 2 bed apartments on associated land – The Eddystone Inn, Heybrook Bay, Plymouth by virtue of having commercial dealings with the applicant's relatives and knowing the objectors well. He left the meeting for the duration of this application;

Cllrs Rowe and Cane both declared a personal interest in the following applications by virtue of being the Chairman and Vice-Chairman of the South Devon AONB Partnership Committee within which the applications were sited. They remained in the meeting and took part in the debate and vote on each of these applications:-

**37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers;

**58/1014/15/F**: Redevelopment of site to provide replacement public house and restaurant and 10no. 2 holiday units with owner's apartment. Construction of 6no. 2 bed apartments on associated land – The Eddystone Inn, Heybrook Bay, Plymouth; and

**37/1621/15/F**: Householder application for proposed erection of a garage and boat store – 3 Beacon Hill, Newton Ferrers, Plymouth.

## DM.35/15 PUBLIC PARTICIPATION

The Chairman proceeded to announce that the following members of the public had registered their wish to speak at the meeting:-

- **58/1014/15/F**: Objector – Mrs Lizzie Bowman: Supporter – Mr Mark Evans: Parish Council Representative – Cllr Dermot Drought: Redevelopment of site to provide replacement public house and restaurant and 10no. holiday units with owners apartment. Construction of 6no. 2 bed apartments on associated land – The Eddystone Inn, Heybrook Bay, Plymouth;
- **14/1687/15/VAR**: Objector – Mr Chris Edwards: Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F – Stables, Lownard Mill, Dartington;
- **37/1621/15/F**: Objector – Mrs Townley: Supporter – Cdr Simon Hallett: Parish Council Representative – Cllr Alan Cooper: Householder application for proposed erection of a garage and boat store – 3 Beacon Hill, Newton Ferrers, Plymouth;
- **32/1742/15/F**: Supporter – Mr Norman Brown: Proposed siting of mobile home – Land at SX 718 489 adjacent to Robins Park Industrial Estate, South Brent Road, Loddiswell.

DM.36/15 **PLANNING APPLICATIONS**

The Planning Case Officers submitted details of the planning applications as presented in the agenda papers.

During discussion of the planning applications, the following motions (which were in contradiction to the planning officer recommendation in the published agenda report), were **PROPOSED** and **SECONDED** and on being put to the vote were either **CARRIED** or **LOST**:-

- a) In respect of application **37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers, the Case Officer began by reminding Members that this application had been deferred from the previous meeting (23 September, 2015, minute DM.31/15 refers) to enable further information and clarification. The Case Officer introduced his updated report and advised Members of the key issues for consideration. He outlined the reasons for recommending refusal of the application.

The Lead Specialist Place and Strategy advised Members that the proposal was policy compliant as it was offering 50% affordable housing. The Case Officer added that some weight should be given to the position in respect of the five year land supply and the housing needs survey.

During discussion, Members were advised that, if minded to approve the proposals, an additional condition for Reserved Matters application to be received within 18 months was suggested, and it was confirmed that the s106 would be drawn up on the basis of 50% affordable housing provision. Any change to that prior to signing would require Committee approval. It was confirmed that the affordable houses would remain affordable in perpetuity as the landowner intended to manage them. Clarification was sought on the elements to be included in the application and at what stage they would be built out.

Both Ward Members, whilst recognising the local objections to the application, spoke in favour of the proposal. A number of Members thought the proposal offered a generous opportunity for affordable homes and associated elements.

It was then **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**:

‘That application 37/2548/14/O be conditionally approved’

Reasons:

Whilst paragraph 115 of the NPPF requires great weight to be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, it was the consideration of Committee that the provisions of paragraph 116 are met in the respect

that exceptional circumstances exist to justify development in the AONB, and development is considered to be in the public interest. Specifically, need is demonstrated by the 2008 Parish Housing Needs Survey and the absence of a five year housing land supply; that no other site is available in the Parish to meet the need; that the quality of development is of a very high standard; that the site is previously developed land; and the impact on the landscape and biodiversity would be limited. With respect to the latter point, appropriate parameters and design standards would be secured through a s106 Agreement and conditions.

Conditions as detailed in Appendix A.

- b) In respect of application **14/1687/15/VAR**: Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F – Stables, Lownard Mill, Dartington, the following motion was **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**:

‘That a site inspection be held’

DM.37/15 **PLANNING APPEALS UPDATE**

The COP Lead Specialist Planning advised Members of updates relating to the presented list of appeals and she and the Solicitor responded to questions.

(Meeting commenced at 12 noon and concluded at 4:00 pm)

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Chairman



## Voting Analysis for Planning Applications – DM Committee 21 October 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
37/2548/14/O	SX 5670 4944, West of Collaton Park, Newton Ferrers	Approval	Cllrs Bramble, Cane, Foss, Hitchins, Hodgson, Holway, Rowe (7)	(0)	Cllrs Pearce, Steer (2) Also: Cllrs Brazil, Cuthbert (2) who had not heard the previous presentation so had to abstain	Cllr Vint (1)
58/1014/15/F	The Eddystone Inn, Heybrook Bay	Conditional Approval	Cllrs Cuthbert, Holway, Cane, Foss, Rowe, Steer (6)	Cllrs Hodgson, Brazil (2)	Cllrs Pearce, Bramble (2)	Cllr Vint: Cllr Hitchins was absent for this item as a result of a DPI (2)
14/1687/15/VAR	Stables, Lownard Mill, Dartington	Site Inspection	Cllrs Bramble, Cane, Foss, Pearce, Hitchins, Holway, Rowe, Steer, Hodgson, Cuthbert, Brazil (11)	(0)	(0)	Cllr Vint (1)
37/1621/15/F	3 Beacon Hill, Newton Ferrers	Site Inspection	Cllrs Hodgson, Holway, Hitchins, Cane (4)	Cllrs Steer, Foss, Brazil, Pearce, Rowe, Bramble, Cuthbert (7)	(0)	Cllr Vint (1)
37/1621/15/F	3 Beacon Hill, Newton Ferrers	Conditional Approval	Cllrs Steer, Rowe, Holway, Cuthbert, Bramble, Pearce (6)	Cllrs Brazil, Hitchins, Foss, Hodgson, Cane (5)	(0)	Cllr Vint (1)
32/1742/15/F	Land at SX 718 489 adj to Robins Park Industrial Estate, South Brent Road, Loddiswell	Refusal	Cllrs Cane, Foss, Hitchins, Rowe, Steer, Cuthbert (6)	Cllrs Hodgson, Bramble, Holway (3)	Cllrs Brazil, Pearce (2)	Cllr Vint (1)

## Appendix A

### **37/2548/14/O**

Outline application (with some matters reserved) for mixed-use development of 70 dwellings, allotments, community facility, recreation and employment land.

**Parish or Town Council** – Newton and Noss Parish Council

**Parish Council's Views** - Objection

**Officer Update-** The DM Specialist provided a verbal update and reminder with respect to the key issues as outlined below:

### **Affordable Housing**

The AH Offer meets policy requirements and Officers are satisfied that appropriate scope and detail can be secured in a s106 Agreement.

### **Need**

That, with respect to the tests of paragraph 116 of the National Planning Policy Framework (NPPF), some need exists, but this did not amount, in the opinion of the DM Specialist, to exceptional circumstances.

### **Alternative Sites Assessment**

That, with respect to the tests of paragraph 116 of the NPPF, if the quantum of development were justified that the site represented the best opportunity to meet that need at this time.

### **Environmental impact**

That, with respect to the tests of paragraph 116 of the NPPF, environmental impacts are acceptable and that the high quality of design and biodiversity enhancements contributed to a degree to establishing exceptional circumstances.

