MINUTES OF THE ANNUAL MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 21 MAY 2015

MEMBERS

* Cllr P W Hitchins - Chairman

* Cllr I Bramble – Vice-Chairman

- * Cllr K J Baldry
- * Cllr N A Barnes
- * Cllr H D Bastone
- øCllr J I G Blackler
- * Cllr J Brazil
- * Cllr D Brown
- * Cllr B F Cane
- * Cllr P K Cuthbert
- * Cllr R J Foss
- * Cllr R D Gilbert
- * Cllr J D Hawkins
- * Cllr M J Hicks
- * Cllr J M Hodgson
- * Cllr T R Holway
- ø Cllr D Horsburgh

- * Cllr D W May
- * Cllr J A Pearce
- * Cllr J T Pennington
- * Cllr K Pringle
- * Cllr R Rowe
- * Cllr M F Saltern
- * Cllr P C Smerdon
- * Cllr R C Steer
- * Cllr R J Tucker
- * Cllr R J Vint
- * Cllr L A H Ward
- * Cllr K R H Wingate
- * Cllr B Wood
- * Cllr S A E Wright

* Denotes attendance

ø 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 Democratic Services Manager

01/15 **PETITION – DARTMOUTH AND DISTRICT INDOOR POOL TRUST**

Upon the commencement of the meeting, the Chairman received a petition from representatives of the Dartmouth and District Indoor Pool Trust.

The Chairman proceeded to exercise his discretion to permit the Chairman of the Trust to make representations to the Council. In so doing, the Chairman of the Trust expressed his frustrations at the delay in progress and strongly urged the Council to act swiftly to ensure that the Indoor Pool community project was delivered.

02/15 ELECTION OF THE CHAIRMAN OF COUNCIL

RESOLVED

That Cllr I Bramble be elected Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2016. Cllr Bramble subsequently declared and signed his acceptance of office.

03/15 ADDRESS BY THE NEW CHAIRMAN OF COUNCIL

In addressing the Council, Cllr Bramble expressed his honour at being elected as Chairman of Council and wished to thank his fellow Members for their vote of confidence.

In his address, Cllr Bramble also made specific reference to:-

- his wish to both congratulate and welcome new and returning Members to the Council following the recent election. In so doing, the Chairman also wished to remember and thank those Members who had either retired or lost their seats during this election;
- the inevitable challenges facing the Council and the consequent need for Members and officers to be resilient; and
- his intention (wherever possible) to keep Council meetings focused and succinct.

04/15 VOTE OF THANKS TO RETIRING CHAIRMAN

RESOLVED

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

05/15 **RESPONSE OF THE RETIRING CHAIRMAN**

Cllr Hitchins addressed the Council and highlighted what an enjoyable year in office it had been. In so doing, particular reference was made to:-

- the pace of change and evolution of the Transformation Programme being a prominent feature during his year of office. The Chairman proceeded to welcome the newly appointed Senior Leadership Team to the Council and emphasised the importance of maintaining good levels of service delivery and communication links;
- the benefits of utilising the Chairman's Office, which could act as a two way channel of communication between the administration and the community;
- his illness during his year of office. During what was a personally traumatic (and unforeseen) time, the Chairman wished to thank all Members and officers for their overwhelming support during his illness last summer. In particular, the Chairman extended his gratitude to his Vice Chairman, the Leader and Member Services Team for their support;

- the success of his engagements. Whilst a full list of his annual engagements were tabled to the meeting, the Chairman highlighted his Civic Service, Civic Dinner, Sausage Sizzle and Christmas Party for particular reference;
- £1,700 having been raised for his chosen charity.

Upon the conclusion of his address, the Council extended its wishes to Cllr Hitchins and hoped that his upcoming knee operation was a success.

06/15 APPOINTMENT OF VICE CHAIRMAN OF COUNCIL

RESOLVED

That Cllr P C Smerdon be appointed Vice Chairman of the Council for the period expiring on the date of the Annual Meeting of the Council in 2016.

Cllr Smerdon subsequently declared and signed his acceptance of office.

07/15 **MINUTES**

The minutes of the meeting of Council held on 12 February 2015 were confirmed as a correct record and signed by the Chairman.

