

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD  
AT FOLLATON HOUSE, TOTNES ON THURSDAY 17 DECEMBER 2009**

**MEMBERS**

\* Cllr M Stone – Chairman

\* Cllr J H Baverstock – Vice-Chairman

|                       |                          |
|-----------------------|--------------------------|
| * Cllr K J Baldry     | * Cllr M J Howarth       |
| * Cllr N A Barnes     | * Cllr C W Jones         |
| * Cllr H D Bastone    | * Cllr L P Jones         |
| * Cllr J I G Blackler | * Cllr R M Lawrence      |
| * Cllr B F Cane       | * Cllr I Longrigg        |
| * Cllr B E Carson     | * Cllr D W May           |
| * Cllr R J Carter     | * Cllr D M O'Callaghan   |
| * Cllr P H Cook       | ∅ Cllr C M Pannell       |
| * Cllr S E Cooper     | * Cllr J T Pennington    |
| * Cllr P Coulson      | * Cllr S L Rankin        |
| * Cllr R F Croad      | * Cllr R Rowe            |
| * Cllr G J Fielden    | * Cllr M F Saltern       |
| * Cllr R D Gilbert    | * Cllr J W Squire        |
| * Cllr M Hannaford    | * Cllr R C Steer         |
| ∅ Cllr F J Hawke      | * Cllr R J Tucker        |
| * Cllr J D Hawkins    | * Cllr R J Vint          |
| * Cllr M J Hicks      | * Cllr A Ward            |
| * Cllr P W Hitchins   | * Cllr J A Westacott MBE |

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Strategic Management Team, Monitoring Officer and Member Support Services Manager; and

Item 10 (Minute 65/09 below refers): Head of Community Regeneration and Forward Planning Manager.

**59/09 WELCOME**

On behalf of the Council, the Chairman wished to welcome Cllr Mike Hannaford to his first Council meeting since his recent election to the Council.

**60/09 MINUTES**

The minutes of the meeting of the Council held on 29 October 2009 were confirmed as a correct record and signed by the Chairman.

61/09

**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:-

Cllr G J Fielden declared an interest in Item 10: 'South Hams Local Development Framework: Site Allocations Development Plan Documents – Publication Stage' (Minute 65/09 below refers) in respect of proposals RA1 and RA2 for Modbury. Cllr Fielden specifically declared a personal interest in proposal RA1 and declared, by virtue of him being a trustee of an adjacent site, a prejudicial interest in proposal RA2 and advised that he would not take part in any discussions relating to either of these proposals.

Cllr B F Cane declared a personal interest in Item 10: 'South Hams Local Development Framework: Site Allocations Development Plan Documents – Publication Stage' (Minute 65/09 below refers) in respect of proposal RA12 for Brixton by virtue of his land ownership of some of this site and advised that if this area was specifically debated, he would leave the meeting room.

Cllr R D Gilbert declared a prejudicial interest in Item 10: 'South Hams Local Development Framework: Site Allocations Development Plan Documents – Publication Stage' (Minute 65/09 below refers) specifically in respect of proposal K4 for Kingsbridge and advised that if this proposal was specifically discussed, he would leave the meeting room.

Cllr P W Hitchins declared a personal interest in Item 14: 'Appointments to Council and Outside Bodies' (Minute 69/09 below refers) recommendation (4) and proceeded to abstain from the discussion and vote on this item.

62/09

**CHAIRMAN'S ANNOUNCEMENTS**

The Council noted a list of Civic Engagements attended by the Chairman.

The Chairman made particular reference to the success of his Help the Heroes Quiz Night held on 17 November 2009 and specifically wished to extend his gratitude to the support provided by Cllr Westacott MBE.

63/09

**QUESTIONS**

It was noted that one question had been received in accordance with Council Procedure Rule 8.

