

**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 27 OCTOBER
2016**

MEMBERS

* Cllr P C Smerdon – Chairman

∅ Cllr P K Cuthbert – Vice-Chairman

* Cllr K J Baldry	* Cllr T R Holway
* Cllr H D Bastone	* Cllr N A Hopwood
∅ Cllr J P Birch	* Cllr D W May
* Cllr J I G Blackler	∅ Cllr J A Pearce
* Cllr I Bramble	* Cllr J T Pennington
* Cllr J Brazil	∅ Cllr K Pringle
* Cllr D Brown	* Cllr R Rowe
* Cllr B F Cane	* 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; Deputy Monitoring Officer; Locality Manager; and Senior Specialist – Democratic Services

47/16 APPOINTMENT OF VICE-CHAIRMAN

In light of the Vice-Chairman having sent her apologies to this meeting, nominations were invited to serve as Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

That Cllr B F Cane be appointed Vice-Chairman for the duration of this meeting.

48/16 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 M F Saltern declared a personal interest in Item 5: 'Report of Political Structures Working Group' (Minute 50/16 below refers) and specifically the part relating to the Community Governance Review by virtue of being a member of the Ivybridge Neighbourhood Planning Steering Group and left the meeting during consideration of this part of the agenda item; and

Cllr T R Holway also declared a personal interest in Item 5: 'Report of Political Structures Working Group' (Minute 50/16 below refers) and specifically the part relating to the Community Governance Review by virtue of being a member of the Ugborough and Ivybridge Neighbourhood Planning Steering Groups and Ugborough Parish Council. Having sought the advice of the Monitoring Officer, Cllr Holway remained in the meeting and took part in the debate and vote thereon.

49/16

NOTICES OF MOTION

It was noted that one motion had been received in accordance with Council Procedure Rule 10.1.

At this point and, in accordance with Council Procedure Rule 12.12 a Member wished to raise a Point Of Order in respect of a question and motions that she had submitted not being on the published agenda. In response, it was noted that the submissions had been ruled as being received out of time.

As a consequence, it was agreed that these issues could be given informal consideration during the upcoming Member workshops on the Joint Local Plan.

(a) By Cllrs Baldry and Brazil

"This Council notes:

1. *That the Bus Services Bill currently passing through Parliament includes Clause 21 that will effectively "prohibit a local authority from forming a company for the purposes of providing a local bus service".*
2. *That the Localism Act (2011) provides general powers of competence to local authorities.*
3. *The Devon Youth Parliament has transport as one of its top priorities.*
4. *People in South Hams, especially the rural areas, have seen a serious decline in their bus services.*

This Council believes:

1. *Clause 21 contradicts the general powers of competence and the spirit of the Localism Act 2011.*
2. *If there is a need and a demand from their public, then Councils should be able to provide their own bus services*
3. *Clause 21 should be omitted from the Bus Services Bill.*

This Council resolves:

1. *To write to Lord Ahmad and to call on the Department for Transport to omit Clause 21 from the final legislation*
2. *To write to Sarah Wollaston and Gary Streeter our MPs to ask them to oppose clause 21 when the Bus Services Bill reaches the House of Commons and ask them to write to Lord Ahmad and the Department of Transport to raise concerns about Clause 21.”*

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

- the motion having the support of the Local Government Association;
- the Bill being wholly contrary to the Devolution agenda. Whilst not necessarily advocating taking on responsibility for bus services, the proposer was of the view that a Council should have the legal right to do so (if it so wished).

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

- (a) As a matter of principle, a Member commented that, if central government was committed to devolving powers, then councils should have the ability to make such decisions;
- (b) When looking at the importance of the economy priority and retaining home grown talent in the district, a quality, integrated and sustainable public transport system (that was well used) was emphasised as being essential;
- (c) The seconder of the motion questioned the purpose of the legislation and felt that it was being used to support private bus services, with the end result being to the detriment of local communities.

It was then:

RESOLVED

This Council notes:

1. That the Bus Services Bill currently passing through Parliament includes Clause 21 that will effectively “prohibit a local authority from forming a company for the purposes of providing a local bus service”.
2. That the Localism Act (2011) provides general powers of competence to local authorities.
3. The Devon Youth Parliament has transport as one of its top priorities.
4. People in South Hams, especially the rural areas, have seen a serious decline in their bus services.

This Council believes:

1. Clause 21 contradicts the general powers of competence and the spirit of the Localism Act 2011.
2. If there is a need and a demand from their public, then Councils should be able to provide their own bus services
3. Clause 21 should be omitted from the Bus Services Bill.

This Council resolves:

1. To write to Lord Ahmad and to call on the Department for Transport to omit Clause 21 from the final legislation
2. To write to Sarah Wollaston and Gary Streeter our MPs to ask them to oppose clause 21 when the Bus Services Bill reaches the House of Commons and ask them to write to Lord Ahmad and the Department of Transport to raise concerns about Clause 21.

50/16

REPORT OF THE POLITICAL STRUCTURES WORKING GROUP

The Council considered a report that informed of the recommendations of the Political Structures Working Group in respect of:-

- the final recommendations on the Community Governance Review proposal to transfer the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) from Ugborough Parish to the Ivybridge Parish;
- the merits of re-establishing the Personnel Panel; and
- the involvement of Development Management Committee Members in the annual draft budget setting process.

