

## MINUTES OF THE MEETING OF COUNCIL

HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY, 13 FEBRUARY 2014

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		Head of Paid Service, Monitoring Officer and Democratic Services Manager
11	51/13	Customer Services Manager and Revenue and Benefits Team Leader

### 46/13 MINUTES

The minutes of the meeting of the Council held on 19 December 2013 were confirmed as a correct record and signed by the Chairman.

### 47/13 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 P W Hitchins and C M Pannell both declared a personal interest in Item 10: 'Budget 2014/15' (Minute 50/13 below refers) and specifically in recommendation 13, by virtue of their Dartmoor National Park Authority membership and remained in the meeting during the debate and vote on this matter;

Cllr R D Gilbert declared a personal interest in Item 11: 'Business Rates – Retail Relief' (Minute 51/13 below refers) by virtue of his business interests and remained in the meeting during the debate and vote on this item;

Cllr K R H Wingate declared a Disclosable Pecuniary Interest in Item 11: 'Business Rates – Retail Relief' (Minute 51/13 below refers) by virtue of his business interests and left the meeting room during the debate and vote on this item.

#### 48/13 **CHAIRMAN'S ENGAGEMENTS**

The Chairman made specific reference to:

- the recent storms. In making reference to the impact of the storms on the South Hams, the Chairman wished, on behalf of the Council, to thank those staff who had gone the extra mile to ensure that residents and communities had been helped to overcome the problems caused;
- his Civic Service. The Chairman asked those Members who had yet to inform Member Services if they were intending to attend his Civic Service to do so as soon as possible;
- his Golf Day. The Chairman reminded the Council that he was arranging a Golf Day for his chosen charity (the Alzheimer's Society). Any Members who wished to enter a team for the day, or supply any raffle prizes, were asked to let the Chairman know.

#### 49/13 **QUESTIONS**

##### **From Cllr Pennington to Cllr Hicks, lead Executive Member for Planning, Economy and Community**

1. South Hams Council pre-application policy and planning procedure was resolved by the Executive at its meeting of 18 July 2013 and recorded in the minutes of the Council of 26 September 2013. This process is "committed to supporting effective pre-application engagement with developers and applicants and local communities." Therefore, does the lead Executive Member for planning confirm that it is an essential requirement in the Council's planning procedure and pre-application process that in all planning applications for developments of between 10 and 50 dwellings the undermentioned procedures must be strictly observed:-
  - a) Commencement of community engagement attendance by developer and case officer at town or parish council meetings to agree how and when community will be engaged?
  - b) Second technical meeting between developer and local planning authority involving case officer, developer, ward Member(s), town and parish council representatives to consider community feedback and include discussions about s106 HOTs?
  - c) Holding of a Development Forum if considered appropriate for scale of development being proposed or extent of contentious community feedback received?

- d) Final meeting between developer and LPA to be held if outstanding issues to be discussed/resolved to involve developer, officers and ward Member(s)?

In reply, Cllr Hicks advised that the question reflected the decision made by the Executive at its meeting in July 2013, which outlined that the Council was committed to supporting effective community engagement in the pre-application process. Cllr Hicks confirmed that the Council was still committed to this decision.

However, Cllr Hicks stated that there was a wide range of circumstances in developments of between 10 and 50 dwellings and the planning process could be seriously held up by such an extensive course of action being applied for each application. It was therefore a matter for senior planning officers to exercise their professional judgement to determine what would be appropriate for each application submitted.

In asking a supplementary question, Cllr Pennington made reference to a particular planning application to which he felt a grave error had been made in the pre-application process.

(NOTE: In light of this question relating to a specific planning application, the Chairman exercised his discretion to rule that it was out of order and a response was not therefore sought.)

## 50/13 **BUDGET 2014/15**

A report was considered that presented the recommendations of the Executive on the proposals for the Council's Budget for 2014/15.

In introducing the agenda item, the Leader of Council made specific reference to:-

- the severe cuts to central government grant funding that unduly penalised rural authorities and which were likely to continue at least for the near future. As a consequence, the Council continued to lobby through the District Councils Network and SPARSE for a fairer grant funding settlement. Indeed, just before this meeting, notification had been received whereby the Council would be receiving an additional £10,750 from central government. However, the Leader stated that it was his personal view that the Council would ultimately have to deliver services without receiving any central government grant funding;
- the Budget proposing no increases in car parking or Lower Ferry ticket charges;
- it being to the great credit of Members and officers that the Budget retained provision to invest in the Council's Capital Programme;
- the Transformation 18 Programme that proposed to generate significant savings whilst improving the organisational ways of working and delivering improved customer service.