### **Sustainable development**

That whilst the site is, to a degree, isolated, the balance of sustainability is favourable due to the following factors.

### **Recommendation** – Refusal

**Committee Decision** – Authority to grant conditional approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement

### **Conditions**

1. 18 months for Reserved Matters;
2. Time limit for commencement;
3. Accord with Plans, Drawings and FRA;
4. Detailed design for all development;
5. GPDO Exclusion;
6. Unsuspected Contamination;
7. On-site highway works in accordance with plans / drawings;

8. Details for a safe crossing of the A379 to be approved prior to commencement and provided before occupancy of any buildings;
9. Construction Management / Method Plan to be submitted and approved prior to commencement;
10. Phasing Plan to be submitted and approved prior to commencement (secure AH and employment vs OM);
11. Surface water drainage layout and details to be submitted prior to commencement and the approved details completed and operational prior to occupation;
12. Arb and tree plans ... subsequently adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
13. Lighting Strategy;
14. Renewable energy / energy efficiency details to be submitted and approved prior to commencement (EcoHomes Level 4 or equivalent);
15. Revised ecology assessment / surveys (as necessary);
16. Landscape and Ecological Management Plan;
17. Adherence to measures within Preliminary Ecological Appraisal, and Bat Activity Survey Report; and
18. Transport Assessment;
19. Noise;

**S106:**

1. Affordable Housing

50% of the residential units to be delivered in accordance with SHDC affordable housing policy and the Devon Home Choice Policy, affordable in perpetuity.

Tenure: 30% rented homes and 70% intermediate housing.

Unit size / mix: 5 x 2 bed, 6 x 3 bed (to be let at affordable rents) and 7 x 2 bed, 17 x 3 bed (intermediate affordable for discounted open market sale or shared ownership or affordable self build).

All intermediate units to be retained as intermediate affordable dwellings in perpetuity.

Affordability of units: rents are restricted to a maximum rent of 80% of market rents (inclusive of any service charges), intermediate sale is restricted to 60% of open market value in perpetuity.

Delivery of the affordable housing would be linked to delivery of the market units as agreed with SHDC.

2. Allotments

20 allotments for residents of the development / residents of the local area.

### 3. Site for Outdoor Community Use

1000m<sup>2</sup> area of land for the purposes of holding a outdoor community events (including farmers' markets and similar type events)

### 4. Public Open Space and Play Provision

Areas of land within the development will be provided as Public Open Space / community woodland / community orchard. This area to be a minimum of 10,000m<sup>2</sup> in association with local planning authority's Public Open Space requirement.

Play space / equipment to be provided on site within the development.

The developer will submit plans to the Local Planning Authority for the management and maintenance of the Play and Public Open Space.

The owner will secure public access to the Play and Public Space.

### 5. On Site Sport/Community Facility Provision

5000m<sup>2</sup> of land which could be used to accommodate a leisure / community facility / activity for the benefit of the local community subject to a community group coming forward with the funds to build and a viable strategy to maintain the facility.

### 6. Employment Element

To provide within the development a minimum of 750m<sup>2</sup> of business units for B1 / B2 and B8 (as considered appropriate by the LPA)

### 7. Education Contribution

Contribution towards secondary school education of £191,530.50.

Contribution towards the cost of transportation to school (Ivybridge) for secondary school aged children living at the development of £33,335.50.

£500 towards Devon County Council legal costs

### 8. Sustainable Transport Contribution

Contribution towards the retention of the number 94 bus. Total contribution £125,000 to be provided over a 5 year period (£25,000 per annum)

### 9. Boat Storage (Community Use)

Covered storage within the development for the storage of boats for the use of the residents of the development / local community (to be used to store the regatta boats and gig boats owned by the regatta committee and gig club)

10. Cycle path and footpath upgrade

11. Barn Owls

New barn owl habitat and accommodation to a specification agreed with the Barn Owl Trust.

12. Landscape and Ecological Management Plan, including retention and management of semi-improved grassland

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**58/1014/15/F**

Redevelopment of site to provide replacement public house and restaurant and 10no. holiday units with owners apartment. Construction of 6no. 2 bed apartments on associated land

**Parish or Town Council** – Wembury Parish Council

**Parish Council's Views** – No objection

**Officer Update**

1. Natural England are satisfied with ecological information and withdraw their concerns regarding the impact on Wembury Point SSSI. They now raise no objection.
2. The recommendation is therefore now changed to Conditional Approval.
3. The AONB Unit have commented raising no objection.
4. One further letter of representation objecting to the application raising concern regarding highway safety and scale of development.
5. Additional condition requiring the owner's apartment to be tied as being for the managers of the site only.
6. Additional condition removing Permitted Development Rights to restrict change of use away from pub/restaurant.

**Recommendation** - Conditional approval delegated to the Community of Practice Lead, subject to Natural England withdrawing their objection

**Recommended Conditions**

1. Time limit for commencement
2. In accordance with plans
3. Holiday use restriction for holiday units
4. Materials
5. Construction Management Plan
6. Contaminated land
7. Percolation tests
8. Additional condition requiring the owner's apartment to be tied as being for the managers of the site only.
9. Additional condition removing Permitted Development Rights to restrict change of use away from pub/restaurant.

**Committee Decision** – Conditional Approval

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**14/1687/15/VAR**

Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F

**Parish or Town Council** – Dartington Parish Council

**Parish Council's Views** - Objection

**Officer Update**

The DM Specialist provided an update to the Members with regards to an amended Site Location Plan

**Recommendation** – Conditional Approval

**Recommended Conditions**

1. Accord with plans
2. Unsuspected Contamination
3. Holiday accommodation
4. Access and parking in accordance with approved plans
5. Details of traffic movements and construction
6. Development carried out in accordance with Preliminary Ecological Assessment

**Committee Decision** – Deferral for site inspection

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**37/1621/15/F**

Householder application for proposed erection of a garage and boat store

**Parish or Town Council** – Newton and Noss Parish Council

**Parish Council's Views** - Objection

**Officer Update** - The DM Specialist updated the Committee on an additional Letters of Representations received objecting to the Planning Application

**Recommendation** – Conditional Approval

**Recommended Conditions**

1. Standard time limit
2. Adherence to plans
3. Retention of parking for boats and motor cars in perpetuity
4. Timber sample prior to installation
5. Adherence to arboricultural mitigation
6. To be used ancillary or incidental to main house only

**Committee Decision** – Conditional Approval

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**32/1742/15/F**

Proposed siting of mobile home

**Parish or Town Council** – Loddiswell

**Parish Council's Views** – No objection

**Officer Update** – N/A  
**Recommendation** - Refusal  
**Committee Decision** - Refusal

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**MINUTES OF THE MEETING OF  
THE SALCOMBE HARBOUR BOARD  
HELD AT QUAY HOUSE, KINGSBRIDGE ON MONDAY, 2 NOVEMBER 2015**

<b>Members in attendance</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr J Brazil (Chairman)	*	Mr G Burrell
*	Cllr J A Pearce	*	Dr C C Harling (Vice Chairman)
*	Cllr K R H Wingate	*	Mr M Mackley
*	Cllr S A E Wright	*	Mr H Marriage
		*	Mr A Thomson
		*	Mr M Taylor
∅	Cllr R D Gilbert (lead Executive Member)		

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Salcombe Harbour Master, Assistant Salcombe Harbour Master (Logistics and Maintenance), COP Lead – Assets and Senior Specialist – Democratic Services

**SH.24/15 MINUTES**

The minutes of the meeting of the Salcombe Harbour Board held on 28 September 2015 were confirmed as a correct record and signed by the Chairman.

