

**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT  
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 2 MARCH  
2017**

**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 E D Huntley
∅ Cllr J I G Blackler	* Cllr D W May
* Cllr I Bramble	* 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 R J Foss	* Cllr M F Saltern
* Cllr R D Gilbert	* Cllr R C Steer
* Cllr J P Green	* Cllr R J Tucker
∅ Cllr J D Hawkins	* Cllr R J Vint
* 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; COP Lead – Place and Strategy; and Senior Specialist – Democratic Services

70/16      **WELCOME**

On behalf of the Council, the Chairman wished to welcome Cllr Elizabeth Huntley to her first Council meeting since her recent election on to the Council.

71/16      **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 and these were recorded as follows:-

Cllrs R J Foss, T R Holway, D W May, P C Smerdon, R C Steer, R J Tucker and S A E Wright each declared a personal interest in agenda item 4: 'Plymouth and South West Devon Joint Local Plan' (Minute 72/16 below refers) by virtue of owning land located within (but not identified for development) the Joint Local Plan area and each Member remained in the meeting during consideration of this agenda item;

Cllr B F Cane declared a Disclosable Pecuniary Interest in agenda item 4: 'Plymouth and South West Devon Joint Local Plan' (Minute 72/16 below refers) by virtue of owning land which had been identified for development and left the meeting room during consideration of this agenda item; and

Cllr R J Vint declared a personal interest in agenda item 4: 'Plymouth and South West Devon Joint Local Plan' (Minute 72/16 below refers) by virtue of being a trustee of Kingsbridge Hill Allotments and remained in the meeting during consideration of this agenda item.

72/16

## **PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN**

A report was considered that set out how the Council would meet the requirement of the Government to maintain an up to date Local Plan and, in accordance with the resolution of the Council, to prepare a Joint Local Plan (JLP) with South Hams District Council and Plymouth City Council.

In their introduction, the Council's Member representatives on the Joint Steering Group took Members through each Section of the JLP and the erratum that had been circulated since the agenda had been published. The Members also informed that this was a historic moment for two reasons:

1. The significant level of co-operation that had been carried out between officers and Members across the three local authorities to reach this point; and
2. The JLP setting out a spatial strategy for the sub-region that put the three local authorities at the forefront of local planning.

In the subsequent discussion, reference was made to:-

- (a) the Infrastructure Needs Assessment. A Member referred to the comment in the JLP whereby 'to support the identification and delivery of infrastructure across the Plan Area, an Infrastructure Needs Assessment had been produced' and questioned when this document would be published. In response, it was intended that this would be published at the same time as the JLP;
- (b) financial contributions. For clarity, it was confirmed that the three partner local authorities had each individually approved a sum of £50,000 to fund the Joint Local Plan during the 2017/18 financial year;
- (c) five year land supply. In the event of one of the partner authorities not being in a position to demonstrate a five year land supply, it was confirmed that this would not have any impact on either of the other two councils;

- (d) the success of the process to date. A number of Members wished to put on record their thanks to the lead officers and Members of the Joint Steering Group who had each put in a tremendous amount of hard work and effort to deliver this Plan in what was an incredibly tight timescale;
- (e) the consultation exercise. In response to some concerns, the Steering Group Members advised that every effort had been made to take into account all of the consultation responses received during this process;
- (f) concerns over the JLP document. Some Members advised of their objections to the document that included:
- the general lack of consultation with local ward Members. In addition, a Member wished to contest the comment whereby adequate public consultation had taken place;
  - the public perception associated with reducing affordable housing contributions to only 30%;
  - the lack of provision to key worker housing;
  - the sheer numbers of housing being proposed in the plan and the excessive reference to building second homes and vacant properties;
  - the irrelevance of the strategic transport policies for rural villages;
  - the scale of proposed development in Dartington would lead to major ramifications in this parish; and
  - policy DEV8 having major ramifications for local villages and the wider rural area.
- (g) protection of the Area of Outstanding Natural Beauty (AONB). A Member welcomed the emphasis in the plan to protecting and preserving the AONB;
- (h) the shortcomings in previous plans. The view was expressed that this plan addressed the shortcomings in previous plans and would prevent developers from submitting applications to build on Greenfield sites;
- (i) the scale of development proposed in Woolwell. Whilst commending the work that had been undertaken to mitigate local concerns in Woolwell and the proposed highway infrastructure improvements in the area, the local ward Member highlighted that there still remained a great deal of local opposition to the Plan.