In discussion, reference was made to:-

- (a) the timing of the funding settlement announcement from central government being unacceptable;
- (b) recommendation 1. In accepting it was now a statutory requirement, some Members questioned the necessity of imposing the use of recorded votes;
- (c) recommendation 2. Some Members advised that they were not in favour of the proposed 1.9% increase in Council Tax. A Member proceeded to comment that the proposed increase sent out the wrong message to residents in this difficult economic climate. In addition, other Members felt that there would be scope to increase income generation opportunities, with the Council needing to become more commercially minded. In response, other Members made reference to the work of the Income Generation Task and Finish Group and the need for a balanced budget to be based upon factual figures rather than speculative projections;
- (d) recommendation 5. An amendment to recommendation 5 was **PROPOSED** and **SECONDED** as follows:

*'To reduce the saving on winter public lavatory closures from £80,000 to £50,000 in order to keep all open. The reduced saving to be funded in year 2014/15 from the Community Wellbeing Fund and from postponing the upgrading of Follaton House lavatories. Thereafter, from revenue for Follaton House parking. (The figure of £50,000 is based on an estimated £30,000 coming from outside organisations and Parish Councils who have agreed to fund the continued opening of some public lavatories.'*

In support of the amendment, reference was made to:-

- the seasonal closure of public conveniences being a retrograde step, which would unduly penalise rural parishes;
- the amendment maintaining a balanced budget;
- the health implications of seasonal closures;

In opposing the amendment, other Members highlighted that:

- the proposals only sought some temporary closures during the deep winter period. In addition, the lead Executive Member for Environment Services advised that the town, parish and business reactions to this proposal had been positive and constructive during the recent surgeries which had been convened;
- the terms of the lease for those external tenants who were now based at Follaton House had no provision to charge their staff for parking.

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

- For the motion (6): Cllrs Baldry, Brazil, B Cooper, Gorman, Pannell and Vint
- Against the motion (25): Cllrs Bastone, Blackler, Bramble, Bruce-Spencer, Carson, Coulson, Cuthbert, Foss, Gilbert, Hannaford, Hicks, Hitchins, Holway, May, Pennington, Saltern, Smerdon, Squire, Steer, Stone, Tucker, Ward, Westacott, Wingate and Wright.
- Abstentions (2): Cllrs Barber and S Cooper
- Absent (7): Cllrs Baverstock, Cane, Carter, Hawkins, Hodgson, Jones and Rowe

and the vote was therefore declared **LOST**.

- (e) recommendation 8. The Leader wished to clarify that if this proposal was not approved, then in light of central government funding reductions in Council Tax Support Grant for Town and Parish Councils, the Council would be in effect subsidising town and parish councils;
- (f) recommendation 9. A Member commented that this illustrated just how reliant the Council had become on building houses, which was totally unsustainable.

In accordance with Council Procedure Rule 15.5, a recorded vote was then demanded on part 2 of the motion. The voting on this part was recorded as follows:-

- For the motion (30): Cllrs Baldry, Barber, Bastone, Blackler, Bramble, Brazil, Bruce-Spencer, Carson, B Cooper, S Cooper, Coulson, Cuthbert, Foss, Gilbert, Hannaford, Hicks, Hitchins, Holway, May, Pannell, Pennington, Saltern, Smerdon, Steer, Stone, Tucker, Ward, Westacott, Wingate and Wright.
- Against the motion (1): Cllr Squire
- Abstentions (2): Cllrs Gorman and Vint
- Absent (7): Cllrs Baverstock, Cane, Carter, Hawkins, Hodgson, Jones and Rowe

and the vote was therefore declared **CARRIED**.

In accordance with Council Procedure Rule 15.5, a recorded vote was then demanded on part 5 of the motion. The voting on this part was recorded as follows:-

For the motion (26): Cllrs Bastone, Blackler, Bramble, Bruce-Spencer, Carson, S Cooper, Coulson, Cuthbert, Foss, Gilbert, Hannaford, Hicks, Hitchins, Holway, May, Pennington, Saltern, Smerdon, Squire, Steer, Stone, Tucker, Ward, Westacott, Wingate and Wright.

Against the motion (3): Cllrs Baldry, Brazil and Pannell

Abstentions (4): Cllrs Barber, B Cooper, Gorman and Vint

Absent (7): Cllrs Baverstock, Cane, Carter, Hawkins, Hodgson, Jones and Rowe

and the vote was therefore declared **CARRIED**.

