

**MINUTES OF THE MEETING OF
COUNCIL
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY, 14 FEBRUARY 2013**

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr M J Hicks
*	Cllr A D Barber	*	Cllr P W Hitchins
∅	Cllr H D Bastone	*	Cllr J M Hodgson
∅	Cllr J H Baverstock	*	Cllr T R Holway
*	Cllr J I G Blackler	*	Cllr L P Jones
*	Cllr I Bramble	∅	Cllr D W May
*	Cllr J Brazil	*	Cllr C M Pannell
*	Cllr C G Bruce-Spencer	*	Cllr J T Pennington
*	Cllr B F Cane	*	Cllr R Rowe (Chairman)
*	Cllr B E Carson (Vice Chairman)	*	Cllr M F Saltern
*	Cllr R J Carter	*	Cllr P C Smerdon
∅	Cllr B S Cooper	*	Cllr J W Squire
*	Cllr S E Cooper	*	Cllr R C Steer
*	Cllr P Coulson	*	Cllr M Stone
*	Cllr P K Cuthbert	*	Cllr R J Tucker
*	Cllr R J Foss	*	Cllr R J Vint
*	Cllr R D Gilbert	*	Cllr L A H Ward
*	Cllr A S Gorman	*	Cllr J A Westacott MBE
*	Cllr M J Hannaford	*	Cllr K R H Wingate
∅	Cllr J D Hawkins	*	Cllr S A E Wright

Item No.	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Chief Executive, Monitoring Officer and Democratic Services Manager
Item 10	56/12	Head of Planning, Economy and Community

64/12 MINUTES

The minutes of the meeting of the Council held on 13 December 2012 were confirmed as a correct record and signed by the Chairman.

65/12 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 was none made.

66/12 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that she wished to put on record her appreciation to those officers who had been involved in the tremendous work to ensure the recent launch of the new Council website.

Furthermore, the Chairman agreed a request made by the Council's representative on the South Devon Healthcare NHS Foundation Trust to address the meeting. In highlighting the good work being undertaken by the Trust, the Council's representative advised that if any colleagues were interested in becoming members of the Trust (which had no cost implications), then they should make their interest known to her.

67/12 QUESTIONS

It was noted that seven questions had been received in accordance with Council Procedure Rule 8:

From Cllr Pennington to Cllr Carter, lead Executive Member for Planning, Economy and Community

- (i) *Will the Executive Member for Development Management obtain from the Council's agricultural planning advisor the definitive criteria governing both the functional test and the financial test to enable Members to fully appraise the above tests when considering planning applications involving agricultural and horticultural implications?*

In reply, Cllr Carter advised that advice in respect of agricultural, forestry and other occupational dwellings was contained in Planning Policy Statement 7 Annex A (copies of which had been tabled to the meeting), which specifically dealt with functional and financial tests. This guidance had effectively been cancelled by the introduction of the National Planning Policy Framework. However, in practice, the rationale contained in Annex A remained good and robust in the absence of any new supporting guidance.

- (ii) *Will the Executive Member for Development Management request that the Council's agricultural advisor on agricultural and horticultural planning applications consider an invitation for him to attend an informal Council meeting to discuss his role in that process?*

In response, Cllr Carter replied that whilst we could invite our expert to one such meeting, it would be more appropriate to include this issue on the Member Planning Training timetable. In addition, Cllr Carter commented that this could be prioritised and include some workshop discussions to inform Members more effectively.

- (iii) *Would the Executive Member for Development Management agree that where planning applications are under scrutiny by the Local Government Ombudsman, the Development Management Committee should not reach a final decision on such applications until the Council receives his or her*

final report?

Cllr Carter responded by saying that he did not agree because the Ombudsman could not scrutinise planning decisions and could only ensure that due process was being followed. The Council could not delay planning decisions, as this would prejudice applicants.

In reply to a supplementary question, the Monitoring Officer endorsed the response given by Cllr Carter.

- (iv) *Would the Executive Member for Development Management agree that for all major planning applications an Environment Impact Assessment should be a requirement and should become Council policy?*

In reply, Cllr Carter advised that he did not agree with the sentiments of the question since a Screening Opinion was necessary on every relevant application, but not a full Environmental Impact Assessment (for which there was no requirement). Cllr Carter considered that such a policy would constitute a sledgehammer to crack a nut and would require significant additional staffing resources. The Council must have a process which considered each application on its own merits on a site by site basis and not have a blanket policy in this respect.

