

**MINUTES OF THE MEETING OF
COUNCIL
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY, 26 SEPTEMBER 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 (Vice Chairman)
*	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
*	Cllr B E Carson (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 11	28/13	Harbour Master

22/13 APPOINTMENT OF VICE CHAIRMAN

RESOLVED

That Cllr R Rowe be appointed Vice-Chairman for the duration of this Council meeting.

23/13 MINUTES

The minutes of the meeting of the Council held on 9 May 2013 were confirmed as a correct record and signed by the Chairman.

24/13 **DECLARATIONS OF INTEREST**

Members 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:-

Cllrs M F Saltern and B E Carson both declared a disclosable pecuniary interest in Item 10(b): 'Notices of Motion' (Minute 27/13(b) below refers) by virtue of their Board membership of the Devon and Cornwall Housing Devon Community Interest Company and both left the meeting during the discussion and vote on this item.

Having sought the advice of the Monitoring Officer, Cllr P Coulson declared a personal interest in item 11: 'Moorings Allocation Policy' (Minute 28/13 below refers) by virtue of his ownership of a mooring and remained in the meeting and took part in the discussion and vote on this item.

Cllr S A E Wright also declared a personal interest in item 11: 'Moorings Allocation Policy' (Minute 28/13 below refers) by virtue of his membership of the Salcombe Harbour Board and remained in the meeting and took part in the discussion and vote on this item.

25/13 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised that he had attended a number of engagements recently but he did wish to draw particular attention to the success of the recent Hog Roast which had proven to be very well received by both staff and Members.

26/13 **QUESTIONS**

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

From Cllr Baldry to Cllr Gilbert, lead Executive Member for Environment Services

Winter Closure of Public Lavatories:

- 1. As part of the decision making process has the Executive taken advice on the public health implications?*
- 2. At a time when our fragile tourist industry is trying to encourage all year round visitors, what impression will potential visitors receive when they that this necessary facility is closed?*

In reply, Cllr Gilbert advised that the Council had taken advice and proceeded to inform that there was no evidence to suggest that closure of public toilets had any implications upon public health. This advice was given in consultation with Environmental Health.

Cllr Gilbert gave assurances whereby the Council had exercised all normal due diligence. Whilst other local authorities had also exercised such diligence, a number were closing many of their public conveniences for good (e.g. Teignbridge District Council).

At this time, the only issue being considered was whether or not any public conveniences should be closed during the deep winter season.

In respect of the impression that visitors would get, Cllr Gilbert felt that this would hopefully be one of predominantly finding that a public convenience would be open, unlike other local authorities who were closing their facilities permanently.

In reply to a supplementary question regarding the likely greater impact of closures on older people, Cllr Gilbert reiterated his comments in respect of public conveniences not being permanently closed.

From Cllr Brazil to Cllr Gilbert, lead Executive Member for Environment Services

In the business plan for car parking charges at Follaton House, £21 was the cost of parking permits used (valid all day). Will you be using the same £21 cost for all business cases including South Brent and Beesands car parks and if not why not?

In response, Cllr Gilbert stated that this was not the case. The Council was not proposing to introduce any new charges in free car parks, other than the two which had already been agreed to hold discussions with. Cllr Gilbert also stated that the decision not to charge at Follaton House had nothing to do with the business plan and was put on hold to await the outcome of the T18 Programme.

Having said that, Cllr Gilbert went on to say that the modelled charge of £21.00 per permit had been used purely as an example of a suggested staff costing, based upon the benchmarking exercise undertaken to show what other councils were charging their staff to park. Indeed, where charges could be found, they were in larger towns or cities with good public transport infrastructure. Finally, Cllr Gilbert advised that he was not aware of any other district or borough council charging their staff or members to park in Devon.

In response to a supplementary question, Cllr Gilbert informed that he had spoken to the Mayor of Salcombe Town Council with regard to the intention to undertake a thorough car park review for the town. Cllr Gilbert had already advised the Mayor that Salcombe could have as many permits as it wished provided that the loss of income was offset by an increase in pay and display charges.

