

**MINUTES OF THE ANNUAL MEETING OF THE SOUTH HAMS DISTRICT  
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 11 MAY 2017**

**MEMBERS**

\* Cllr P C Smerdon – Chairman

\* Cllr P K Cuthbert – Vice-Chairman

* Cllr K J Baldry	* Cllr J M Hodgson
* Cllr H D Bastone	* Cllr T R Holway
* 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 N A Hopwood	

\* Denotes attendance

Officers in attendance and participating:

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

01/17      **ELECTION OF THE CHAIRMAN OF COUNCIL**

**RESOLVED**

That Cllr P K Cuthbert be elected Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2018.

Cllr Cuthbert subsequently declared and signed her acceptance of office.

02/17      **ADDRESS BY THE NEW CHAIRMAN OF COUNCIL**

In addressing the Council, Cllr Cuthbert expressed her honour at being elected as Chairman of the Council and wished to thank her fellow Members for their vote of confidence. In particular, she proceeded to pay tribute to the work undertaken during his year of office by Cllr Smerdon, who she felt would be an incredibly hard act to follow and who had supported her greatly after her accident last year.

In her address, Cllr Cuthbert also made specific reference to:-

- looking forward to her year of office and working closely with her Vice-Chairman;
- her intention to attend as many engagements as was practically possible this year;
- the excellent support she received from her husband; and
- her chosen charity for the year being Epilepsy Action.

03/17 **VOTE OF THANKS TO RETIRING CHAIRMAN**

**RESOLVED**

That the thanks of the Council be extended to Cllr Smerdon for the manner in which he performed his duties during his term of office as Chairman of the Council.

04/17 **RESPONSE OF THE RETIRING CHAIRMAN**

Cllr Smerdon addressed the Council and highlighted how enjoyable he had found his year of office. In so doing, he made particular reference to:-

- his impression (having attended over 70 engagements) that the Council was held in high regard;
- his gratitude for the support given to him by fellow Members during his year of office;
- the work undertaken by officers, for whom he wished to personally thank and pay tribute. In particular, Cllr Smerdon paid tribute to the Democratic Services Case Manager and her colleagues for their help and support;
- the year being an unforgettable experience for him and his wife; and
- his hope that Cllr Cuthbert would have an equally memorable year.

05/17 **APPOINTMENT OF VICE CHAIRMAN OF COUNCIL**

**RESOLVED**

That Cllr M J Hicks be appointed Vice Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2018.

Cllr Hicks subsequently declared and signed his acceptance of office.

06/17 **MINUTES**

The minutes of the meetings of Council held on 9 February 2017, 2 March 2017 and 30 March 2017 were each confirmed as a correct record and signed by the Chairman, subject to inclusion of the following amendment:

Reference: Special Council Meeting minutes – 2 March 2017 (Minute Ref. 73/16: ‘Local Authority Controlled Company Business Case and JSG Terms of Reference’ (page 1 point (b) of the published agenda refers):

*(b) Concern was expressed by a Member of the Audit Committee at the perceived lack of input invited from that Committee during this project. Other Committee Members felt that the Audit Committee had played a key independent role in this project. Nonetheless, an amendment was proposed as follows:*

Whilst not contesting the accuracy of the minutes, a Member did urge for progress to be made on the arrangements for the Devon Wildlife Trust CEO to deliver a training workshop to Members (Minute 64/16(a) refers).

07/17

## **REPRESENTATION ON POLITICAL GROUPS**

The Chairman advised Members that a review of the representation of the political groups on the Council’s Bodies had been carried out in consultation with the Leaders of the two Political Groups.

It was then:

### **RESOLVED**

1. That it be noted that the Political Composition of the Council is as follows:-
  - A Conservative Group of 24 Members; and
  - An Opposition Group of 7 Members.
2. That the overall political balance of Council Bodies, as reflected in the paper tabled to the meeting, be approved.

08/17

## **APPOINTMENT OF MEMBERS OF THE BODIES OF THE COUNCIL**

The Council subsequently received nominations from the Group Leaders for the membership of the Bodies of the Council.

It was then:

### **RESOLVED**

That, for the 2017/18 Municipal Year, Members be appointed to the Bodies of the Council as set out in Appendix A to these minutes.

09/17

## **ELECTION OF CHAIRMEN AND VICE CHAIRMEN OF THE BODIES OF THE COUNCIL**

The Council received nominations from its Group Leaders for the

positions of Chairmen and Vice Chairmen of the Bodies of the Council.