From Cllr Baldry to Cllr Hawkins, lead Executive Member for Environmental Health and Housing

- (i) *As the “viability” of profit levels now takes priority in residential housing approval, does the District agreed percentage affordable housing levels in our policy (AH DPD Sept 2008) serve any purpose?*

In the absence of Cllr Hawkins, the Chairman invited Cllr Tucker to reply to this question. In so doing, Cllr Tucker confirmed his belief that the affordable housing targets were a really good tool and enabled developers to know the Council's aspirations on each site. In still serving a purpose, Cllr Tucker was also of the view that these targets remained very relevant.

In response to a supplementary question, Cllr Tucker stated that without such high targets, the result would be lower percentages of affordable housing on each site. Whilst he personally would not support such a move, Cllr Tucker also stated that if the Council was so minded, these targets could be reduced.

From Cllr Baldry to Cllr Bastone, lead Executive Member for ICT and Customer Services

- (i) *I am grateful for the recent briefing on rough sleepers. As you know there is a regular demand to house 10-15 homeless people in Totnes, the vast majority of who prefer to remain in Totnes. What additional steps are being made to house these people in Totnes in their own community?*

In the absence of Cllr Bastone, the Chairman invited Cllr Tucker to reply to this question. Cllr Tucker proceeded to advise that recent indications were that there were currently seven homeless people in the South Hams. Whilst there was dedicated accommodation in the other towns of

Kingsbridge, Dartmouth and Ivybridge for homeless people, there had been a lack of provision in Totnes, however, a solution was being worked on. Even without dedicated accommodation, alternative housing was offered to anyone that the Council was aware was homeless. In addition, the Council had adopted a cold weather protocol which could be instigated at any given time. In conclusion, Cllr Tucker stated that there was no reason for anyone who was homeless (and who did not want to be) to be on the streets.

From Cllr Brazil to Cllr Hicks, Deputy Leader of the Council

- (i) *The Government has doubled the rate relief to small businesses from 50% to 100%. Due to an oversight, small rural businesses do not qualify. Will the Council be lobbying Government to right this wrong?*

Cllr Hicks responded by saying that there was an anomaly in this regard. Upon investigation, these changes seemed to come into effect between two and three years ago. Whilst these businesses could apply to the Council for additional rate relief, Cllr Hicks had contacted the Local Government Association regarding this issue, who had given assurances that the matter would be taken up with central government.

In reply to a supplementary question, Cllr Hicks gave an assurance that he would keep Members updated on progress and provide feedback on this matter.

68/12 **NOTICE OF MOTION**

It was noted that three motions had been received in accordance with Council Procedure Rule 10.1.

(a) By Cllrs Pennington and Coulson

“For future budget procedure process, all Scrutiny Panels be provided with detailed agendas within their remits for full discussion to show proposed expenditure for all services over which they have scrutiny responsibilities together with outturn expenditure incurred for the previous financial year and full lists of changes in expenditure and reasons for those changes.

The Scrutiny Panel meetings to take place prior to the Joint Scrutiny Panels meeting to enable more in depth scrutiny of all Council services and to allow all Scrutiny Panels to make recommendations to the Joint Scrutiny Panels Budget meeting who can then make recommendations to the Executive and full Council.”

Before the motion was proposed and seconded, the Chairman invited the Lead Executive Member for Finance and Audit to address the Council. In so doing, the Member advised that he had given a commitment at the last Executive meeting whereby, in the future, the presented budget information would include additional columns. These columns would outline the percentage differences in comparison to the previous year and for those figures which exceeded a five percent variance, these would include explanatory comments.

In addition, it was noted that the involvement of Scrutiny in the budget setting process was to be considered at the next meeting of the Political Structures Working Group.

(Having been given these assurances, the proposer and seconder advised of their wish to withdraw this motion in accordance with Council Procedure Rule 12.8.)

(b) By Cllrs Hannaford and Barber

“That this Council agrees when a viability assessment is necessary for a development, a summary of the report is sent to the Ward Member/s as an exempt item before it is discussed at the Development Management Committee meeting or considered for delegated authority.”

In his introduction, the proposer advised that the driver for submitting this motion was the recent Riverside planning application. In this instance, the proposer felt that the local ward Members were not able to fully understand the nature of the viability study for what was such a major planning application. The proposer felt that in order to represent their communities adequately, it was essential for local Members to see the viability study on the occasions when one had been deemed necessary.