In accordance with Council Procedure Rule 15.5, a recorded vote was then called for on the motion. The voting on the motion was then recorded as follows:-

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| For the motion (18):    | Cllrs Bastone, Bramble, Brown, Cuthbert, Foss, Gilbert, Green, Hicks, Holway, May, Pearce, Pennington, Saltern, Smerdon, Steer, Tucker, Wingate and Wright. |
| Against the motion (6): | Cllrs Baldry, Birch, Brazil, Hodgson, Huntley and Vint.   |

Abstentions (1):	Cllr Hopwood.
Absent (6):	Cllrs Blackler, Cane, Hawkins, Hitchins, Pringle and Rowe.

It was then:

### **RESOLVED**

1. That the Plymouth and South West Devon Joint Local Plan (as set out in the Appendix to the presented agenda report) be formally approved and that the Plan be subject to a six-week period for representations to be received, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
2. That, following the completion of the six-week period for representations, the Local Plan be formally submitted for Public Examination;
3. That authority be delegated to the Community Of Practice Lead (Place Making), in consultation with the Joint Local Plan Member Steering Group, to agree minor amendments to the Plymouth and South West Devon Joint Local Plan prior to its submission;
4. That the Plymouth and South West Devon Joint Local Plan Steering Group continue to oversee the Joint Local Plan to ensure its effective monitoring and review and that officers be instructed to draw up a revised Collaboration Agreement to this effect between South Hams District Council, Plymouth City Council and West Devon Borough Council with responsibility delegated to the Executive Director (Strategy and Commissioning) for signing the Collaboration Agreement, in consultation with the lead Executive Member for Strategic Planning; and
5. That the Joint Local Plan be corrected prior to publication (as set out in the erratum dated 27 February 2017).

73/16

### **LOCAL AUTHORITY CONTROLLED COMPANY BUSINESS CASE AND JSG TERMS OF REFERENCE**

Consideration was given to a report that sought a decision of the Council regarding whether or not a Local Authority Controlled Company (LACC) should be established jointly with West Devon Borough Council.

At the request of some Members, the Chairman agreed that each of the five recommendations should be debated and voted upon separately. In so doing, the following points were raised:-

- (a) Some Members expressed their concerns at the level of expenditure that had already been spent on the LACC project and were of the view that the work should go no further, with the Joint Steering Group (JSG) being disbanded. As a consequence, an amendment to recommendation 2 was **PROPOSED** and **SECONDED** whereby the words '*at this time*' should be deleted.

In the subsequent debate, some Members felt that deletion of these words would be overly restrictive and it may be beneficial to retain the ability to establish some form of alternative LACC in the future. In contrast, other Members felt that the inclusion of these three words was wholly unnecessary.

When put to the vote, the amendment was (by virtue of a Chairman's Casting Vote) declared **LOST**;

- (b) Whilst concern was expressed at the perceived lack of input from the Audit Committee during this project, this view was countered by other Members, who felt that the Committee had played a key independent role throughout the process to date. Nonetheless, an amendment was **PROPOSED** as follows:

*'That the associated finance and risk issues be considered as a formal agenda item at the next Audit Committee meeting prior to any further consideration by the Joint Steering Group.'*

This amendment was not seconded. However, the Chairmen of the Audit Committee and Overview and Scrutiny Panel both gave a commitment that they would keep a watching brief on the work of the JSG;

- (c) The Leader gave an assurance of the intention to retain political balance (and therefore Opposition Group Member representation) on the JSG;
- (d) In response to Member concerns over the influence of the JSG, an amendment was **PROPOSED** and **SECONDED** as shown in italics (below):

*'That the remaining funding for the LACC project be earmarked to fund further work by the Joint Steering Group within their revised terms of reference, subject to a cap being imposed of £20,000 on any single piece of expenditure.'*

In support of the amendment, some Members felt that the JSG should not be given the authority to spend significant sums of public money and, in the event of a request being made for a single piece of expenditure to be made for over £20,000, then this should be referred to the Executive for its approval.