In highlighting the importance of local town and parish councils having some influence in the process, Cllr Gilbert also confirmed that the process would not result in a one size fits all approach to Council car parks.

27/13 NOTICE OF MOTION

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

(a) **By Cllrs Brazil and Baldry**

“This Council has made huge savings by sharing services with West Devon. For some reason we have not been able to achieve the same arrangement with Teignbridge. We will now write to every member of Teignbridge Council inviting them to meet and discuss a shared service programme between the three councils.”

In his introduction, the proposer made reference to:-

- the progress already made in Shared Services with West Devon Borough Council. The proposer highlighted the commendable strides which had been made on the shared services agenda and hoped that this was being used by other local authorities as good practice;
- his frustration at the lack of progress on shared services with Teignbridge District Council (TDC). The proposer felt that TDC was an obvious partner, but for some reason this was not proving possible. As a consequence, the proposer felt that Members should meet with one another to discuss the merits of a three way programme. If these discussions proved to be successful, then that would in turn provide officers with a direction of travel; and
- the motion attempting to eradicate the existing blockages in an attempt to save Council Taxpayers a large sum of money without incurring any cuts to front line services.

In discussion, the Leader highlighted his pride at the shared services agenda saving just under £6 million to date, which he felt to be a great achievement. The Leader proceeded to advise that in 2006, the Leader of TDC withdrew from the Shared Services agenda with the Council. Under a new administration in 2011, discussions had taken place with the Leader of TDC and the latest position was that TDC was currently undergoing its own structural review and did not wish therefore to be included in the shared services programme at this time. In the event of TDC making an approach, the Leader informed that it would be his advice that they should join as a partner in the transformation programme.

As a consequence, an amendment was then **PROPOSED** and **SECONDED** to read as follows:-

“This Council has made huge savings by sharing services with West Devon. For some reason we have not been able to achieve the same arrangement with Teignbridge. We ask the Leader to write to Teignbridge Council inviting them to discuss a transformation programme between the three councils.”

In the debate on the amendment, the following points were raised:-

- Some Members felt that the extent of the amendment negated the role of both sets of Members in this regard;
- A Member questioned why the council could not work towards both shared services and the transformation programme. In reply, the Leader informed that it was anticipated that the required savings could be made through the transformation programme and the shared services concept had now been superseded both locally and nationally. In addition, the lead Executive Member for Financial Services confirmed that shared services would no longer be sufficient to meet the funding shortfall faced by the Council;
- The proposer of the motion stated his disappointment at the response from TDC and still could not see why shared services and transformation could not run side by side and were deemed to be mutually exclusive.

When put to the vote, the amendment was declared **CARRIED** and therefore became the substantive motion.

A further amendment was then **PROPOSED** and **SECONDED** to read as follows:

“This Council has made huge savings by sharing services with West Devon. For some reason we have not been able to achieve the same arrangement with Teignbridge. We ask the Leader to write to every Member of Teignbridge Council inviting them to discuss a transformation programme between the three councils.”

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

It was then:

RESOLVED

This Council has made huge savings by sharing services with West Devon. For some reason we have not been able to achieve the same arrangement with Teignbridge. We ask the Leader to write to Teignbridge Council inviting them to discuss a transformation programme between the three councils.

(b) By Cllrs Hodgson and Gorman

“To support potentially vulnerable residents, we recommend that Devon and Cornwall Housing, Sovereign Homes and other Housing Associations etc, that are associated with delivering South Hams District Council affordable and social housing don't evict tenants unable to pay rent due to the implementation of the bedroom tax that has caused a reduction in their benefits.”

In her introduction, the proposer advised that the bedroom tax could cause a great deal of hardship and stress. In light of the lack of availability of smaller rental accommodation, residents could find themselves unable to move house. In addition, it was not always convenient for residents to encourage (or find) a lodger to move in to their property.