### **From Cllr Baldry to Cllr Tucker, Leader of Council**

“The Devon Structure Plan originally showed 4,500 dwellings for Sherford New Town. This was subsequently increased to 5,000 and this figure was approved by SHDC Development Control Committee. The latest version of the Regional Spatial Strategy (RSS) shows a figure of 6000. The increased number does not come from SHDC and appears to be imposed by South West Leaders Board.

What action is this Council taking to object to the overturning of this Council's decision? Are we not the planning authority? Have we been consulted about the 20% increased? Does the Leader think 6000 houses are needed?”

In response, the Leader of Council advised that the housing figure proposed for Sherford in the adopted AAP was 5,500 dwellings. The Devon Structure Plan required 4,000 dwellings by 2016 and the additional 1,500 dwellings in the AAP was proposed by 2026.

The Secretary of State's proposed changes to the South West RSS were published in July 2008 for comment and raised the Sherford housing figure to 6,000 dwellings by 2026. The Council responded to the proposed increase in October 2008, stating that "the increased provision of 500 additional homes was not welcomed but the RSS should make it clear that the increase should be delivered without breaching the development principles set out in the adopted Sherford AAP, particularly the built extent of the development". The final RSS remained unadopted pending the outcome of a legal challenge to the East of England RSS.

The Development Control Committee decision on 31 July 2009 related to a scheme for 5,500 dwellings. A subsequent planning application seeking to increase that number would be subject to the full DC process including consideration of housing need and a decision by the DC Committee. The need for housing in the area, and particularly for affordable housing in South Hams, is undiminished and this Council would continue to press for affordable housing as a key part of any revised Sherford proposal."

In asking a supplementary question, Cllr Baldry asked the Leader if he had a view in respect of whether 6,000 houses were needed. In response, Cllr Tucker reiterated that 5,500 houses were in the existing plan and the Council had objected to the revised RSS figure for an additional 500 dwellings to be created. Cllr Tucker also stated that it was to the benefit of the South Hams now that the housing allocation divide had been shifted from a 70% Plymouth: 30% South Hams ratio, to an equal 50/50 split.

64/09

### **NOTICE OF MOTIONS**

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

**(a) By Cllrs Pennington and Squire**

*'This Council deplores and opposes the formation of the unelected superquango Infrastructure Planning Commission (IPC) which has been given powers to determine controversial projects such as wind farms, trunk roads, power stations and pylon lines and which entail the total loss of all decision making roles by local authorities which is undemocratic and also a further example of the erosion of local democracy and also a further example of the erosion of local democracy and a furtherance of centralisation and regionalisation.*

*Therefore, this Council informs Mr Healey, the Local Government Minister of its opposition to the formation of the IPC and deplores the total lack of consultation with local authorities. Additionally, this Council informs Mr R. Neill the Conservative Shadow Minister for Local Government that it strongly supports the abolition of both the IPC and regional plans by a future Conservative Government.'*

Having been **PROPOSED** and **SECONDED**, the proposer of the motion made particular reference to:-

- the number of quango's already in existence and the massive expense arising from their creation;
- the intention for this superquango to determine all infrastructure planning applications. It was intended that this superquango would contain compulsory purchase powers and would have a number of other responsibilities, including the ability to close footpaths, overrule green belt protection areas and enable access to private land. In addition, such actions could be taken without the right to appeal; and
- the formation of this superquango constituting another example of centralisation and the removal of local democratic decision making responsibility.

In discussion, an amendment was **PROPOSED** and **SECONDED** whereby the last sentence of the motion was removed. In presenting the amendment, the proposer advised that by removing any party political reference, she would be able to support the motion. When put to the vote, this amendment was declared **LOST**.