Two nominations (Cllrs K J Baldry and M F Saltern) had been received to the position of Chairman of the Overview and Scrutiny Panel.

When put to the vote, it was declared **CARRIED** that Cllr M F Saltern be appointed to the role of Overview and Scrutiny Panel Chairman.

Two nominations (Cllrs J P Green and P C Smerdon) had been received to the position of Vice-Chairman of the Overview and Scrutiny Panel.

When put to the vote, it was declared **CARRIED** that Cllr P C Smerdon be appointed to the role of Overview and Scrutiny Panel Vice-Chairman.

It was then:

### **RESOLVED**

That the Chairmen and Vice Chairmen of the Bodies of the Council for the 2017 / 2018 Municipal Year be as indicated below:-

<b>Body</b>	<b>Chairman</b>	<b>Vice Chairman</b>
Audit Committee	Cllr J A Pearce	Cllr J T Pennington
Development Management Committee	Cllr R C Steer	Cllr R J Foss
Licensing Committee	Cllr D W May	Cllr T R Holway
Overview and Scrutiny Panel	Cllr M F Saltern	Cllr P C Smerdon
Salcombe Harbour Board	Cllr J Brazil	Co-opted Member

10/17

### **APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES**

A paper was considered which set out details of those Outside Bodies to which the Council appointed representatives and included a list of nominations for representation on these Outside Bodies.

In the ensuing debate, reference was made to:-

- (a) the Totnes and District Swimming Pool Association. A Member expressed his disappointment at the proposal to delete the Association from the list of Outside Bodies and felt that this recommendation was somewhat premature. As a result, the following amendment to part 1 of the recommendation was **PROPOSED** and **SECONDED**:-

*'That the Totnes and District Swimming Pool Association be reinstated to the list of Outside Bodies.'*

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

- (b) providing regular feedback. Some Members emphasised the importance of those colleagues who were appointed to serve on Outside Bodies providing regular feedback to the wider membership.

It was then:

### **RESOLVED**

1. That the Council be represented on the list of Outside Bodies as presented to the meeting;
2. That the Members named in Appendix B to these minutes be appointed as the Council's representatives to those Bodies for the 2017/18 Municipal Year, and that, for the purposes of Members' Allowances, attendance at meetings of these bodies be regarded as an approved duty; and
3. That Members appointed to Outside Bodies provide regular feedback and consultation on the issues affecting the Bodies concerned.

11/17

### **APPOINTMENT OF OTHER GROUPS**

Members proceeded to consider the appointment for the 2017/2018 Municipal Year of the:-

- (a) Council Tax Setting Panel;
- (b) Devon Building Control Partnership;
- (c) Discretionary Business Rate Relief Decision Panel;
- (d) Invest to Earn Member Working Group;
- (e) Joint SH/WD/Plymouth Local Plan Steering Group;
- (f) Political Structures Working Group;
- (g) Public Spaces Working Group;
- (h) SH/WD Joint Steering Group;
- (i) Slapton Line Steering Group; and
- (j) Waste and Recycling Working Group.

Council then considered the appointments to the above bodies.

In so doing, Members recognised the proposal to change the status of the Waste and Recycling Task and Finish Group to an ongoing Working Group ((j) above refers) and a view was expressed that the proposed size of this Group should be increased from 4 to 5. However, when put to the vote, the Council concluded that the Group membership should be set at 4 for 2017/18.

Having made the decision that the Waste and Recycling Working Group

should comprise of 4 Members, a Member was unhappy at the proposal for 2 of these appointments to be Executive Members. As a result, two nominations (Cllrs N A Hopwood and J M Hodgson) were presented to the meeting for the fourth (and final) position on the Working Group.

When put to the vote, it was declared **CARRIED** that Cllr N A Hopwood be appointed to serve on the Waste and Recycling Working Group.

It was then:

### **RESOLVED**

That the appointment of the Other Groups of the Council for the 2017/2018 Municipal Year be approved, as shown in Appendix C to these minutes.

## 12/17 **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 R J Vint declared a personal interest in Item 17: 'Business Brought Forward by the Chairman' (Minute 16/17 below refers) by virtue of being a member of the Totnes and District Swimming Pool Association and remained in the meeting during consideration of this agenda item.

## 13/17 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman wished to make specific reference to the following diary dates:

- On 21 September 2017, it was her intention for a Chairman's Charity Golf Day to be held at Bigbury Golf Club;
- The Chairman's Christmas Dinner would be held on 1 December 2017; and
- It was her wish for a staff/Member event to be arranged to take place during the summer months.