In discussion, reference was made to:-

- the importance of local Members receiving a summary of the viability study to enable them to reach a valid judgement and to supplement their local knowledge;
- time constraints. Whilst supporting the motion, a Member stressed the importance of maintaining timely decisions and not allowing such information to delay the decision making process;
- the information being declared as exempt. Some Members stated their hope that certain elements of the study could be made available in the public domain or released in its entirety at an appropriate time. The view was expressed that increased transparency would result in enhanced public confidence.

It was then:

RESOLVED

That this Council agrees when a viability assessment is necessary for a development, a summary of the report is sent to the Ward Member/s as an exempt item before it is discussed at the Development Management Committee meeting or considered for delegated authority.

(c) By Cllrs Pennington and Holway

“Authority be delegated in the Affordable Housing Allocations Policy review to the Head of Environmental Health and Housing in consultation with the Executive portfolio holder and the local ward council member to implement minor changes following consultation with registered providers and parish and town councils.”

Before the motion was proposed and seconded, the Chairman invited the lead Executive Member for Corporate Services to address the Council. In his address, the Member felt that the motion may have been borne out of a misunderstanding and seemed to undermine the delegation process. In addition, it was noted that during the stakeholder consultation, Members would have the ability to make their representations.

(In light of these comments, the proposer and seconder advised of their wish to withdraw this motion in accordance with Council Procedure Rule 12.8.)

69/12 **PRESENTATION FROM THE LEAD EXECUTIVE MEMBER FOR PLANNING, ECONOMY AND COMMUNITY**

In accordance with Council Minute Number 55/10, the Lead Executive Member for Planning, Economy and Community was invited to provide a presentation on the current achievements, aims and challenges which were ongoing within his portfolio area.

In the subsequent discussion, the following points were raised:-

- A Member highlighted the recent announcement that Devon would be included in the Transition Zone classification (which entitled the county to a share of £2.6 billion of European Union monies). When questioned, the lead Executive Member gave an assurance that he would ensure the Council was at the forefront to ensure that some funding was received in the South Hams;
- It was noted that officers had now compiled a list of masterplans currently in the system and this information would be made available to Members;
- With regard to the successful Coastal Communities Fund bid of £450,000 entitled 'South Devon Fisheries Development', some Members requested additional information on this matter and felt it would be opportune to schedule this item on to a future Informal Council session;
- It was recognised that important decisions in respect of resource and capacity levels in the Development Management service would need to be made in the upcoming months;
- As a general point, some Members requested that these presentations should focus more on the added value provided by the Executive Member and outline a greater strategic overview of each service area;
- In respect of the Town and Parish Fund, congratulations were extended to officers and Members who had ensured that all available monies were likely to be spent in the South Hams. It was believed that the Devon County Council Cabinet had recently recommended the continuation of the Fund for 2013/14.

70/12 **REVENUE AND CAPITAL BUDGET 2013/14**

The Council considered a report which presented the recommendations of the Executive on the proposals for the Council's Budget for 2013/14.

In his introduction, the Leader of Council made reference to:-

- the central Government grant being cut by 26% in the last two years. In addition, there was to be a further 15% cut in 2014/15;
- the need to explore alternative service delivery models;
- the importance of innovation and up to date IT capability. The Leader felt the new Council website to be a major step forward and emphasised the importance of embracing social media;
- the need to consider the future in setting the Council Tax to protect front line services. The Leader reiterated that there would be no such cuts in this Budget and felt that a nine pence per week Council Tax increase was an acceptable price to pay to protect front line services. For clarity, the Council had the ability to increase Council Tax by 3.5% since it was defined as a low taxing local authority;
- the Council continuing to be at the forefront of the shared services agenda, which was resulting in annual savings of over £700,000;
- the transformation agenda generating more savings than anticipated;
- some additional grant funding to be received for those rural local authorities in Sparse areas; and
- car parking charges being frozen for a third successive year.