08/15 ELECTION OF LEADER OF THE COUNCIL AND CHAIRMAN OF THE EXECUTIVE FOR THE FOUR YEAR TERM FROM 2015/16

RESOLVED

That Cllr R J Tucker be elected Leader of the Council and Chairman of the Executive for the period expiring on the date of the Annual Meeting of the Council in 2019.

In expressing his gratitude at being re-elected Leader of Council, Cllr Tucker revealed to the Council that, in accordance with the Strong Leader model (Minute 57/10 refers), it was his wish to appoint Cllr Ward to the position of Deputy Leader for the period expiring on the date of the Annual Meeting of the Council in 2019.

Having informed the Council of this decision, Cllr Tucker wished to put on record his gratitude for the magnificent support provided by Cllr Hicks, who had worked tirelessly for the Council during his time as Deputy Leader of Council.

09/15 **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 25 Members; and
 - An Opposition Group of 6 Members.
- 2. That the political balance rules be disapplied in respect of the Salcombe Harbour Board appointments; and
- 3. That the overall political balance of Council Bodies, as outlined in the paper tabled to the meeting, be approved.

10/15 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.

Whilst not personal, an Opposition Group Member informed of his objections to the principle of any dual-hatted Member (who was also a serving Devon County Councillor) being nominated to serve on the Executive. As a consequence, an amendment to the list of nominations was **PROPOSED** and **SECONDED** whereby Cllr Saltern should be appointed to serve on the Executive, with Cllr Gilbert then being appointed to serve on the Overview and Scrutiny Panel.

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

It was then:

RESOLVED

That, for the 2015/16 Municipal Year, Members be appointed to the Bodies of the Council as set out in Appendix A to these minutes.

11/15 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.

Some Opposition Group Members highlighted the political composition of the Council and felt it to be critical that the role of Overview and Scrutiny Panel Chairman should be allocated to an Opposition Group Member. As a consequence, 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. Having been appointed, Cllr Saltern emphasised that the Overview and Scrutiny Panel would not be a political body during his term of office and he would value all contributions equally from both political groups of the Council.

It was then:

RESOLVED

That the Chairmen and Vice Chairmen of the Bodies of the Council for the 2015 / 2016 Municipal Year be as indicated below:-

Body	Chairman	Vice Chairman
Audit Committee	Cllr J T Pennington	Cllr K R H Wingate
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 K R H Wingate
Salcombe Harbour Board	Cllr J Brazil	Co-opted Member

12/15 APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

A report 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.

Some Members questioned why it was being recommended that no nomination be made at this time to the Devon and Cornwall Housing / Devon CIC Outside Body. In response, it was noted that Devon and Cornwall Housing (DCH) was currently undertaking an extensive governance review, which would be concluded in the Autumn and it was therefore felt inappropriate at this time for the Council to put forward any nominee(s). Nonetheless, some Members reiterated the importance of this nomination and wished for their concerns to be noted. As an assurance, the Head of Paid Service confirmed that he would write to DCH to ensure that the organisation was made aware of these concerns. It was then:

RESOLVED

- 1. That the Council should 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 2015/16 Municipal Year, and that for the purposes of Members' Allowances, attendance at meetings of these bodies be regarded as an approved duty;
- 3. That Members appointed to Outside Bodies provide regular feedback and consultation on the issues affecting the Bodies concerned.

13/15 **APPOINTMENT OF OTHER GROUPS**

In discussion on the list of proposed other groups, assurances were given that, despite it being recommended that the Income Generation Working Group should be disbanded, the Council remained fully committed to the principle of income generation.

Members were informed that there were a number of methods whereby income generation opportunities could be considered, including through the establishment of a Task and Finish Group by the Overview and Scrutiny Panel.

Having been informed by officers that it had not been lost sight of, a Member asked for this comment to be noted in relation to his proposal to investigate income generation opportunities through the installation of solar panels on Council owned car parks.