**SH.25/15 DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following were made:

Cllrs Wingate and Wright and Dr Harling, Mr Burrell, Mr Mackley, Mr Marriage, Mr Taylor and Mr Thomson all declared a disclosable pecuniary interest in all related agenda items by virtue of having moorings or paying harbour dues to the Council. As a result of the Solicitor granting each Board Member a dispensation, they were all able to take part in the debate and vote on any related matters (Minute SH.05/15 refers).

**SH.26/15 PUBLIC QUESTION TIME**

There were no issues raised in accordance with the Public Question Time procedure rules.

## SH.27/15 **FEEDBACK FROM HARBOUR COMMUNITY FORUMS**

The Board received verbal update reports from the Board Members who attended the Harbour Community Forums. The updates were given as follows:

### **Salcombe Kingsbridge Estuary Association (SKEA)**

The representative made reference to the sad recent passing of Mr Peter Goldsworthy. Following his passing, and in recognising the prominent role played by Mr Goldsworthy on the Forum, the representative felt it would be fitting for tributes to be uploaded on to the SKEA Forum website.

### **Salcombe Kingsbridge Estuary Conservation Forum (SKECF)**

At its last meeting, the Forum considered at great length the matter of nitrate levels at Gerston. A set of annual nitrate figures were requested during the meeting to enable for some trend analysis to be undertaken. The Salcombe Harbour Master added that the sewage system for Salcombe was intended to be restructured during the winter months and Whitestrand was therefore to be closed for a time during this period.

Forum representatives also expressed their concerns at the meeting regarding speeding in the upper Estuary.

Finally, litter complaints (specifically rubber litter) were also raised by the Forum. In reply, the Harbour Master advised that this related to a trawler race and, in the future, biodegradable balloons would be used.

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

The representative made reference to the upcoming visit from a Chinese delegation that was due to take place on Wednesday, 4 November 2015. In discussion, the Board stated its hope that the visit would prove to be successful.

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

There was no update to give at this meeting.

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

There was no update to give at this meeting.

## SH.28/15 **MARINE INFRASTRUCTURE UPDATE**

The Board was presented with a report that sought to approve the continuation of an annual contribution to South Hams District Council to be held in reserve for spending on Council-owned marine infrastructure in the Salcombe Estuary.

In discussion, reference was made to:-

- (a) the state of Kingsbridge Quay Wall. Some Members stated their concerns in respect of the poor state of the Quay Wall and felt that an engineering report should be undertaken to ascertain its condition. In reply, officers advised that, as part of the five year maintenance plan, the state of the wall was known and was underpinned by supporting data. Furthermore, officers confirmed that they were comfortable with the monies allocated as indicated in the exempt Appendix A for the planned maintenance works. Finally, officers also recognised the need for these works to be co-ordinated in line with the new business that was intended to start-up in the area during the summer of 2016;
- (b) Kingsbridge Slipway. A lengthy debate ensued on the Slipway during which it was acknowledged that the:-
- huge drop-off at the end of the Slipway was causing problems;
  - Council did not own the bottom eighth of the slipway, which was leased from the Duchy;
  - surface of the Slipway could not be cleaned and there were consequent potential health and safety implications;
  - Slipway was a back-up for Batson and therefore needed to be of sufficient standard;
  - area should be part of the Masterplanning exercise for development site K2; and
  - Slipway would not be seen as a priority for the Council.

In conclusion, it was **PROPOSED** and **SECONDED** that the Board endorse the Harbour Master to commission an engineering scoping report on Kingsbridge Slipway, with the findings included as part of a further report to be presented to a future Board meeting.

- (c) Batson Slipway. A Members wished to stress to the COP Lead Assets that the Batson Slipway area was a huge pressure point;
- (d) Jubilee Pier. Some Members highlighted the potential funding stream for the Pier and felt that it was incumbent upon the Board to be innovative in looking at future options in this regard.

It was then:

### **RESOLVED**

1. That an annual contribution continue to be approved to South Hams District Council (SHDC) to be held in reserve for spending on SHDC owned marine infrastructure in the Kingsbridge and Salcombe Estuary; and
2. That it be endorsed that the Harbour Master commission an engineering scoping report on Kingsbridge Slipway, with the findings included as part of a further report to be presented to a future Board meeting.

**SH.29/15 CRANE REFURBISHMENT**

Consideration was given to a report that sought to approve expenditure from the Renewals Reserve to refurbish the Harbour Authority crane.

In discussion, officers clarified that the crane had a life span of at least a further five years. A number of Members proceeded to confirm their support for the officer recommendation.

It was then:

**RESOLVED**

That expenditure be approved from the Renewals Reserve to refurbish the Harbour Authority crane.

**SH.30/15 QUARTER 2 PERFORMANCE INDICATORS**

The Board considered a report that advised it of progress made in the second quarter of the financial year against its Performance Indicators (PIs).

In discussion, reference was made to:-

- (a) verbal compliments received. Whilst written compliments were formally recorded, the Harbour Master informed that verbal compliments were not currently;
- (b) the increased income generated from visiting boats. The Board welcomed the increased income and recognised that, since the number of visiting boats had decreased, customers were now staying for a longer period;
- (c) waiting lists. In reply to a question, the Harbour Master informed that the majority of those on the mooring waiting list were new applicants;
- (d) the instance of long term sickness absence. Having been informed that he had now returned to work, the Board asked that their wishes be passed on to the staff member.

It was then:

**RESOLVED**

That the latest Performance Indicators be noted.

**SH.31/15 CUSTOMER SATISFACTION**

A report was considered that provided the results of the 2015 Opinion Survey.

In discussion, reference was made to:-

- (a) the future marketing workshop. The Board felt that it would be pertinent to discuss at the upcoming marketing workshop potential methods of targeting harbour users to undertake surveys in future years. In addition, Members also considered that it would be timely at the workshop to informally discuss why the water taxi discount tickets were under-utilised;
- (b) the results of the survey. Whilst accepting that there were limitations in the findings, Members took comfort that there was nothing so significant that suggested that there were major issues with the Harbour;
- (c) anti-speeding patrol days. The Harbour Master informed that it was intended in the future to run dedicated anti-speeding patrol days in an attempt to combat speeding vessels in the harbour.

It was then:

### **RESOLVED**

That the report and the proposed email customer satisfaction survey be noted.

## **SH.32/15 TOPICAL HARBOUR ISSUES**

The Harbour Master provided an update on topical harbour issues which could be of interest to the Board.

In so doing, he made particular reference to:-

- (a) the recent Stand Up Paddle board race held at Kingsbridge. It was noted that this national race with over 100 competitors had received very positive feedback and had helped to raise the profile of the Kingsbridge and Salcombe area;
- (b) the recent Future Strategy workshop. Members commented that the recent workshop had been very well received and the Harbour Master was intending to write an outcome report and present it to the next Board meeting on 29 February 2016;
- (c) an update on the dredging programme. The Board noted that the Invitation To Tender had been issued and it was intended that the contact would be awarded during week commencing 23 November 2015;
- (d) an incident management exercise. Members were informed that an exercise would be undertaken on 3 December 2015 (starting at 8.30am and concluding at 1.30pm) and interested Members were more than welcome to attend this session;

- (e) an ongoing issue with the owners of the Rivermaid. In stating their disappointment that there was no proper and regular service from Kingsbridge to Salcombe, Members felt that there was a need for officers to be robust in their approach and to inform the Council's communications team in light of the potential public relations implications;
- (f) Egremont. In providing an update, the Harbour Master advised that he had written twice to the owners of Egremont and was still awaiting a response. For clarity, it was noted that the owners had paid their fees and changes up to 1 April 2016.