## 14/17 **QUESTIONS**

It was noted that no questions had been received in accordance with Council Procedure Rule 8.

## 15/17 **NOTICE OF MOTIONS**

It was noted that no motions had been received in accordance with Council Procedure Rule 10.1.

16/17

**BUSINESS BROUGHT FORWARD BY THE CHAIRMAN**

The Chairman advised that she had agreed for one item to be brought forward for consideration at this meeting that related to the Leader of Council providing a statement to the Council on the future of Totnes Leisure Centre. Whilst she would not be permitting any debate or questions on this statement, the Chairman confirmed that she would exercise her discretion to enable a local Ward Member for Totnes the opportunity to respond.

The Leader proceeded to make the following statement:

*'The Council remains determined to reach an agreement and is doing everything to avoid the closure of the dryside next Monday evening. It has invited Tadpool and Fusion along with their respective legal advisers to Follaton House on Monday in one final attempt to broker a deal.'*

*The Council will be in contact with Fusion to do everything in its power to keep the facility open on Monday.'*

In reply to the statement, a local Ward Member made the following points:-

- (a) Prior to this meeting (on 11 May 2017), a letter had been received by 49 Leisure Centre employees from Fusion that formally kick started the redundancy process. The Member proceeded to summarise the contents of this letter;
- (b) In accepting that the parties were in negotiations to resolve this dispute, the Member emphasised the importance of the Council doing everything possible to keep the Centre open and preserve these 49 jobs. With regard to the role undertaken to date by the Council, the Member also wished to put on record his thanks for the ongoing efforts of officers;
- (c) The Member emphasised the progress made by Tadpool at its meeting and stated the need to build on this at the meeting of all parties on Monday, 15 May 2017. In light of the timing of the meeting, the Member requested that the Council do everything within its powers to ensure that the Centre was opened on Monday. Such was the significance of this issue, the Member strongly hoped that a successful conclusion could be reached at the meeting on Monday and he emphasised the importance of all Members supporting the Council and its officers at this time.

17/17

**CALENDAR OF MEETINGS 2017/18**

The Council considered a report that sought Member approval of the Calendar of Meetings for the 2017/18 Municipal Year.

In discussion, reference was made to:-

- (a) a potential clash of Council meetings in February 2018. Whilst a Member asked that, to avoid a potential clash with a Devon County Council meeting, consideration be given to moving the Budget meeting of the Council in February 2018. In response, other Members highlighted the complexities associated with producing the Calendar and were therefore not supportive of this suggestion;
- (b) provision for additional Council meetings. Based upon the number of Special Council meetings that were arranged during 2016/17, a Member was of the view that four Council meetings per year was insufficient and provision should therefore be included for additional meetings that could be removed from Member diaries nearer the time if they were not required;
- (c) Executive Briefing meetings. Officers advised that the decision had been made to include the informal Executive Briefing meetings in the published Calendar in light of the working convention whereby local Ward Member(s) may be invited to attend these in the event of a parochial issue being on the agenda.
- (d) a minor amendment to the draft Calendar. In proposing its adoption, an amendment was included whereby an additional Special Council meeting be scheduled to take place on Thursday, 27 July at 2.00pm.

It was then:

### **RESOLVED**

That the Calendar of Meetings for the 2017/18 Municipal Year be adopted (as per Appendix D to these minutes).

18/17

## **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 15 March 2017
- (b) Audit Committee 23 March 2017

### **A.34/16: Review of the Council's Constitution**

Regarding the proposal to increase the delegated authority limit for any asset disposals/acquisitions to £300,000, the Committee Chairman advised that this recommendation had been made in appreciation of the current limit of £50,000 being deemed to be too restrictive.

It was then:



**RESOLVED**

That the amendments to the Council Constitution (as summarised in paragraph 2 of the presented agenda report to the Committee and fully outlined on the Council website) be approved, subject to the following addition:

*'That the COP Lead for Assets be given delegated authority, in consultation with the Section 151 Officer, the lead Executive Member for Assets and the Leader of Council to dispose and/or acquire assets up to a limit of £300,000, with any acquisitions and/or disposals above this limit being referred to the Executive for decision.'*

- |     |                                  |               |
|-----|----------------------------------|---------------|
| (c) | Overview and Scrutiny Panel      | 6 April 2017  |
| (d) | Development Management Committee | 12 April 2017 |
| (e) | Executive                        | 20 April 2017 |

**E.84/16: Annual Report**

Whilst accepting that the Annual Report had been considered by both the Overview and Scrutiny Panel and the Executive, a Member expressed his disappointment that Development Management Committee Members had not been given the opportunity to debate and vote on it prior to this Council meeting.