Members proceeded to confirm the appointment for the 2015/2016 Municipal Year of the:-

- (a) Beach Management Working Group;
- (b) Council Tax Setting Panel;
- (c) Design and Conservation Panel;
- (d) Devon Building Control Partnership;
- (e) Joint Staff Consultative Forum;
- (f) Joint SH/WD Leisure Board;
- (g) Political Structures Working Group;
- (h) Public Spaces Working Group;
- (i) Slapton Line Steering Group;
- (j) Strategic Planning Working Group;
- (k) Youth Engagement Working Group.

Council then considered the appointments to the above bodies.

RESOLVED

That the appointment of the Other Groups of the Council for the 2015/2016 Municipal Year be approved, as shown in Appendix C to these minutes.

14/15 **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:-

Having sought the advice of the Monitoring Officer, Cllr M F Saltern declared a Personal Interest in Item 11: 'Appointment of Representatives on Outside Bodies' (Minute 12/15 above refers) by virtue of his serving on the Devon and Cornwall Housing Community Interest Company (CIC) Board and remained in the meeting and provided clarification during the debate on this specific item.

Cllr B Wood also declared an interest in Item 11: 'Appointment of Representatives on Outside Bodies' (Minute 12/15 above refers) by virtue of being an employee of Devon and Cornwall Housing and whilst he remained in the meeting, he took no part in the debate or vote thereon.

15/15 CHAIRMAN'S ANNOUNCEMENTS

The previous Chairman reiterated his gratitude for the support that he had received from his Vice-Chairman.

16/15 **QUESTIONS**

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

17/15 NOTICE OF MOTIONS

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

18/15 CALENDAR OF MEETINGS 2015/16

The Council considered a report that sought Member approval of the Calendar of Meetings for the 2015/16 Municipal Year.

In discussion, reference was made to:-

(a) the proposal whereby the next scheduled Council meeting was not held until 8 October 2015. Some Members were of the view that this was too long a gap between Council meetings and an amendment was therefore **PROPOSED** and **SECONDED** as follows: 'That an additional Council meeting should be scheduled in the Calendar for 30 July 2015.'

In opposing the amendment, other Members highlighted the Council decision to schedule only four ordinary meetings in the Calendar each year and there still being the ability to convene additional meetings if deemed necessary.

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

(b) meetings being held during August. Some Members reiterated their previously raised concerns that the Calendar was proposing three meetings during the month of August. In particular, Members were unhappy at the proposed Development Management Committee meeting on 26 August 2015. As a consequence, the proposer and seconder of the motion were happy to accept an amendment whereby this meeting should be rescheduled for 2 September 2015.

It was then:

RESOLVED

That the Calendar of Meetings for the 2014/15 Municipal Year be adopted (as per Appendix D to these minutes).

20/15 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

21/15 LOCAL LAND CHARGES

An exempt report was considered that advised of the outcome of the settlement proposed for the refund of personal search fees.

In discussion, reference was made to:-

(a) the Council having very little option in this regard other than to accept the report recommendations. Nonetheless, some Members did wish to express their view that this situation was unacceptable; (b) the exempt nature of the presented agenda report. Some Members questioned the justification for the report being exempt. In reply, it was noted that the agreement was still being negotiated and the Council was legally bound to maintain confidentiality.

It was then:

RESOLVED

- That the Council settles the claim on the terms as outlined in the presented agenda report, with the settlement being funded from the Council's Unearmarked General Fund Reserves;
- 2. That delegated authority be given to the Head of Paid Service, in conjunction with the Leader of the Council and the S151 Officer to conclude the negotiation of the Council's liability to pay part of the Claimants' costs, having regard to the Council's apportionment of the overall nationwide claim.

22/15 **RE-ADMITTANCE OF PRESS AND PUBLIC**

RESOLVED

That the press and public be re-admitted to the meeting

23/15 **REPORTS OF BODIES**

RESOLVED

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

(a)	Community Life and Housing Scrutiny Panel	5 February 2015
(b)	Salcombe Harbour Board	9 February 2015
	Prior to presenting these minutes, the Ch thank Cllr Hicks for his service on the Boa reference to his valuable contributions, th stated that the Board would miss Cllr Hick	ard. In making e Chairman also
(c)	Development Management Committee	18 February 2015
(d)	Corporate Performance and Resources S Panel	Corutiny 19 February 2015
(e)	Council Tax Setting Panel	26 February 2015