It was then:

**RESOLVED**

That the update be noted.

(Meeting commenced at 2.30 pm and concluded at 4.25 pm)

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Chairman

## MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 12 NOVEMBER 2015

### MEMBERS

\* Cllr D W May - Chairman

\* Cllr T R Holway - Vice-Chairman

* Cllr N A Barnes	∅ Cllr R J Foss
* Cllr J I G Blackler	∅ Cllr P W Hitchins
* Cllr D Brown	* Cllr D Horsburgh
* Cllr B F Cane	* Cllr K Pringle
∅ Cllr P K Cuthbert	* Cllr Rowe

\* Denotes attendance

∅ Denotes apology for absence

Also in attendance and participating:

Cllr J T Pennington

Officers in attendance and participating:

All Agenda Items: Licensing Specialist, Senior Specialist – Environmental Health, Solicitor and Senior Specialist – Democratic Services

#### L.01/15 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 25 February 2015 and the Sub-Committees held during the period 25 February 2015 to 20 August 2015 were all confirmed as a correct record and signed by the Chairman.

#### L.02/15 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following were made:

Cllr R Rowe declared a personal interest in Item 8: 'Summary of Licences Issued between 1 January 2015 and 30 September 2015' (Minute L.06/15 below refers) by virtue of Broadleigh Farm, Stoke Gabriel (a premises listed in the summary) being owned by a close family relation and remained in the meeting during the debate on this item.

Cllr B F Cane declared a personal interest in Item 7: 'Park Homes Fees and Charges Policy' (Minute L.05/15 below refers) by virtue of his ownership of a touring site and remained in the meeting, but abstained from the vote, on this item.

L.03/15      **REVIEW OF STATEMENT OF LICENSING POLICY FOR 2016-2021**

A report was considered that sought to recommend that the Council approve the draft Licensing Policy.

In discussion, reference was made to Devon and Cornwall Police being in support of the draft Policy. Furthermore, the Committee recognised the need for the review to revisit the Policy and also expressed its support for the proposed changes.

**RESOLVED**

1. That the Committee has considered the draft Licensing Policy and public consultation responses received; and
2. That Council be **RECOMMENDED** that the draft Licensing Policy (as outlined at Appendix A of the presented agenda report) be adopted for the period 7 January 2016 to 6 January 2021.

L.04/15      **THREE-YEARLY REVIEW OF GAMBLING STATEMENT OF LICENSING PRINCIPLES**

A report was considered that sought to recommend approval of the draft Gambling Statement of Licensing Principles.

It was then:

**RESOLVED**

1. That the Committee has considered the draft Statement of Principles and public consultation responses received; and
2. That Council be **RECOMMENDED** that the draft Statement of Principles (as outlined at Appendix A of the presented agenda report) be adopted for the period 31 January 2016 to 30 January 2019.

L.05/15      **PARK HOMES FEES AND CHARGES POLICY**

A report was considered that sought to recommend adoption of a Park Homes Fees and Charges Policy.

In discussion, the following points were raised:-

- (a) The Committee queried why it was being proposed for the Gypsy and Traveller community to be exempted from charging. In response, officers advised that central government guidance was recommending that, in areas where there was an identified need for sites, charges should not be introduced since this would result in another barrier from sites coming forward;



- (b) For sites that had between two and four pitches, it was being proposed that these would still be charged for five pitches.

It was then:

**RECOMMENDED**

That Council be **RECOMMENDED** to adopt the Park Homes Fees and Charges Policy (as outlined at Appendix A of the presented agenda report).

L.06/15

**SUMMARY OF LICENSES ISSUED BETWEEN 1 JANUARY 2015 AND 30 SEPTEMBER 2015**

The summary of licences issued between 1 January and 30 September 2015 was presented to the Committee.

In discussion, reference was made to:-

- (a) the licence granted at the Firewood Restaurant and Bar, Marldon. Having been invited by the Chairman, the local ward Member reiterated a number of his concerns in relation to the granting of this licence. In particular, the Member expressed his disappointment that the Sub-Committee had failed to undertake a site inspection prior to reaching its decision and the public safety concerns arising from the access. Following a lengthy debate, the local ward Member was reminded that, in the event that there was a breach of the licensing objectives, a review could be invoked. Furthermore, the Member was encouraged to await the outcome of the planning enforcement investigation which was currently taking place on this site;
- (b) the variation licence at Endsleigh Garden Centre. It was noted that the variation licence could not be implemented until the ongoing planning matters were resolved.

(Meeting commenced at 10.00 am and concluded at 10.40 am).

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Chairman



**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT  
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,  
18 NOVEMBER 2015**

**Members in attendance**

Cllr I Bramble	Cllr J M Hodgson
Cllr J Brazil	Cllr T R Holway
Cllr B F Cane (pm only)	Cllr J A Pearce
Cllr P K Cuthbert	Cllr R Rowe
Cllr R C Steer (Chairman)	Cllr P W Hitchins
Cllr R J Vint	

**Apologies**

Cllr R J Foss (Vice Chairman)

**Other Members in attendance**

Cllrs Brown, Tucker and Ward

**Officers in attendance and participating**

Item No:	Application No:	
All agenda items		Planning Officers, Solicitor and Senior Case Manager
	07/1196/15/F 07/1197/15/O	Senior Specialist Place and Strategy Specialist - Assets
	14/1687/15/VAR	Highways Officer

**DM.38/15 APPOINTMENT OF VICE CHAIRMAN**

In the absence of the Vice Chairman, who had given apologies for this meeting, it was **PROPOSED** and **SECONDED** that Cllr T R Holway be appointed as Vice Chairman for the duration of this meeting.

**DM.39/15 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 Steer declared a personal interest on behalf of all Conservative Group Members of the DM Committee in the following applications by virtue of the landowner being a fellow Conservative Group Member. They remained in the meeting and took part in the debate and vote on each of the following applications:

**07/1196/15/F:** Residential development comprising 17 dwellings with associated access, car parking, landscaping, open space and associated works (Phase 2a) – Development site at SX 551 523, adjacent to Venn Farm, Brixton;

**07/1197/15/O:** Outline application (with some matters reserved) for residential development of up to 17 dwellings, with associated means of access and provision of landscape buffer to south (Phase b) – Proposed development site at SX 550 522 adjacent to Venn Farm, Brixton;

(NOTE: Since the above applications were considered on the morning agenda, Cllr Cane was only in attendance for the afternoon agenda items)

Cllrs Rowe and Cane both declared a personal interest in the following applications by virtue of being the Chairman and Vice-Chairman of the South Devon AONB Partnership Committee within which the applications were sited. They remained in the meeting and took part in the debate and vote on each of these applications:-

**18/0742/15/F:** Householder application for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking – Laburnum Cottage, Manor Street, Dittisham;

**18/0743/15/LB:** Listed Building consent for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking – Laburnum Cottage, Manor Street, Dittisham; and

**05/1325/15/F:** Demolition of existing commercial building and replacement with two bedroom bungalow – Development site at SX 672 471, The Old Vineyard, Easton, Kingsbridge.

DM.40/15 **URGENT BUSINESS**

The Chairman advised that application **58/1736/15/F:** 3A Beach View Crescent, Wembury had been withdrawn from the agenda, and application **56/1085/15/F:** 11-20 Burke Road, Totnes had been deferred to a future meeting of the Development Management Committee.

DM.41/15 **MINUTES**

The minutes of the meeting of the Committee held on 21 October 2015 were confirmed as a correct record and signed by the Chairman.