A second amendment was then **PROPOSED** and **SECONDED**. The amendment was as follows:-

*'This Council deplores and opposes the formation of the unelected superquango Infrastructure Planning Commission (IPC) which has been given powers to determine controversial projects such as wind farms, trunk roads, power stations and pylon lines and which entail the total loss of all decision making roles by local authorities which is undemocratic and also a further example of the erosion of local democracy and also a further example of the erosion of local democracy and a furtherance of centralisation and regionalisation.*

*Therefore, this Council informs Mr Healey, the Local Government Minister of its opposition to the formation of the IPC and deplors the total lack of consultation with local authorities. Additionally, this Council informs the Conservative Shadow Minister and Liberal Democrat Shadow Minister for Local Government that it strongly supports the abolition of both the IPC and regional plans by a future Government.'*

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

In discussion on the substantive motion, the following points were raised:-

- (i) A Member queried whether this motion had been presented too late as by the next General Election, a number of infrastructure projects would have already gone through this process;
- (ii) Some Members considered it to be totally unacceptable that there would be a transfer of responsibility to such an unelected quango.

It was then:

### **RESOLVED**

*'This Council deplors and opposes the formation of the unelected superquango Infrastructure Planning Commission (IPC) which has been given powers to determine controversial projects such as wind farms, trunk roads, power stations and pylon lines and which entail the total loss of all decision making roles by local authorities which is undemocratic and also a further example of the erosion of local democracy and also a further example of the erosion of local democracy and a furtherance of centralisation and regionalisation.*

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### **(b) By Cllrs Tucker and Saltern**

*'This Council wishes to express its support to the LGA in proposing that inspectorates, rather than local authorities, should bear the brunt of cuts in public spending.*

*By reducing inspection to a sixth of its previous level, the LGA argues that £650m could be saved from the costs of running the Audit Commission, Ofsted, Care Quality Commission and HM Inspectorate of Constabulary'.*

Having been **PROPOSED** and **SECONDED**, the proposer of the motion made particular reference to:-

- the LGA now beginning to offer its support to district councils;
- the motion seeking to support the LGA in its drive to reduce the public sector audit trail;
- the need for inspectorates to follow the pattern of local authorities and face similar scale reductions.

In discussion, the following points were raised:-

- (i) Whilst supporting the principle of the motion, a Member felt that the content of the motion could have been strengthened through the inclusion of comparative figures. The Member also emphasised the need to look at making such efficiencies across the entire public sector;
- (ii) A Member highlighted the need to address the 'tick box' and 'league table' culture, which it was felt distracted officers from undertaking their core work;
- (iii) It was felt that a whole tier of bureaucracy had been created, which had become unnecessarily involved with fine detail and until such activities were reduced, the costs would remain immense;
- (iv) In response to some clarification regarding the content of the motion, the proposer advised that it replicated the wording contained within the official LGA statement and he was therefore reluctant to recommend any changes;
- (v) The seconder stated that it had been originally necessary to introduce such an inspection scheme due to the number of inefficient local authorities which existed at the time. However, the culture had now changed whereby a local authority was not primarily concerned with how it served the public, but instead how it complied with the requirements set by central government.

It was then:

### **RESOLVED**

'This Council wishes to express its support to the LGA in proposing that inspectorates, rather than local authorities, should bear the brunt of cuts in public spending.

By reducing inspection to a sixth of its previous level, the LGA argues that £650m could be saved from the costs of running the Audit Commission, Ofsted, Care Quality Commission and HM Inspectorate of Constabulary'.

65/09

## **SOUTH HAMS LOCAL DEVELOPMENT FRAMEWORK: SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENTS – PUBLICATION STAGE**

The Council considered a report which sought approval to publish the site allocations Development Plan Documents (DPDs) and, prior to that, to gather evidence and / or carry out community involvement related to additional sites and additional villages.

In his introduction, the Leader stressed the importance of the DPDs and the need to progress quickly to overcome the chronic current shortage of development sites. The Leader proceeded to make reference to the important role played by the Prince's Foundation and the extensive Member Briefings and Workshops held. In addition, correspondence which had been submitted by stakeholders since the report had been published was also highlighted.