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

**RESOLVED**

1. That the recommendations of the Joint Steering Group (as outlined at Appendix 1 of the presented agenda report) be noted;
2. That the Council agree with the Joint Steering Group recommendation to not form a Local Authority Controlled Company in its proposed form at this time;
3. That the Joint Steering Group continue to meet with revised terms of reference being put into place to consider other options in respect of shared arrangements and financial challenges;
4. That the revised terms of reference for the Joint Steering Group (as set out in Appendix 2 of the presented agenda report) be approved; and
5. That the remaining funding for the LACC project be earmarked to fund further work by the Joint Steering Group within their revised terms of reference, subject to a cap being imposed of £20,000 on any single piece of expenditure.

74/16

**HEART OF THE SOUTH WEST DEVOLUTION UPDATE**

A report was considered that outlined proposals for the:

- preparation and approval of a Heart of the South West (HotSW) Productivity Plan to take forward the HotSW Prospectus for Productivity that was prepared in support of the partnership's aspirations to secure a devolution deal for approval by the councils in February 2016; and
- creation of a formal HotSW Joint Committee of the local authorities, national park authorities and partners to take forward the Productivity Plan.

In discussion, reference was made to:-

- (a) information held by Devon County Council (DCC). A Member advised that DCC had undertaken a great deal of work in this regard and urged the Council to speak to DCC colleagues;
- (b) the proposals not being in the public interest. In response to some reservations, a Member was hopeful that the establishment of a Joint Committee would enable for greater democratic involvement in the Productivity Plan.

It was then:

### **RESOLVED**

- (i) That the update be noted about the HotSW Combined Authority/Devolution Deal (including noting that a Joint Committee, if established, will have responsibility for developing future 'deal' and combined authority proposals for recommendation to the constituent authorities);
- (ii) That the proposals be approved for the HotSW Productivity Plan preparation and consultation proposals (including noting that the Joint Committee, if established, will have responsibility for approving and overseeing the implementation of the Productivity Plan);
- (iii) That 'in-principle' agreement be given to the establishment of a HotSW Joint Committee with a commencement date of Friday, 1 September 2017, in accordance with the summary proposals as set out in the presented agenda report;
- (iv) That the 'in-principle' decision at (iii) above be subject to further recommendation and report to the constituent authorities after the County elections in May 2017 and confirmatory decisions to approve the establishment of the Joint Committee; a constitutional 'Arrangements' document; an 'Inter-Authority Agreement' setting out the support arrangements; appoint representatives to the Joint Committee and appoint an Administering Authority.

75/16

### **APPOINTMENTS TO COUNCIL BODIES**

Members considered a report that sought to make appointments to Council Bodies following the recent election of Cllr Huntley.

In discussion, reference was made to:-

- (a) the work undertaken by former Councillor Lindsay Ward. A Member paid tribute to the work undertaken by Lindsay, who had been a very well respected ward Member. As a consequence, the Member felt that the Chairman should consider sending a letter of gratitude to Lindsay on behalf of the Council;
- (b) the recommended appointment of Cllr Brown. Whilst some Members felt it disappointing that the Executive did not now have any female representation, the Council did welcome the proposal to appoint its youngest Member on to the Executive.

It was then:

**RESOLVED**

That, with immediate effect and for the remainder of the 2016/17 Municipal Year, that:

1. Cllr D Brown be appointed to serve on the Executive; and
2. Cllr E Huntley be appointed to serve on the Overview and Scrutiny Panel.

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

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Chairman