In discussion, the following points were raised:-

- (a) Some Members expressed their displeasure at any increase in Council Tax levels, particularly in the current economic climate. These Members highlighted the financial pressures being faced by residents and felt that the recent Council decision to increase Member Allowances conveyed the wrong message to the public. In reply, other Members stated that it was not their wish to increase Council Tax, but such was the seriousness of the government settlement announcement that there was little choice to ensure the sustainability of the Council. With regard to the increase in Allowances, some Members commented that the deletion of the Electronic Allowance in 2011/12 had resulted in the Basic Allowance still being at a lower level than it was in 2009/10;
- (b) A Member felt that the Council should now be exploring greater Shared Services opportunities with Teignbridge District Council. In reply, the Leader confirmed that the Council had made attempts to progress this agenda, but these had, to date, been unsuccessful;
- (c) In support of the proposed Budget, a Member commented that in light of such financial cuts, a minimal increase in real terms in Council Tax was preferable to a cut in services, which would disproportionately affect poorer residents.

It was then:

RESOLVED

1. That in order to set a Balance Budget for 2013-2014, an increase in Council Tax of 3.5% will be set (the Band D Council Tax for South Hams District Council will be £142.71 for 2013-14, an increase of £4.83 per year or 9 pence per week) as per Section 4 (this represents a Council Tax requirement for 2013-14 of £5,056,799);
2. That the financial pressures in Appendix A of £623,988 be noted;
3. To agree the £10,000 discretionary budget bid for the Citizens Advice Bureau to be taken from the New Homes Bonus Community Fund;
4. To agree the schedule of savings identified in Appendix A identified by the Council's Senior Management Team (SMT) totalling £254,682;
5. To agree the Collection Fund Surplus of £30,000, as shown in Appendix B;
6. To set the amount of budget savings from the options laid out in Section 6.6 at £297,774;
7. The level of contributions to reserves to be included within the Authority's budget, as set out in Appendix D;
8. That the Council should set its total net expenditure for 2013-2014, as shown in Appendix C, at £9,158,826 – this is subject to final confirmation of Government funding which will be notified at the end of January 2013. If the Government changes the funding, delegated authority be given to the Head of Finance and Audit (S151 Officer), in liaison with the Leader of the Council, to identify an appropriate solution;
9. To use £460,000 of New Homes Bonus funding from 2013-2014 to fund housing capital projects (Disabled Facilities Grants and Affordable Housing) as per Section 7.3. The budget for the 2013/14 Capital Programme totalling £1,594,000 and the proposed method of funding as set out in the Executive report dated 6 December 2012 (Minute E.63/12 refers) be approved;
10. To agree to four months seasonal closure of under utilised public conveniences for implementation in October 2014, allowing time for consultation as per Appendix E (shown as a £80,000 saving for 2014-2015), or where agreement is reached with town or parish councils that some toilets could be closed this autumn;

11. To approve the fees and charges as set out in Appendix A of the Executive report of 24 January 2013 for Commercial Waste (E.80/12 refers), and the fees and charges as recommended by the Executive at the meeting of 6 December 2012 in relation to Environmental Health and Housing and Parks, Open Spaces, Outdoor Sport and Recreation (E.66/12 b ii refers);
12. To approve the fees and charges as set out in Appendix 5 for the Lower Ferry, Dartmouth;
13. That the minimum level of the Unearmarked Revenue (General Fund) Reserve Balance be maintained to at least £1.5 million as per Section 8.2.
14. That the level of reserves, as set out within this report, and the assessment of their adequacy and the robustness of budget estimates be noted. This is a requirement of Part 2 of the Local Government Act 2003.

(NOTE: in accordance with Council Procedure Rule 15.6, Cllr Baldry requested that his vote against this recommendation be formally recorded).

71/12 **REPORTS OF BODIES**

RESOLVED

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

- (a) Corporate Performance & Resources Scrutiny Panel 3 January 2013

CP&R.28/12: South Hams Members' Code of Conduct

RESOLVED

1. That the Members Code of Conduct, as attached in the presented agenda at Appendix A, be formally adopted; and
2. That the Corporate Performance and Resources Scrutiny Panel continue to review its ongoing operation.

- (b) Joint Scrutiny Panel 10 January 2013

- (c) Audit Committee 10 January 2013

A.23/12: Financial Procedure Rules 2012

RESOLVED

That the Council approve the updated and aligned Financial Procedure Rules and its inclusion in the Council's Constitution, subject to the amendments as outlined.

- (d) Development Management Committee 16 January 2013
(e) Executive 24 January 2013
(f) Salcombe Harbour Board 4 February 2013

SH.47/12: Whitestrand Shower Project

RESOLVED

That the Council agree that the increase in the budget for the Whitestrand Shower Project be funded from the Harbour General Reserve.

(Meeting commenced at 2.00 pm and concluded at 3.45 pm)

Chairman