DM.42/15 **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.43/15 **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:

**07/1196/15/F**      **Development site SX551 523, adj Venn Farm,  
Brixton  
Parish: Brixton**

Residential development comprising 17 dwellings with associated access, car parking, landscaping, open space and associated works (Phase 2a)

Speakers included: Objector – Mr Terry Salisbury: Supporter – Ms Laura Wilkinson: Brixton Parish Council Representative – Cllr Michael Wills: Ward Member – Cllr Dan Brown

Officer Update:

- Drainage objection withdrawn subject to planning conditions requiring:
  - A construction phase drainage plan;
  - Additional infiltration tests of one soakaway;
  - Section 106 obligation requiring a management and maintenance plan of SuDs features and establishment of a Management Company;
  - Correction on the access to the site – it was located to the South West of the site, not South East;
  - Education contribution clarified by the Officer as £23,257.11 towards sports provision at Ivybridge Town Council, plus £500 legal fees.

**Recommendation: Conditional Approval**

**Committee Decision: That authority to grant conditional approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement**

Conditions:

1. Standard time limit;
2. Accord with Plans;
3. External Finishing Materials as shown on approved plans and maintained as such;
4. Stonework to be agreed and retained in natural finish;
5. Boundary Treatments as shown on approved plans;
6. Hardsurfacing, highway, footway, service routes etc. details to be submitted, agreed and implemented;
7. LEMP to be submitted;
8. Implementation of ecological mitigation measures and LEMP;
9. Details of landscaping scheme to be agreed;
10. Supervision of Ecological Measures;
11. Implementation of Landscaping;
12. Retention of Trees & Hedgerows;
13. No works to hedgerows without evidence of appropriate consents from Natural England;

14. Protection of Trees & Hedgerows and no storage of equipment etc. within root protection areas;
15. Open Space Provision, access and maintenance;
16. No External Burning of Waste;
17. External Lighting Details;
18. Details of Energy Efficiency Measures, including details of PV equipment. PV to be provided for the affordable homes unless the relevant Housing Association provides written confirmation that they will not accept PV on the properties;
19. Lifetime Homes;
20. Completion of Highways Related Works;
21. Garaging & Parking (Residential);
22. Construction Management Plan;
23. Hours of Construction Working;
24. Unsuspected Contamination;
25. GPDO Exclusion (roof alterations, boundary treatment, porches);
26. Natural slates to be used in accordance with agreed details, nailed not hooks;
27. Implementation and maintenance of agreed drainage strategy; and
28. Details of chimneys to be agreed.

#### Section 106

1. Affordable Housing – 4 units of intermediate sale affordable houses (plots 36, 37, 38 and 39).
2. Education – Payment of a financial contribution towards the provision of secondary education at Ivybridge Community College and secondary school transport.
3. Tamar/Yealm Estuary SACs – Payment of a contribution of £603.28
4. Sport and recreation – Payment of a contribution of £45.220 towards improved facilities for off-site sport and recreation
5. Play provision within Brixton if Phase 2b does not proceed – Payment of a contribution of £42,284 towards upgrading local play facilities if the play area shown in Phase 2b is not delivered - a trigger for this payment to be agreed.
6. Public Open Spaces, Landscape and Ecology – arrangements for the setting up of a management company or other organisation and the payment of a commuted sum of £12,000 to the Parish Council, management company or other agreed organisation for the maintenance of the public open spaces for a minimum period of 15 years
7. Provision of a permissive footpath linking the site to the Erme Plym Trail

**07/1197/15/O****Proposed Development site at SX550 522 adjacent to Venn Farm, Brixton  
Parish: Brixton**

Outline application (with some matters reserved) for residential development of up to 17 dwellings, with associated means of access and provision of landscape buffer to south (Phase 2b)

Speakers included: Supporter – Ms Laura Wilkinson; Ward Member – Cllr Dan Brown

**Officer Update:**

- Phase 2b land not owned by the Council Member
- Drainage objection withdrawn subject to planning conditions requiring:
  - A construction phase drainage plan
  - Additional infiltration tests of one soakaway
  - Section 106 obligation requiring a management and maintenance plan of SuDs features and establishment of a Management Company
  - Education contribution clarified by the Officer as £23,257.11 towards sports provision at Ivybridge Town Council, plus £500 legal fees

**Recommendation: Conditional Approval**

During discussion, Members raised concerns over the urban feel of the proposal, design of the properties and that orientation of the properties be such to maximise solar gain, and that all of these matters be taken into account for the Reserved Matters application.

**Committee Decision: That authority to grant conditional approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement**

**Conditions:**

1. Standard time limit for submission of reserved matters;
2. Standard time limit for commencement of development;
3. Access details accord with plans;
4. LEMP to be submitted;
5. Implementation of ecological mitigation measures and LEMP;
6. Supervision of Ecological Measures;
7. Retention of Trees & Hedgerows;
8. No works to hedgerows without evidence of appropriate consents from Natural England;
9. Protection of Trees & Hedgerows and no storage of equipment within root protection area;
10. Open Space Provision, access and maintenance;
11. No External Burning of Waste;
12. Details of Energy Efficiency Measures, including details of PV equipment;
13. Lifetime Homes;
14. Completion of Highways Related Works;
15. Construction Management Plan;

16. Hours of Construction Working;
17. Unsuspected Contamination;
18. GPDO Exclusion (roof alterations, boundary treatment, porches); and
19. Implementation and maintenance of agreed drainage strategy.

Section 106:

1. Affordable Housing – 5 units of intermediate sale affordable houses;
2. Education – Payment of a contribution towards the provision of secondary education at Ivybridge Community College and towards secondary school transport;
3. Tamar/Yealm Estuary SACs – Payment of a contribution dependent on final number of dwellings;
4. Sport and recreation – Payment of a contribution of £595 per occupier towards improved facilities for off-site sport and recreation; and
5. Public Open Spaces, landscape and Ecology – payment of a commuted sum to the Parish Council or other agreed organisation for the maintenance of the public open spaces for a minimum period of 15 years and a requirement to set up an appropriate organisation to manage the public open spaces, landscaping and ecology and to ensure continued access.

Informative:

1. Reserved Matters to include a housing mix that reflects local demand

**14/1687/15/VAR**

**Stables, Lownard Mill, Dartington  
Parish: Dartington**

Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F

Speakers included: Dartington Parish Council Representative – Cllr Jo Tisdall;  
Ward Member – Cllr Hodgson

Officer Update: The officer updated the Committee on the history of the access, and the Highways Officer gave advice on

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

Conditions:

1. Accord with plans
2. Unsuspected Contamination
3. Holiday accommodation
4. Access and parking in accordance with approved plans
5. Details of traffic movements and construction
6. Development carried out in accordance with Preliminary Ecological Assessment

[Cllr Brazil was not in attendance for the above application]



**18/0742/15/F**

**Laburnum Cottage, Manor Road, Dittisham  
Parish: Dittisham**

Householder application for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking

Listed building consent for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking

Speakers included: Objector – Mr John Walker: Supporter – Mrs Sharon Quinn: Ward Member – Cllr Tucker

Parish or Town Council: Dittisham Parish Council

Parish Council's View: Objection

Officer Update: None

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

Conditions:

1. Time limit;
2. Accord with plans;
3. External finishes to extension;
4. Stonework to parking area; and
5. Unsuspected contamination.