In accordance with Council Procedure Rule 15.5, a recorded vote was then demanded on parts 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the motion. The voting on these parts was recorded as follows:-

For the motion (33): Cllrs Baldry, Barber, Bastone, Blackler, Bramble, Brazil, Bruce-Spencer, Carson, B Cooper, S Cooper, Coulson, Cuthbert, Foss, Gilbert, Gorman, Hannaford, Hicks, Hitchins, Holway, May, Pannell, Pennington, Saltern, Smerdon, Squire, Steer, Stone, Tucker, Vint Ward, Westacott, Wingate and Wright.

Against the motion (0)

Abstentions (0)

Absent (7): Cllrs Baverstock, Cane, Carter, Hawkins, Hodgson, Jones and Rowe

and the vote was therefore declared **CARRIED**.

It was then:

### **RESOLVED**

1. That the Council Constitution be amended to reflect the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 whereby it is now mandatory for councils to amend their standing orders to require recorded votes to be taken on the budget at Council meetings;

2. That, in order to set a Balanced Budget for 2014/15, an increase in council tax of 1.9% be set for 2014/15. The Band D Council Tax for South Hams District Council will be £145.42 for 2014-15, an increase of £2.71 per year or 5 pence per week, as per Section 8 of the Executive report (this represents a Council Tax Requirement for 2014-15 of £5,271,513);
3. That the financial pressures in Appendix 3 of £906,000 be noted
4. That the £10,000 discretionary budget bid for the Citizens Advice Bureau be agreed;
5. That the schedule of savings identified in Appendix 3 totalling £690,000 be agreed;
6. That the Collection Fund Surplus (increase) of £30,000, as shown in Appendix 1A of the presented agenda report, be agreed ;
7. That the level of contributions to reserves to be included within the Authority's budget, as set out in Appendix 1B of the presented agenda report be agreed;
8. That the allocation of Council Tax Support Grant for Town and Parish Councils be set at £125,370 in 2014-15, a reduction of 13.54% as per Section 5.5 of the Executive report;
9. That an additional allocation of £464,043 from New Homes Bonus to support the Revenue Budget in 2014-15 as per Section 8 of the Executive report be agreed;
10. That the total net expenditure for 2014-15 be set at £9,027,727 (Appendix 1A of the presented agenda report refers);
11. That £153,900 of New Homes Bonus funding for 2014/15 be allocated to a Community Reinvestment Projects budget for 2014/15. That any under-spend from the 2013/14 Community Reinvestment Projects budget of £153,900 be transferred into the Capital Programme Reserve.
12. That any unallocated New Homes Bonus funding be transferred for 2014-15 to the Capital Programme Reserve as per Section 4.8 of the Executive report;

13. That £17,277 of its allocation of the New Homes Bonus for 2014/15 be transferred to the Dartmoor National Park Sustainable Community Fund. That the funds be awarded as a one off payment to Dartmoor National Park, to award projects on an application basis administered by Dartmoor National Park. The following conditions will apply:
  - a. decisions must be taken in consultation with the South Hams District Council local Ward Member(s);
  - b. funding can only be used for capital spending on projects in those parts of Dartmoor National Park that fall within the South Hams District Council boundaries and enable the Dartmoor National Park to carry out its social economic responsibilities; and
  - c. Dartmoor National Park reports on the progress in the application of, and use of the funds to the Community Life and Housing Panel on a six monthly basis and in time for budget decisions to be made (i.e. June and November).
14. That £460,000 of New Homes Bonus funding from the 2014-15 allocation be used to fund housing capital projects (Disabled Facilities Grants and Affordable Housing) as per Section 9.9 of the Executive report;
15. That the Capital Programme for 2014-15 totalling £2,377,000 (and funding sources) be agreed as set out in Appendix H (Exempt) of the Executive Report.
16. 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.

## 51/13 **BUSINESS RATES RETAIL RELIEF**

Consideration was given to a report that provided details of the Rate Relief Scheme announced in the Autumn Statement, based on the guidance received in February 2014.

In discussion, reference was made to:-

- (a) an officer update. Since the presented agenda report had been published, officers wished to advise that the software supplier had informed that they would not be able to provide the required system updates until 14 March 2014. Whilst it would therefore be necessary to re-bill businesses, this would be at no additional cost to the Council as it would be included in another postal distribution;



- (b) support for the proposals. In expressing their support, some Members stated that the proposals constituted an excellent way to support local businesses.