In discussion, reference was made to:-

- (a) the comments of the lead Executive Member for ICT and Customer Services. The Member informed that the Council could not tell organisations who they could and could not evict. However, she did give assurances that the Council was working very closely with landlords and residents and was monitoring this issue very closely. In respect of the scale and seriousness of the issue, the Member confirmed that she would be providing a progress report to a future Community Life and Housing Scrutiny Panel meeting;
- (b) support for the motion. In expressing his support, a Member commented that the notion of evicting tenants would actually cost Council Taxpayers more in the long term.

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

For the motion (32)	Cllrs Baldry, Barber, Bastone, Baverstock, Blackler, Bramble, Brazil, Cane, B Cooper, S Cooper, Cuthbert, Foss, Gilbert, Gorman, Hannaford, Hicks, Hodgson, Holway, Jones May, Pannell, Pennington, Rowe, Smerdon, Squire, Steer, Stone, Tucker, Vint, Ward, Wingate and Wright
Against the motion (0)	
Abstentions (1)	Cllr Coulson
Absent (7)	Cllrs Bruce-Spencer, Carson, Carter, Hawkins, Hitchins, Saltern and Westacott

It was then:

RESOLVED

To support potentially vulnerable residents, we recommend that Devon and Cornwall Housing, Sovereign Homes and other Housing Associations etc, that are associated with delivering South Hams District Council affordable and social housing don't evict tenants unable to pay rent due to the implementation of the bedroom tax that has caused a reduction in their benefits.

(c) **By Cllrs Hodgson and Hawkins**

“Sustainable Community Act Proposal – A Supermarket Levy:

That the Secretary of State

- 1. gives Local Authorities the power to introduce a local levy of 8.5% of the rate on large retail outlets in their area with a rateable annual value not less than £500,000; and*
- 2. requires that the revenue from this levy go directly to the Local Authority in order to be used to improve local communities in their areas by promoting local economic activity, local services and facilities, social and community wellbeing and environmental protection.”*

(NOTE: Cllr Hawkins had submitted his apologies to the meeting and as a consequence, Cllr Baldry seconded this motion).

In her introduction, the proposer felt that the motion was a straightforward one and referred to her supporting paper, which had been circulated with the published agenda papers.

During discussion, the following points were raised:-

- (a) In respect of the suggested rate being 8.5%, some Members felt that this could be too restrictive and reference in the motion to it should therefore be removed. Following a debate, both the proposer and seconder were content to remove this element from their motion;
- (b) Some Members expressed their support for the motion and felt that it was an opportunity to support smaller local businesses who were suffering. In disagreement, other Members stated that in light of the current economic climate, supermarkets were a source of cheaper food and these proposals would have a knock on effect to food producers and suppliers and would also result in higher prices being passed on to customers.

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

For the motion (24)	Cllrs Baldry, Barber, Bastone, Baverstock, Blackler, Bramble, Brazil, Cane, Carson, B Cooper, S Cooper, Cuthbert, Gorman, Hannaford, Hodgson, Holway, Jones, Pannell, Saltern, Tucker, Vint, Ward, Wingate and Wright
Against the motion (4)	Cllrs Coulson, Pennington, Rowe and Stone
Abstentions (7)	Cllrs Foss, Gilbert, Hicks, May, Smerdon, Squire and Steer
Absent (5)	Cllrs Bruce-Spencer, Carter, Hawkins, Hitchins and Westacott

It was then:

RESOLVED

Sustainable Community Act Proposal – A Supermarket Levy:

That the Secretary of State

1. gives Local Authorities the power to introduce a local levy on large retail outlets in their area with a rateable annual value not less than £500,000; and
2. requires that the revenue from this levy go directly to the Local Authority in order to be used to improve local communities in their areas by promoting local economic activity, local services and facilities, social and community wellbeing and environmental protection.

(d) By Cllrs Gorman and Baldry

“That this Council supports the aims and objectives of the Living Wage Foundation www.livingwage.org.uk and resolves to investigate joining other public sector bodies to become a Living Wage Employer, which is a recognised sign of good practice in employment.”