Informative regarding protected species

**18/0743/15/LB**

**Laburnum Cottage, Manor Road, Dittisham  
Parish: Dittisham**

Listed building consent for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking

Speakers included: Objector – Mr John Walker : Supporter – Mrs Sharon Quinn: Ward Member – Cllr Tucker

Officer Update: None

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

Conditions:

1. Time limit; and
2. Accord with plans.

**05/1325/15/F**                      **Development site at SX 672 471, The Old Vineyard,  
Easton, Kingsbridge  
Parish: Bigbury**

Demolition of existing commercial building and replacement with two bedroom bungalow

Objector – Mr Mike Garton-Sprenger: Supporter – Mr Smith: Parish Council Representative – Cllr Cathy Case; Ward Member Cllr Ward

Officer Update: None

**Recommendation: Refusal**

**Committee Decision: Defer the decision until a site visit has been conducted**

DM.43/15      **PLANNING APPEALS UPDATE**

The COP Lead Specialist Planning advised Members of updates relating to the presented list of appeals.

(Meeting commenced at 11.00am and concluded at 4:35 pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 18 November 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
07/1196/15/F	Site at SX 550 522, Venn Farm, Brixton	Conditional Approval	Cllrs Steer, Bramble, Rowe, Hitchins, Cuthbert, Holway (6)	Brazil, Hodgson, Vint (3)	Pearce (1)	Cllrs Foss, Cane (2)
07/1197/15/O	Site at SX 551 523, Venn Farm, Brixton	Conditional Approval	Cllrs Steer, Bramble, Rowe, Hitchins, Cuthbert, Holway, Pearce (7)	Brazil, Hodgson, Vint (3)	(0)	Cllrs Foss, Cane (2)
14/1687/15/VAR	Stables, Lownard Mill, Dartington	Conditional Approval	Cllrs Holway, Bramble, Pearce, Cane, Hitchins (5)	Cllrs Cuthbert, Hodgson, Vint (3)	Cllrs Rowe, Steer (2)	Cllrs Foss, Brazil (2)
18/0742/15/F	Laburnum Cottage, Manor Street, Dittisham	Conditional Approval	Cllrs Steer, Holway, Bramble, Rowe, Cane, Cuthbert (6)	Cllrs Pearce, Hodgson (2)	Cllrs Hitchins, Brazil, Vint (3)	Cllr Foss (1)
18/0743/15/LB	Laburnum Cottage, Manor Street, Dittisham	Conditional Approval	Cllrs Steer, Holway, Vint, Bramble, Cane, Cuthbert, Rowe (7)	Cllrs Pearce, Hitchins (2)	Cllrs Hodgson, Brazil (2)	Cllr Foss (1)
05/1325/15/F	Site at SX672 471, The Old Vineyard, Easton, Kingsbridge	Site Inspection	Cllrs Steer, Bramble, Holway, Cane, Cuthbert, Vint, Brazil, Hitchins, Hodgson (9)	Cllrs Rowe, Pearce (2)	(0)	Cllr Foss (1)



**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 19 NOVEMBER 2015**

<b>Panel Members in attendance:</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr D W May
*	Cllr N A Barnes	*	Cllr J T Pennington
*	Cllr J I G Blackler	*	Cllr K Pringle
*	Cllr D Brown	*	Cllr M F Saltern (Chairman)
*	Cllr J P Green	*	Cllr P C Smerdon
*	Cllr J D Hawkins	*	Cllr K R H Wingate
*	Cllr D Horsburgh		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, P K Cuthbert, R F D Gilbert, M J Hicks, P W Hitchins, J M Hodgson, T R Holway, J A Pearce, R Rowe, R C Steer, R J Tucker, R J Vint, L A H Ward and S A E Wright

<b>Item No</b>	<b>Minute Ref No below refers</b>	<b>Officers in attendance and participating</b>
All		Head of Paid Service and Senior Specialist – Democratic Services
8 and 9	O&S.51/15 and O&S.52/15	Section 151 Officer and Finance Business Partner
10	O&S.53/15	Lead Specialist – Place and Strategy
11	O&S.54/15	Group Manager – Support Services
12	O&S.55/15	Executive Director (Service Delivery and Commercial Development), Group Manager – Customer First and Contact Centre Manager
13	O&S.56/15	Monitoring Officer
14, 15 and 16(a)	O&S.57/15, O&S.58/15 and O&S.59/15(a)	Group Manager – Business Development
16(b)	O&S.59/15(b)	Group Manager – Commercial Services
16(c)	O&S.59/15(c)	Lead Specialist – Place and Strategy

**O&S.46/15 WELCOME**

In his introductions, the Chairman welcomed Cllr J P Green to his first Overview and Scrutiny Panel meeting following his recent election.

**O&S.47/15 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 17 September 2015 were confirmed as a correct record and signed by the Chairman.

**O&S.48/15 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 P Green declared a Disclosable Pecuniary Interest in Item 8: 'Review of Fees and Charges for 2016/17' (Minute O&S.51/15 below refers) specifically in relation to the proposed fee for Acupuncture, Tattooing, Ear-piercing and Electrolysis by virtue of his wife being an acupuncturist. In the event of this particular fee being debated, Cllr Green advised that he would then leave the meeting during the discussion and he abstained from the vote on the recommendation.

Cllr K R H Wingate declared a Disclosable Pecuniary Interest in Item 8: 'Review of Fees and Charges for 2016/17' (Minute O&S.51/15 below refers) specifically in relation to the proposal to establish an Events Policy Task and Finish Group by virtue of public comments that he had previously made in this regard. Cllr Wingate proceeded to leave the meeting room during the debate on this matter and abstained from the vote on the recommendation.

**O&S.49/15 PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, no items were raised at this meeting.

**O&S.50/15 EXECUTIVE FORWARD PLAN**

The following issues were raised on the most recently published Executive Forward Plan:-

- Having sought clarity on the Rent Plus agenda item (which was scheduled for consideration by the Executive at its meeting on 10 December 2015), it was noted that a report was to be presented as a consequence of the implications arising from the Housing and Planning Bill;
- In the absence of the Local Development Scheme from the most recently published Forward Plan, it was agreed that an update would be provided in the next Members' Bulletin edition.

**O&S.51/15 REVIEW OF FEES AND CHARGES FOR 2016/17**

The Panel considered a report that set out proposals for fees and charges for all services for 2016/17. The report noted that, in the event of each of the recommendations being endorsed, additional income that could be generated from this review would total £5.000.

In discussion, reference was made to:-

- (a) the number of events being held on Council land. In acknowledging that the number of events were increasing year on year, a number of Members lamented the current lack of a consistent (yet with a degree of flexibility built in) approach from the Council. As a consequence, the following additional recommendation was **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED**:-

*'That an Events Policy Task and Finish Group (comprising of Cllrs Baldry, Bramble (Group Lead) and Brown) be established with the primary purpose of reviewing and revising the Council's Events Policy.'*

- (b) the justification for a proposed reduction in some fees and charges. The lead Executive Member for Support Services informed that these reductions were proposed in an attempt to bring these fees and charges in line with those proposed by West Devon Borough Council (WDBC). Some Members proceeded to put on record their views that the Council should be locally setting its own charges and should not be giving any consideration to those proposed by WDBC. In reply, officers informed that there was a need for the Council to be able to justify its fees and charges structure and it would be deemed disproportionate if the same shared officers (and processes) were proven to be working to two different sets of charging regimes;
- (c) charging for the use of public conveniences. A Member highlighted the inconsistency of approach for charging to use public conveniences and urged the lead Executive Member to make progress in this regard;
- (d) the proposed charges for shower use. Some Members felt that the proposed charges to be applied for shower use were too low and should therefore be increased. As a result, it was **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED**:-

*'That, for 2016/17, the shower charges should be increased from 20p to £1.'*

- (e) the proposed Site Sponsorship charges. Having been informed that Site Sponsorship opportunities were not being taken up, an additional recommendation was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**:-

*'That, before a decision is taken by the Council, a benchmarking exercise be undertaken in order to review the proposed Site Sponsorship charges and the Panel also task officers to investigate methods of increasing marketing opportunities to promote this initiative.'*

- (f) opportunities arising from trade waste charges. A non-Panel Member expressed his disappointment that the Council was not being more ambitious in respect of utilising opportunities to generate more income from the trade waste function. The Member was of the view that the Council could generate at least an additional £200,000 per annum if it exploited the opportunities which were available to it from the trade waste service.