It was then:

**RESOLVED**

1. That the Retail Relief Scheme be provided for 2014/15 and 2015/16 in accordance with Central Government guidance to support local businesses, and
2. That authority be delegated to the Head of ICT and Customer Services, in consultation with the Leader of Council and the lead Executive Members for ICT and Customer Services and Planning, Economy & Community to decide on the details of the application and determination process.

**52/13 PAY POLICY STATEMENT 2014/15**

The Council considered a report that set out the Council's statutory obligation to adopt a pay policy statement in accordance with the provisions of the Localism Act.

In discussion, reference was made to:-

- (a) the savings referred to in Appendix A(1) of the presented agenda report. The savings (which amounted to over £1,000,000) were welcomed by a Member;
- (b) the Council being a Living Wage Employer. Since the Council was striving to be a Living Wage Employer, a Member felt that the aims and objectives of this criterion should have been referred to in the presented agenda report.

It was then:

**RESOLVED**

That the Pay Policy Statement be adopted for 2014/15.

**53/13 APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER**

The Council considered a report that sought its approval for the appointment of Mrs Jan Montague as the Council's Electoral Registration Officer and Returning Officer.

It was then:

**RESOLVED**

That, with immediate effect:

1. Jan Montague be appointed as the Electoral Registration Officer and Returning Officer for South Hams District Council; and
2. Tracy Winser be appointed as Deputy Electoral Registration Officer for South Hams District Council.

54/13 **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

23 September 2013

**SH.23/13: Budget 2014/15**

**RESOLVED**

That the 2014/15 budget items as set out within the presented agenda report to the Board be approved.

**SH.24/13: Review of Charges 2014/15**

**RESOLVED**

1. That the charging policy as set out in para 2.1 of the presented agenda report to the Board (to include minor amendments as discussed) be approved; and
2. That the proposed charges (as set out in Appendix A of the presented agenda report to the Board) be implemented from 1 April 2014.

**SH.25/13: Kingsbridge Berthing Improvements Project Update**

**RESOLVED**

That the previously approved requirement for a £50,000 loan be replaced with funds from the Harbour's General Reserve.

(b) Development Management Committee

15 January 2014

(c) Audit Committee

16 January 2014

**A.22/13: Grant Thornton – Annual Audit Letter**

The Chairman of the Committee reinforced the comments of Grant Thornton in relation to the financial management of the authority being strong.

**A.23/13: Grant Thornton – Audit Committee Update**

In making reference to the importance and relevance of the meeting being held with representatives from the Devon Pensions Scheme in March 2014, the Chairman of the Committee encouraged Members to attend this event.

(d) Executive

23 January 2014

**E.54/13: Budget Proposals 2014/15**

In respect of reviewing the Council's Corporate Priorities, the Leader confirmed that this would commence during the Member One Plan Workshop which was to take place on Tuesday, 25 February 2014.

**E.57/13: Review of Free Car Parking – Final Summary**

With regard to the resolution to explore the potential to generate income from the car park at Follaton House, Totnes, a Member urged officers to make progress in this regard.

**E.58/13: Authorisation for RIPA Applications to Magistrates Court****RESOLVED**

1. That nominated officers listed in exempt Appendix A (of the presented agenda report) be authorised to represent the Council in applying for judicial approval to use covert techniques in the pursuance of a potential investigation; and
2. That authority be delegated to change the names of authorised officers (as outlined in Appendix A of the presented agenda report) to the relevant Head of Service, in consultation with the relevant lead Executive Member.

**E.61/13: Dartmouth Park and Ride Contract****RESOLVED**

That Option 3 (as set out in the presented agenda report) be the preferred way forward, but that this Option be worked on alongside Option 1 to offer an alternative costed solution for future consideration by the Executive.

(e) Salcombe Harbour Board

3 February 2014

**SH.41/13: Victoria Quay Pontoons**

**RESOLVED**

That the replacement of the Victoria Quay Pontoons be brought forward from the financial year 2015/16 to 2013/14 and be financed from the Harbour General Reserve.

**SH.43/13: Review of Byelaws Enforcement Policy**

**RESOLVED**

1. That the Enforcement Policy at Appendix C of the presented agenda report to the Board be adopted; and
2. The Council agrees that the Salcombe Harbour Authority applies to the DfT for the power to give Harbour Directions under sections 40A-OD of the Harbours Act 1964 as amended by the Marine Navigation Act 2013.

(Meeting commenced at 2.00 pm and concluded at 3.40 pm)

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Chairman