In discussion on the Community Governance Review, the following points were raised:-

- (a) In his introduction, the Chairman of the Working Group highlighted that the review had been extensive and all evidence that had been submitted during the last twelve months had been discussed and considered in great detail. In particular, the Chairman informed that the Working Group had given serious consideration to the quality of the evidence presented and he had therefore been convinced that the area should remain within the parish of Ugborough. As a consequence, he **PROPOSED** the following motion:

'That the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) remain within the parish of Ugborough; and

That maintaining the status quo be the right decision for community cohesion in the light of views expressed in the second round of consultation either against or with significant concerns about the proposal.'

This motion was subsequently **SECONDED**.

- (b) A number of Members expressed their concerns and disappointment at the tone and content of a letter that had been received from Ivybridge Town Council on 26 October 2016. These views could be summarised as follows:
- the letter was considered to be threatening and coercive;
 - there was a lack of reference in the letter to which meeting of the town council this had arisen from. As a consequence, a Member questioned the role played by (and authority that had been given to) the Clerk in this respect;
 - the allegation that the Council simply rubber stamped recommendations from Working Groups and Committees was seen as being disrespectful and deeply offensive; and
 - the letter having led a Member to change his view and he was now intending to vote in favour of the motion.
- (c) Having been in attendance during the most recent meeting of the Political Structures Working Group, a Member highlighted the emphatic comments that had been expressed by the local Ward Member who represented Ugborough parish. Such was the strength of views amongst the parish council, the Member stated that he would be hard pressed to vote against the motion.

During the discussion relating to the Personnel Panel, some disappointment was expressed at the recommendation whereby the Panel should not be resurrected. Such was the levels of related expenditure and in light of the recent staff survey results, some Members were of the view that the Panel should be resurrected. In contrast, other Members acknowledged that all members of staff were now shared between the Council and West Devon Borough Council and this was a major stumbling block to re-establishing a Panel. Furthermore, HR legislation was continually changing and becoming increasingly specialised and, as a consequence, a number of local authorities were in fact in the process of disbanding their Panels.

In discussion on the annual draft budget setting process, a Member of the Development Management Committee expressed his support for the recommendation and advised that he had felt somewhat isolated during the draft Budget Setting Process last year.

It was then:

RESOLVED

- 1(a) That the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) remain within the parish of Ugborough;
- 1(b) That maintaining the status quo be the right decision for community cohesion in the light of views expressed in the second round of consultation either against or with significant concerns about the proposal;

- 2(a) That the Personnel Panel be not resurrected;
 - 2(b) That future annual reports on the Pay Policy Statement also include reference to a separate Pay Reward Strategy;
 - 2(c) That it be re-affirmed that Cllr Saltern be the Member involved in the Employment Appeals process and that this position be included as part of the list of appointments that require the formal approval of Annual Council each year; and
- 3 That, with effect from 19 January 2017, a joint meeting of the Overview and Scrutiny Panel and the Development Management Committee be convened each year, with the sole purpose of considering the annual draft budget proposals, with the meeting being chaired by the Chairman of the Overview and Scrutiny Panel.

51/16

BT PAYPHONE REMOVAL CONSULTATION

Members considered a report that informed of a British Telecom (BT) proposal to remove 58 public payphones in the South Hams District. In line with Ofcom guidelines, the report highlighted that the Council had been asked to initiate a consultation exercise to canvas the views of the local community.

In discussion, reference was made to:-

- (a) levels of usage. In accepting that there was a massive drop in general usage, a Member requested that interested Members be in receipt of data relating to the number of emergency calls made and the number of night calls made from each public payphone;
- (b) the option of town and parish councils adopting their local heritage payphone(s). A Member strongly encouraged town and parish councils to adopt the payphones within their locality and either sell them or adapt them for an alternative use (e.g. storing a defibrillator). In expanding this view, a Member welcomed the information that had been sent from the Locality Team to all clerks that included advice on potential alternative uses for kiosks;
- (c) it being a BT proposal. Whilst the Council was responsible for the consultation, Members stressed that all correspondence sent to town and parish councils should make it absolutely clear that this was a BT (and not Council) proposal.

It was then:

RESOLVED

1. That the Council does not adopt any of the affected payphones, leaving the adoption to local communities if they so wish; and
2. That the draft and final decision for each payphone be delegated to the 'Chief Planning Officer' (the Development Management Community Of Practice Lead), who will consider community feedback, in consultation with the relevant local Ward Member(s).

52/16

REPORTS OF BODIES

(a) Audit Committee – 22 September 2016

A.20/16: Strategic Risk Assessment – Regular Update

It was confirmed that a Risk Register workshop for Members had now been scheduled to take place at 10.00am on Thursday, 8 December 2016.

A Member highlighted her view that the recent South West Audit Partnership Member event held at Buckfast Abbey had been an excellent session.

(b) Development Management Committee – 28 September 2016

(Meeting commenced at 10.00 am and concluded at 11.10 am)

Chairman