It was then:

### **RESOLVED**

1. That the Executive **RECOMMEND** to Council that the proposed fees and charges (as set out in the presented agenda report and appendices) be approved as part of the 2016/17 Budget Setting process, subject to the shower charges being increased from 20p to £1;
2. That the Executive **RECOMMEND** to Council that delegated authority be given to the Community Of Practice Lead for Environmental Health, in consultation with the Lead Executive Member, to modify the charges of Food Export Certificates, once the outcome of the current review is known;
3. That the Executive **RECOMMEND** to Council that delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Commercial Waste charges, once all the price modelling factors are known;
4. That, before a decision is taken by the Council, a benchmarking exercise be undertaken in order to review the proposed Site Sponsorship charges and the Panel also task officers to investigate methods of increasing marketing opportunities to promote this initiative; and
5. That an Events Policy Task and Finish Group (comprising of Cllrs Baldry, Bramble (Group Lead) and Brown) be established with the primary purpose of reviewing and revising the Council's Events Policy.

*(NOTE: recommendations 1, 2 and 3 (above) will be considered by the Executive at its 4 February 2016 meeting as part of the wider 2016/17 Budget Setting process).*



O&S.52/15 **NEW HOMES BONUS ALLOCATION TO DARTMOOR NATIONAL PARK AUTHORITY**

In line with the Council decision when approving the 2015/16 Budget at its meeting on 12 February 2015 (Minute 66/14 below refers), a paper was considered that provided a progress update on the application and use of the New Homes Bonus funds that had been transferred to the Dartmoor National Park Sustainable Community Fund.

In the ensuing discussion, the Panel noted that the allocations varied in the published agenda papers, as a consequence of there being a twelve month time lag in the process.

It was then:

**RESOLVED**

That the paper be noted.

O&S.53/15 **OUR PLAN: SOUTH HAMS – REVIEW**

A report was considered that provided a progress update on Our Plan: South Hams.

During the debate, reference was made to:-

- (a) the division of responsibilities between lead Executive Members. For clarity, it was confirmed that the Leader of Council was the lead Executive Member for the overriding 'Our Plan: South Hams' and Cllr Hicks was the lead Executive Member specifically for the 'Local Plan' element of 'Our Plan: South Hams'. In welcoming this clarification, Members were keen to emphasise that Our Plan: South Hams was more than just concerned with the local plan and house building. Having said that, another Member stressed that it was of paramount importance that the Council established its housing need numbers. In this respect, the Leader informed that the Housing Needs Survey was being refreshed and would be reported back to Members for consideration;
- (b) the need to improve the communications in relation to Our Plan: South Hams was recognised by the Panel;
- (c) Member participation in the process. The Panel was of the view that an all Member event should be held early in the New Year to discuss Our Plan: South Hams and the underpinning delivery plan;
- (d) the Village Housing Initiative (VHI). Officers confirmed that they were attempting to bring together a number of approaches to housing development and the VHI concept was a key scheme that would be specifically looked at during this process;

- (e) the Delivery Plan being a shared document with West Devon Borough Council (WDBC). Whilst it was noted that the key themes and objectives were almost identical between the two councils, the Panel asked that, in the future, consideration be given to the Delivery Plans being separated for both councils.

It was then:

### **RESOLVED**

1. That the monitoring of Our Plan: South Hams and the 2015/16 Action Plan be noted;

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

2. Our Plan: South Hams be issued for the start of the 2016/17 Financial Year as a document that:-
  - o recognises Our Plan: South Hams for the start as the single comprehensive Council Plan;
  - o re-states the Council's corporate Vision and Objectives;
  - o establishes the common basis for the Council's Financial Plan, Asset Management Plan, Local Plan and all other Plans and Strategies;
  - o establishes long-term and short-term priorities for delivery including a delivery plan commencing in 2016/17;
  - o establishes mechanisms for delivery; and
  - o establishes engagement, monitoring and review procedures;
  - o provides context for subsequent incorporation of the Local Plan element currently subject to separate preparation.
3. a Member Workshop be held early in the New Year to progress this work;
4. the final document return to the Executive and Council for agreement prior to its publication.

### **O&S.54/15 TRANSFORMATION PROGRAMME MONITORING**

The Group Manager – Support Services provided an update on the Transformation Programme and highlighted that:-

- the Development Management service had gone live on the W2 System this week;
- a positive meeting had been held recently with Civica (the IT system provider); and
- the Programme remained on target in respect of timescale and budget.

During the debate, reference was made to:-

- (a) presenting monitoring reports to the Panel prior to their consideration by the Executive. In the future, officers agreed to re-align the quarterly monitoring reports that were presented to the Executive to ensure that they were considered by the Panel in the first instance;
- (b) the pace and extent of the Programme. Some Members were of the view that, in hindsight, the Programme had been progressed too quickly and staff numbers had been reduced too severely;
- (c) the Modern.Gov committee management system. Officers advised that the Council was now in a position to commence with a Member trial of the new system. As a general point on the Council's intention to reduce its paper usage, it was noted that discussions were taking place with town and parish councils in an attempt to minimise the impact of this drive.

## **RESOLVED**

1. That the progress update be noted; and
2. That, in the future, the quarterly Transformation Programme Monitoring Reports be presented to the Panel before being considered by the Executive.

## **O&S.55/15 CUSTOMER SERVICES UPDATE**

Following regular updates to the Panel, a report was presented that updated Members on the Customer Services performance trends since the last meeting. In particular, the report paid attention to telephone call answer times, call volumes and staff recruitment as areas of particular concern.

In discussion, the following points were raised:-

- (a) Whilst it was acknowledged that the latest performance trends were showing some signs of improvement, a number of Members expressed their opinions and disappointment that the service was still of an unacceptable standard. The two statistics that were repeatedly highlighted as being of particular concern were that:
  - o 18% of calls were not being answered; and
  - o 26% of callers were having to wait over 7 minutes to have their call answered.

In response to Members citing specific examples of the public receiving poor service from the Contact Centre, the Head of Paid Service urged that, in such instances, Members let him know accordingly.

The Panel reiterated its desire to see a far greater improvement in performance and it was then **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:-

*'A clear action plan be produced for Customer Services and presented to the next Panel meeting on 14 January 2016 for its consideration.'*

- (b) When questioned, the Panel noted that, as a result of the blueprinting exercise, the Contact Centre had provision for a core staffing level of 15 full-time equivalent members of staff. Such was the pressure on the service, some Members felt that, whilst there were inevitable revenue implications, staffing numbers had to be reviewed in the Contact Centre;
- (c) With regard to some quick wins, officers agreed to remind staff throughout the Council to be professional in their telephone manner. In addition, it was agreed that, for outgoing calls from the Council, officers would ensure that the telephone number was no longer displayed as being 'withheld'.

In conclusion, whilst the Panel had been robust in stating its concerns and frustrations, Members did recognise that the staff in the Contact Centre were doing a good job and working tirelessly in very difficult circumstances. As a consequence, the Panel asked that its thanks be passed on to those staff who work in the Contact Centre.

It was then:

### **RESOLVED**

That a clear action plan be produced for Customer Services and presented to the next Panel meeting on 14 January 2016 for its consideration.