It was then:

**RESOLVED**

1. That the challenges that have occurred throughout the year be acknowledged and the progress and achievements made by the Council be endorsed; and
2. That the South Hams Annual Report for the financial year 2016/17 (as outlined at Appendix A of the presented agenda report) be adopted and published.

**E.86/16: Parking Permit Review**

In light of the debate at the Executive regarding the potential loopholes in this initiative that could be exploited by permit holders, the proposer of the recommendation sought inclusion of an addition as follows:

*'with this arrangement being reviewed in six months' time.'*

When questioned, it was confirmed that the software had the capability of supporting this review.

It was then:

**RESOLVED**

That the Full and Commuter parking permits be eliminated and replaced with Town Centre, Peripheral and Rural parking permits and that the Off-Street Parking Places Order be amended accordingly, with this arrangement being reviewed in six months' time.

(NB. the detailed amendments are as follows:

- Full and Commuter permits to be eliminated and replaced with Town Centre, Peripheral and Rural permits which will be limited to specific towns/villages. The cost of permits to be reduced to reflect the new restrictions;
- The costs of permits to be as detailed at Paragraph 5.3 of the presented agenda report to the Executive); and
- The 10% maximum occupancy of a car park no longer being applicable.)

(Meeting commenced at 2.00 pm and concluded at 3.10 pm)

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Chairman

**Membership of Council Bodies 2017/18****Appendix A****A. Audit Committee**

Cllr I Bramble  
 Cllr J Brazil  
 Cllr T R Holway  
 Cllr J A Pearce  
 Cllr J T Pennington

**B. Development Management Committee**

Cllr I Bramble  
 Cllr J Brazil  
 Cllr D Brown  
 Cllr P K Cuthbert  
 Cllr R J Foss  
 Cllr P W Hitchins  
 Cllr J M Hodgson  
 Cllr T R Holway  
 Cllr J A Pearce  
 Cllr R Rowe  
 Cllr R C Steer  
 Cllr R J Vint

**C. Executive**

Cllr H D Bastone  
 Cllr R D Gilbert  
 Cllr N A Hopwood  
 Cllr R J Tucker  
 Cllr K R H Wingate  
 Cllr S A E Wright

**D. Licensing Committee**

Cllr K J Baldry  
 Cllr J I G Blackler  
 Cllr D Brown  
 Cllr B F Cane  
 Cllr P K Cuthbert  
 Cllr R J Foss  
 Cllr P W Hitchins  
 Cllr T R Holway  
 Cllr N A Hopwood  
 Cllr D W May  
 Cllr K Pringle  
 Cllr R Rowe

**E. Overview and Scrutiny Panel**

Cllr K J Baldry  
 Cllr J P Birch  
 Cllr J I G Blackler  
 Cllr B F Cane  
 Cllr J P Green  
 Cllr J D Hawkins  
 Cllr M J Hicks  
 Cllr E D Huntley  
 Cllr D W May  
 Cllr J T Pennington  
 Cllr K Pringle  
 Cllr M F Saltern  
 Cllr P C Smerdon

**Representation on Outside Bodies 2017 / 2018****Appendix B**

	<b>ORGANISATION</b>	<b>Nominee(s)</b>
1.	Avon Estuary Forum	Cllr E D Huntley
2.	Dartmoor National Park Authority	Cllr P W Hitchins
3.	Dartmoor National Park Forum	Cllr P C Smerdon
4.	Devon Authorities Strategic Waste Committee	lead Executive Member for Commercial Services (Substitute: Cllr N A Hopwood)
5.	Devon County/South Hams Highways and Traffic Orders Committee	Cllrs P C Smerdon and J T Pennington
6.	Devon Districts Forum have made the following appointment:- The Investment and Pension Fund Committee -	Cllr M J Hicks (in substitute capacity)
7.	Employment Appeals Panel	Cllr M F Saltern
8.	Governance Board (South Devon Healthcare NHS Foundation Trust)	Cllr S A E Wright
9.	Greater Dartmoor Local Enterprise Action Fund	Cllr P C Smerdon
10.	Hope Harbour	Cllr S A E Wright
11.	iESE Transformation Limited	Cllr S A E Wright
12.	Joint Advisory Committee (JAC) on Housing for Local Needs in the Dartmoor National Park	Cllrs J I G Blackler and J Brazil
13.	Lange Local Liaison Committee	Cllrs J I G Blackler and D Brown
14.	Local Government Association:- (i) District Council Network – Leader (ii) General Assembly – Deputy Leader (iii) South West Branch – Leader (iv) Rural Commission – Leader or Deputy Leader (v) LGA Committee, Panel, etc appointments (NB: These appointments are made via an Electoral College process through the LGA. Council has been given delegated authority to the Monitoring Officer, in consultation with the Leaders of the political groups, to agree any such appointments).	
15.	PATROL – Parking and Traffic Regulations Outside London	Cllr K J Baldry