(f) Executive

5 March 2015

E.72/14: Treasury Management and Annual Investment Strategy for 2015/16

RESOLVED

- 1. That the prudential indicators and limits for 2015/16 to 2017/18 (as contained within Appendix A of the presented agenda report to the Executive) be approved;
- That the Treasury Management Strategy 2015/16 and the treasury prudential indicators 2015/16 to 2017/18 (as contained within Appendix B of the presented agenda report to the Executive) be approved; and
- 3. That the Investment Strategy 2015/16 (Appendix C of the presented agenda report to the Executive refers) and the detailed criteria included in Appendix D of the presented agenda report to the Executive be approved.

E.73/14: Council Tax Discretionary Discount and Reduction Policy

RESOLVED

That the Council Tax Discretionary Discount and Reduction Policy be approved.

(g) Audit Committee 12 March 2015

A.38/14: Annual Review of the Council's Constitution

RESOLVED

That the amendments to the Council Constitution 2015 (as summarised in paragraph 2.2 of the presented agenda report to the Committee and fully outlined on the website) be approved.

- (h) Development Management Committee 18 March 2015
- (i) Development Management Committee 15 April 2015

(j) Salcombe Harbour Board

20 April 2015

SH.53/14: Adoption of an Environmental Management System

RESOLVED

That the Council support and endorse the adoption of an Environmental Management System.

(Meeting commenced at 2.00 pm and concluded at 3.30 pm)

Chairman

Appendix A

Membership of Council Bodies 2015/16

A. Audit Committee

Cllr I Bramble Cllr J Brazil Cllr R J Foss Cllr J T Pennington Cllr K R H Wingate

B. Development Management Committee

Cllr I Bramble Cllr J Brazil Cllr B F Cane 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 M J Hicks Cllr R J Tucker Cllr L A H Ward Cllr S A E Wright

D. Licensing Committee

Cllr N A Barnes 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 D Horsburgh Cllr D W May Cllr D W May Cllr K Pringle Cllr R Rowe

E. Overview and Scrutiny Panel

Cllr K J Baldry Cllr N A Barnes Cllr J I G Blackler Cllr D Brown Cllr J D Hawkins Cllr D Horsburgh Cllr D W May Cllr J T Pennington Cllr K Pringle Cllr M F Saltern Cllr P C Smerdon Cllr K R H Wingate Cllr B Wood

F. Salcombe Harbour Board

Cllr J Brazil Cllr J A Pearce Cllr K R H Wingate Cllr S A E Wright

Appendix B

Representation on Outside Bodies 2015 / 2016

	ORGANISATION	Nominee(s)
1.		Clir L A H Ward
	Avon Estuary Forum	
2.	Dartmoor National Park Authority	Cllr P W Hitchins
3.	Dartmoor National Park Forum	Cllr P C Smerdon
4.	Devon Authorities Waste Reduction & Recycling Committee	Cllr R D Gilbert
5.	Devon and Cornwall Housing / Devon CIC	No nomination at this time
6.	Devon County/South Hams Highways and Traffic Orders Committee	Cllrs D Horsburgh and J T Pennington
7.	Devon Districts Forum have made the followin The Investment and Pension Fund Committee Cllr M J Hicks (in substitute capacity)	
8.	Devon Economic Partnership	Cllr M J Hicks
9.	Governance Board (South Devon Healthcare NHS Foundation Trust)	Cllr S A E Wright
10.	Greater Dartmoor Local Enterprise Action Fund	Cllr P W Hitchins
11.	Hope Harbour	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.	Langage Local Liaison Committee	Cllrs J I G Blackler and D Brown
14.	 Local Government Association:- (i) General Assembly - Cllr L A H Ward (ii) South West Branch – Leader (iii) Rural Commission - Leader or Deputy Leader (iv) 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 M F Saltern