In his introduction, the proposer highlighted his supporting paper, which had been circulated with the published agenda papers. The proposer also emphasised that the motion sought that the matter be investigated and made reference to the social costs of not becoming a living wage employer.

The lead Executive Member for Corporate Services confirmed that he welcomed this motion and he had already begun to pursue this matter. The Member confirmed that this currently affected two members of staff and in highlighting the national cross party political support for this issue, made reference to the benefits on staff morale and echoed the comments of the proposer regarding the social benefits.

It was then:

RESOLVED

That this Council supports the aims and objectives of the Living Wage Foundation www.livingwage.org.uk and resolves to investigate joining other public sector bodies to become a Living Wage Employer, which is a recognised sign of good practice in employment.

28/13 MOORINGS ALLOCATION POLICY

The Council considered a report which sought approval of a revised Moorings Allocation Policy.

In the subsequent discussion, reference was made to:-

- (a) confirmation that the Harbour Board had agreed the recommendation at its meeting on 23 September 2013;
- (b) priority being given to local residents as opposed to second homeowners. Whilst a number of Members were sympathetic to the initial intention to give priority to local residents, since the decision was made to charge 100% Council Tax for second homeowners, it was now almost impossible to administer the existing policy.

It was then:

RESOLVED

That the Moorings Allocation Policy be amended in accordance with paragraph 3 of the presented agenda report.

29/13 OVERVIEW AND SCRUTINY – ANNUAL REPORT

The Council considered a report which presented the workings of Overview and Scrutiny during the 2012/13 Municipal Year.

In discussion, reference was made to:-

- (a) the progress which had been made during 2012/13. A Member commented that the Panels were working well, with each now having a much clearer and distinct area of responsibility. In addition, the Member felt that great strides had been made in the working relationships between the Panels and the Senior Management Team;
- (b) the importance of the role of Scrutiny throughout the Transformation 18 Programme.

It was then:

RESOLVED

That the work undertaken by Overview and Scrutiny during 2012/13 Municipal Year be noted and Members have had the opportunity to comment on the current work programmes of the three Scrutiny Panels.

30/13 REPORTS OF BODIES

RESOLVED

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

- | | |
|---|-------------|
| (a) Salcombe Harbour Board | 20 May 2013 |
| (b) Development Management Committee | 22 May 2013 |
| (c) Economy & Environments Scrutiny Panel | 23 May 2013 |
| (d) Community Life & Housing Scrutiny Panel | 23 May 2013 |
| (e) Executive | 6 June 2013 |

E.04/13: Review of Free Car Parks

RESOLVED

That the following free car parking areas be agreed and added to the District Council's Off Street Parking Places Order:

- Aveton Gifford (Timbers and off Jubilee Street)
- Jawbones, Dartmouth
- Follaton House
- Hope Cove
- The Levels, Dittisham

(f) Audit Committee	13 June 2013
(g) Corporate Performance & Resource Scrutiny Panel	20 June 2013
(h) Development Management Committee	26 June 2013
(i) Salcombe Harbour Board	15 July 2013
(j) Executive	18 July 2013

E.11/13: Public Question Time

The Leader of Council wished to put on record the value which he felt had been gleaned from the two King Edward VI Community College students undertaking a week of work experience with Member Services.

E.12/13: Medium Term Financial Strategy

RESOLVED

1. That Members have provided a set of “minded to” views in order to guide the 2014/15 budget process on the use of New Homes Bonus as a means of bridging the budget gap in 2014/15 and beyond; the level of Council Tax Support Grant to be passed on to Parish and Town Councils; the proportion of Council Tax Support Grant to pass onto recipients, and the proportion of savings from service reductions; and
2. That the £140,000 savings identified by the Senior Management Team be accepted and built into the base budget for 2014/15 onwards.

E.17/13: Connect Strategy and Priority Action Plan Update 2013-14

RESOLVED

That the Connect Strategy annual update for 2013-14, incorporating updated action plans for Community Life, Environment and Homes, be approved and adopted.