16.	Plymouth and Peninsula City Deal	Leader of Council
17.	Police & Crime Commissioners Scrutiny Panel	Cllr K R H Wingate
18.	River Yealm Harbour Authority	Cllr T R Holway
19.	Salcombe-Kingsbridge Estuary Conservation Forum	Cllr J A Pearce and Chairman of Salcombe Harbour Board (or nominee)
20.	South Devon AONB Partnership Committee	Cllrs D Brown and J Green
21.	South Devon Coastal Local Action Group	Cllr M J Hicks
22.	South Devon and Dartmoor Community Safety Partnership	Cllr T R Holway
23.	South Hams Citizens' Advice Bureau	Cllr P K Cuthbert
24.	South Hams Community and Voluntary Services - Executive Committee	Cllrs K Pringle and P C Smerdon
25.	South West Councils	Cllr R J Tucker
26.	SPARSE Rural and Rural Services Network	Cllr M J Hicks
27.	Tamar Estuary Consultative Forum	Cllr P W Hitchins
28.	Yealm Estuary Forum	Cllr K J Baldry

**Appointment of Other Groups 2017/2018****Appendix C**

- (a) **Council Tax Setting Panel**  
 Chairman of Council  
 Leader of Council  
 Chairman of Overview and Scrutiny Panel  
 Leader of the Opposition
- (b) **Devon Building Control Partnership**  
 Cllr H D Bastone  
 Cllr M J Hicks
- (c) **Discretionary Business Rate Relief Decision Panel**  
 Chairman of the Overview and Scrutiny Panel  
 Lead Executive Member for Business Development  
 Leader of Council
- Substitute Member:  
 Deputy Leader of Council
- (d) **Invest to Earn Member Working Group**  
 Cllr J P Birch  
 Cllr R J Foss  
 Cllr N A Hopwood  
 Cllr J T Pennington  
 Cllr S A E Wright
- (e) **Joint SH/WD/Plymouth Local Plan Steering Group**  
 Cllr M J Hicks  
 Cllr J A Pearce
- (f) **Political Structures Working Group**  
 Cllr K J Baldry  
 Cllr J P Green  
 Cllr P W Hitchins  
 Cllr T R Holway  
 Cllr J T Pennington  
 Cllr M F Saltern  
 Cllr R J Tucker  
 Cllr S A E Wright
- (g) **Public Spaces Working Group**  
 Cllr R J Foss  
 Cllr R C Steer  
 Cllr R J Vint  
 Cllr S A E Wright
- (h) **SH/WD Joint Steering Group**  
 Cllr J P Green  
 Cllr R J Tucker  
 Cllr K R H Wingate  
 Cllr S A E Wright

**(i) Slapton Line Steering Group**

Cllr J Brazil  
Cllr R J Foss

**(j) Waste and Recycling Working Group**

Cllr K J Baldry  
Cllr D Brown  
Cllr R D Gilbert  
Cllr N A Hopwood

## Calendar of Meetings 2017/18

## Appendix D

Committee	Apr 17	May 17	June 17	July 17	Aug17	Sept 17	Oct 17	Nov 17	Dec 17	Jan 18	Feb 18	Mar 18	Apr 18	May 18
SH Council All at 2pm		11		27 (Special)		28			14		22			17
SH Council Tax Setting Panel											23 2.00pm			
SH Executive All at 10am	20		29	20		14	19		7		1	15	26	
<i>SH Exec Briefing</i> All at 3.30pm			15	6	24	21		23		18		1	12	
SH O&S All at 10am		18		6/27	24		5	9		18	8	22		3
SH Audit Committee All at 2pm			22	20		21				25		22		
SH Licensing Committee							12 2.00pm							
Salcombe Harbour All at 2.30pm				10		25		6			26		16	
SH Site Inspections	10	8	5	3/31		4	2/30	27		8	5	5	3/30	
SH DM Committee (Times vary)	12	10	7	5	2	6	4	1/29		10	7	7	4	2