## **O&S.56/15 DISPENSATIONS TO DUAL-HATTED MEMBERS**

A report was considered that sought to consider whether the general dispensation that had previously been granted to all dual-hatted Members should be extended.

In discussion, a Member expressed his dissatisfaction over the recommendation and, in particular, was unhappy that a Member of the Executive could also be a Devon County Council (DCC) Member. The Member felt it to be inevitable that there would be occasions when the two roles would lead to a Member having a conflict of interest. To counter this view, other Members highlighted that a dual-hatted Member could in fact utilise this position to the benefit of the Council. Moreover, it was recognised that Executive Members had very limited individual decision-making powers.

It was then:

### **RESOLVED**

That the general dispensation that had been previously granted to all dual-hatted Members of South Hams District Council to enable them to speak and vote on matters where they are a Member of another local authority and in receipt of a Members' Allowances for that other authority be extended until May 2019.

#### **O&S.57/15 BUSINESS DEVELOPMENT GROUP MANAGER UPDATE**

The Panel considered a report that presented an update on the Business Development Group Manager role.

In discussion, reference was made to:-

- (a) the 27 possible income generation activities identified in the presented agenda report. In light of a request, the lead Executive Member confirmed that he would circulate a generic list of these activities to the wider membership. As an assurance, it was confirmed that activities relating to trade waste and sponsorship were included on this list;
- (b) the performance and intelligence team. It was noted that the team was still heavily involved in the process mapping for the Transformation Programme and, realistically, the team would be fully integrated and established early in the New Year;
- (c) projects related to Salcombe Harbour. Having been informed that the Harbour Master had a number of potential business development opportunities in mind, the Panel asked that the Harbour Board be fully consulted with as and when ideas started to be progressed.

It was then:

### **RESOLVED**

That the report and the work completed and planned by the Business Development Group Manager role be noted.

#### **O&S.58/15 UPDATE ON THE RURAL DEVELOPMENT PROGRAMME FOR ENGLAND (RDPE) 2014-2020**

The Panel considered a report that provided an update on the Rural Development Programme for England (RDPE) 2014-2020.

In discussion, it became apparent that some Members had concerns regarding the seeming lack of monitoring, transparency and feedback that the Council received from the South Devon Coastal Local Action Group (LAG) and Greater Dartmoor – Local Enterprise Action Fund (LEAF). As a consequence, the Panel requested that representatives

from the LEAF and LAG be invited to attend the Panel meeting on 17 March 2016.

It was then:

### **RESOLVED**

1. That the report be noted and the scheme be promoted as appropriate with local residents and businesses;
2. That the Council continue to support the Greater Dartmoor – Local Enterprise Action Fund (LEAF) and the South Devon Coastal Local Action Group (LAG); and
3. That representatives from the LEAF and LAG be invited to attend and provide an update to the Panel meeting on 17 March 2016.

## **O&S.59/15 TASK AND FINISH GROUP UPDATES**

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

A report was considered that presented the final report of the Performance Measures Review Task and Finish Group. In introducing the report, the Group Chairman paid particular attention to the choice of performance measures being subject to continuous review and changed as and when deemed necessary and as Members concerns altered.

The Panel wished to put on record its thanks to the Chairman and Members of the Group, officers and the lead Executive Member for undertaking an excellent review.

It was then:

### **RESOLVED**

That the findings of the Task and Finish Group be endorsed whereby:-

1. streamlined versions of the Balanced Scorecard and Background and Exception report (as shown in Appendices A and B respectively of the presented agenda report) be made available to Members on a quarterly basis, containing measures where a Scrutiny role is beneficial;
2. financial measures be reported elsewhere and therefore not included in these reports, with these measures being replaced with specific T18 measures;
3. an in-depth quarterly analysis of an area or department be included within the reporting, designated to interrogate the high

level performance data further and identify trends, improvements etc. This 'deep-dive' quarterly analysis will either follow a pre-determined schedule or be flexible enough to focus on issues raised by a prior quarterly report; and

4. once the T18 Programme is fully operational, Members will be given easy access to a much larger range of 'live' performance data that they can choose to access at any time, rather than just relying on the reports presented to them.

#### **(b) Dartmouth Lower Ferry**

It was noted that an interesting and informative site visit had been undertaken to the Ferry and Workshop. Following this visit, a further Group meeting had been held on 5 November 2015, during which a broad overview of the initial findings of the report produced by RPT Consulting was presented.

In terms of next steps, Members were advised that a Group meeting was to be held in December 2015, with the subsequent recommendations then presented to the next Panel meeting on 14 January 2016, before then being considered by the Executive on 4 February 2016.

#### **(c) Partnerships**

Members were advised that the first joint Group meeting had been held and valued contributions had been made from Members of both the Council and West Devon Borough Council. The meeting had given a real insight into the vast number of Partnerships that the Council was involved in and the joint meeting had enabled for a number of useful comparisons to be drawn.

It was noted that the next joint meeting was to be held on 6 January 2016 at Kilworthy Park, Tavistock.

#### **(d) Waste and Recycling**

The Panel acknowledged that a final wash up meeting of the Task and Finish Group had been held on 24 September 2015 and the newly convened Group was to hold its first meeting in December 2015.

Members commented that it would be beneficial for the notes of the final Group meeting to be circulated with the agenda for the next Panel meeting on 14 January 2015.

O&S.60/15 **MEMBER VISIT TO THE NATIONAL MARITIME OPERATIONS CENTRE IN FAREHAM**

The lead Executive Member for Customer First introduced a paper that had been prepared by the Harbour Master following their visit to HM Coastguards National Maritime Operations Centre on Friday, 13 November 2015.

In conclusion, the paper outlined that the visit had been useful and informative and had addressed all known concerns that had been raised by Members. Particularly reassuring was the willingness to acknowledge that the Centre still had further progress to make that was coupled with a resolve to do so.

In discussion, reference was made to:-

- (a) the presentation given by the Coastguard representative. In commending the quality of the presentation that they had received, the lead Executive Member was of the view that a number of the public relations problems that had been incurred by the organisation would have been overcome if the key messages in the presentation had been disseminated from the offset;
- (b) the transformation agenda. Members were informed that the impact of Central Government budget cuts had been kept to a minimum for the organisation in light of it having the foresight to begin its transformation agenda before any government funding announcements had been made;
- (c) concerns over the loss of local knowledge. In countering these concerns, an example was cited to the meeting whereby three officers from Brixham were now working at the Centre in Fareham;
- (d) two main challenges remaining. The Panel was informed that a new pager system was in the process of being tested to replace the current antiquated system. Also, the representative had promised to follow up on a specific query relating to blind spots and he gave a commitment to let the Council know in due course.

The Chairman proceeded to thank the Member and Harbour Master for attending such a worthwhile visit and asked that the Council's thanks also be extended to the organisation. Finally, the Panel welcomed the conclusion of this longstanding agenda item and felt that any specific issues that arise in the future should be progressed through local MPs.



**O&S.61/15 DRAFT ANNUAL WORK PROGRAMME 2015/16**

The Panel considered its draft 2015/16 Work Programme and made particular reference to:-

- (a) a Development Management (DM) service update. The Panel endorsed the suggestion that a DM service update be presented to its next meeting on 14 January 2016. In particular, Members asked that this agenda item made reference to service improvements following the new system going live on the website and an update on the outsourcing of the services backlog of applications;
- (b) the Customer Services Action Plan. The Panel reiterated that this agenda item should be scheduled on to the agenda for 14 January 2016 meeting;
- (c) attendance of the LEAF and LAG representatives. Members repeated their request for LEAF and LAG representatives to be invited to the Panel meeting on 17 March 2016.

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

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Chairman

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