18.	River Yealm Harbour Authority	Cllr T R Holway
19.	Salcombe-Kingsbridge Estuary Conservation Forum	Cllr S A E Wright and Chairman of Salcombe Harbour Board (or nominee)
20.	South Devon AONB Partnership Committee	Cllrs D Brown and B F Cane
21.	South Devon Coastal Local Action Group	Cllr M J Hicks
22.	South Devon and Dartmoor Community Safety Partnership	Cllr S A E Wright
23.	South Hams Citizens' Advice Bureau	Cllr L A H Ward
24.	South Hams Community and Voluntary Services - Executive Committee	Cllrs J A Pearce 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.	Totnes and Dartmouth Ring and Ride Service	Cllr D Horsburgh
29.	Totnes and District Swimming Pool Association	Cllrs P C Smerdon and R J Vint
00		

30. Yealm Estuary Forum

Cllr K J Baldry

Appendix C

Appointment of Other Groups 2015/2016

(a) Beach Management Working Group Cllr D Brown Cllr R J Foss Cllr K R H Wingate Cllr S A E Wright

- (b) Council Tax Setting Panel Chairman of Council Leader of Council Chairman of Overview and Scrutiny Panel Leader of the Opposition
- (c) Design and Conservation Panel Cllr P W Hitchins Cllr J A Pearce Cllr R J Vint
- (d) Devon Building Control Partnership Cllr H D Bastone Cllr M J Hicks
- (e) Joint Staff Consultative Forum Appointments to be delegated to the Group Leaders

(f) Joint SH/WD Leisure Board Cllr H D Bastone Cllr M J Hicks Cllr L A H Ward

(g) Political Structures Working Group Cllr K J Baldry Cllr M J Hicks Cllr P W Hitchins Cllr J M Hodgson Cllr J T Pennington Cllr M F Saltern Cllr R J Tucker Cllr J A Westacott MBE

(h) Public Spaces Working Group

Cllr R J Foss Cllr R C Steer Cllr R J Vint Cllr S A E Wright

(i) Slapton Line Steering Group

Cllr J Brazil Cllr R J Foss

(i) Strategic Planning Working Group

Cllr M J Hicks Cllr J M Hodgson Cllr J A Pearce Cllr J T Pennington Cllr R C Steer Cllr R J Vint

(j) Youth Engagement Working Group Cllr D Brown Cllr P K Cuthbert Cllr J M Hodgson Cllr L A H Ward Cllr B Wood

Appendix D

Calendar of Meetings 2015/16

May 2015

21 ANNUAL COUNCIL

27 Development Management Committee

June 2015

- 04 Overview and Scrutiny Panel18 Executive
- 22 Site Inspections
- 25 Audit Committee

July 2015

01	Development Management Committee
09	Overview and Scrutiny Panel
13	Salcombe Harbour Board – Annual Inspection*
20	Site Inspections
23	Executive
29	Development Management Committee
30	Audit Committee

August 2015

17	Site Inspections
27	Overview and Scrutiny Panel

September 2015

02	Development Management Committee
10	Executive
14	Site Inspections
17	Overview and Scrutiny Panel
23	Development Management Committee

- 24 Audit Committee
- 28 Salcombe Harbour Board

October 2015

- 08 COUNCIL
- 12 Site Inspections
- 15 Executive (am)
- 15 Licensing Committee (pm)
- 21 Development Management Committee

November 2015

- 02 Salcombe Harbour Board
- 09 Site Inspections
- 18 Development Management Committee
- 19 Overview and Scrutiny Panel

December 2015

07	Site Inspections
10	Executive (draft budget)
16	Development Management Committee
17	COUNCIL

January 2016

07	Audit Committee
11	Site Inspections
14	Overview and Scrutiny Panel
20	Development Management Committee

February 2016

Executive
Site Inspections
COUNCIL (Budget)
Development Management Committee
Overview and Scrutiny Panel (am)
Council Tax Setting Panel (pm)
Salcombe Harbour Board

March 2016

- 07 Site Inspections
- 10 Executive
- 16 Development Management Committee
- 17 Overview and Scrutiny Panel
- 24 Audit Committee

April 2016

04 Sit	e Inspections	
--------	---------------	--

- 07 Executive
- 13 Development Management Committee
- 18 Salcombe Harbour Board

May 2016

- 03 Site Inspections
- 05 ANNUAL COUNCIL
- 11 Development Management Committee
- 31 Site Inspections

June 2016

- 08 Development Management Committee
- 27 Site Inspections