E.20/13: Review of Free Car Parking

In respect of South Brent, the lead Executive Member advised that a meeting had been held with the parish council. The outcome of this meeting was that the parish council would undertake the consultation with the community and once the recommended option was known, dialogue would be continued.

With regard to Yealmpton, the Leader of Council informed that no decision had been taken and the review would continue with the local parish council.

It was then:

RESOLVED

That that the following free car parking areas be agreed and added to the District Council's Off Street Parking Places Order and, where appropriate, consider the potential for generating income:

- Malborough
- Marldon
- South Brent
- Stoke Fleming
- Kingsbridge Hill, Totnes
- Wembury
- Yealmpton

E.21/13: Operational Changes to Off Street Parking Places Order

RESOLVED

That the operational changes to the District Council's Off Street Parking Places Order be agreed as follows:

- That the Parking Order be updated appropriately to allow enforcement to be undertaken in respect of motorists who pay for their parking via the recently introduced pay-by-phone facility;
- That the Fish Quay area of the Creek Car Park be added to the Off Street Parking Places Order;
- That officers continue discussions to reach a mutually satisfactory conclusion in respect of parking for fishermen in the Creek Car Park, Salcombe, following the redevelopment of the area and, if necessary, provide reserved parking;
- That parking in Coronation Car Park during the Dartmouth Regatta week be limited to a maximum of three hours; and
- That the new parking bays in Victoria Road, Dartmouth, be added to the Off-Street Parking Places Order.

(k) Audit Committee

18 July 2013

A.08/13: Statement of Internal Control and Annual Governance Statement 2012/13

RESOLVED

That the draft Annual Governance Statement 2012/13 and supporting evidence provided by the presented agenda report be approved.

(l) Development Management Committee

24 July 2013

DM.11/13: Minutes

In respect of incorrect comments which he had made towards a Member during the previous Committee meeting, the Chairman reiterated his regret at this incident.

(m) Development Management Committee

28 August 2013

(n) Economy & Environment Scrutiny Panel

5 September 2013

(o) Community Life & Housing Scrutiny Panel

5 September 2013

CLH.16/13: Update on the Impact of Welfare Reforms

In response to a question, the lead Executive Member for ICT and Customer Services confirmed that she would be giving a further update to the next Panel meeting on the impact of welfare reforms.

(p) Executive

19 September 2013

E.30/13: Corporate Sponsorship Framework

RESOLVED

That the framework document be approved (as outlined at Appendix A to the presented agenda report and subject to minor amendments being made to paragraph 4.2) to be used by service areas in maximising sponsorship opportunities.

E.32/13: Stowford Mill Planning Brief

RESOLVED

That the planning brief (as outlined in Appendix A of the presented agenda report) be approved, so that it would be used as an aid to prospective purchasers to inform on the site's development potential and is a material consideration to guide the decision-making process for any planning applications submitted.

E.3713(a): Economy and Environment Scrutiny Panel – 5 September 2013

(i) EE.16/13 Recycling and Waste Service Review

Before the vote was taken, a Member wished to congratulate the work of the officers who had supported the task and finish group on this review and felt that this piece of work had been an excellent piece of work from all involved.

RESOLVED

1. That option 7 (as set out in paragraph 3.3 of the presented agenda report) be the preferred way forward; and
2. That a bid of £237,000 be made to the Council's Capital Programme and is funded from the Sustainable Waste Management Reserve (£71,000) and Capital Reserves (£166,700).

(q) Audit Committee

19 September 2013

A.16/13: New Budget Process and Monitoring – Next Steps

A local Ward Member made reference to the request for details to be provided to the task and finish group on the Wembury Marine Centre and stated his strong opposition to any action being taken by the Council which would be detrimental to this facility. In reply, the Chairman of the Audit Committee advised that the task and finish group was primarily tasked with looking at income generation opportunities and gave assurances that the Group would consider every aspect in detail and would only make rational recommendations.

(Meeting commenced at 2.00 pm and concluded at 4.15 pm)

Chairman