In discussion, the following points were raised:-

### **General Issues**

- A Member queried the process in the event that the County Council, as highways authority) objected to any of the proposals. In reply, it was noted that the County Council had been engaged throughout the process, particularly in planning for and programming necessary infrastructure, and that any such objections would therefore constitute a significant change of view;
- It was noted that some further community involvement was required in some town and parishes. As a consequence, it was anticipated that the formal consultation process would commence for a six week period from the start of March 2010 before final submission to the Planning Inspector;
- With a general election looming and the potential for the Regional Spatial Strategy to be abolished, a Member questioned whether it would be more appropriate to delay the work on the LDF to allow for more consultation. To counter this view, other Members stated that none of the main political parties had made any reference to abolition of LDFs and in light of the desperate need for development sites in the South Hams, the Council had a duty to its residents to continue with this process. A number of Members supported this view and felt that the level of consultation which had been undertaken to date had been considerable;
- Members stated their appreciation for the tireless work undertaken by officers to reach this milestone.

### **Dartmouth**

A Member confirmed that all local Members were happy to accept the proposals which were included in the Dartmouth Area DPD.

### **Ivybridge**

In expressing gratitude at the number of opportunities to discuss the DPDs, the local Members were all satisfied with the proposals.

### **Kingsbridge**

It was noted that Kingsbridge was one of the areas which was to undertake more consultation prior to publication. A local Member welcomed this additional consultation and informed that he was not aware of any particular problems with the emerging proposals at present.

### **Totnes**

A Member wished for the concern of local Members regarding any reduction of the areas in the Market Square (site T3 refers) available to market traders beyond 2016 (including the car park area immediately to the south of the Civic Hall) and any reduction of the area in Borough Park (site T8 refers) available for leisure beyond 2016 to be formally recorded. Moreover, the local Members requested that the DPD include assurance that these areas would not be built on.

In reply, officers assured the Members that in relation to the Market Square and Borough Park, the aim in the DPD was enhancement of rather than detracting from such facilities and that there would be further community consultation through Master Planning exercises before any decisions were made.

A Member also expressed her disappointment at the lack of input from the County Highways Authority from the outset, which had not helped this process.

In highlighting the importance of the Baltic Wharf site, Members were reminded that an application was currently pending determination by the Development Control Committee.

### **Rural Areas**

During discussion on the Rural Areas DPD, each area was individually discussed with each local Ward Member being given the opportunity to submit their respective wide ranging views to the Council.

In discussion, an amendment to the recommendation was **PROPOSED** and **SECONDED** which read as follows:-

‘That in respect of proposal RA34 for Wembury, the proposed residential development allocated by 2016 be reduced from ‘about 30 dwellings’ to ‘between 10 and 15 dwellings’.’

In support of this amendment, the proposer stated that the parish felt that 30 dwellings was simply too many for this area and would result in a loss to the village scene and that the parish council had written a letter stating this view. In emphasising the importance of this amendment, the Member stated that the village of Wembury did not wish for these housing numbers, yet other parishes were desperate for such provision.

In disagreement with this amendment, the Leader reminded those present that the DPD was a district wide plan. Furthermore, the total of those sites outlined in the plan still amounted to a shortfall of the total required of 400 dwellings to 2016 and the Council could run the risk of its plan being deemed to be unsound by the Inspector. A Member also advised of her opposition to this amendment and stated that other Members would be under similar local pressures to reduce the numbers proposed in their areas if this proposal was supported.

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

It was then:

### **RESOLVED**

1. That the Dartmouth, Ivybridge, Kingsbridge, Totnes and Rural Areas site allocations Development Plan Documents be published;
2. In instances where additional work is required to enable publication, the final content of the DPDs in those respects be delegated to the Head of Community Regeneration in consultation with the Leader of Council, a nominated Member of the Minority Group and the appropriate Ward Member(s); and
3. For the avoidance of doubt, in the event that agreement can not be reached under (2), the matter be referred back to Council.

66/09

### **LOCAL GOVERNMENT REVIEW – VERBAL UPDATE**

A report and supplementary paper produced by the Leader of Council were both tabled to the meeting. These documents sought to briefly summarise the proposals for unitary local government in Devon which had been published by the Boundary Committee on 8 December 2009.

In introducing the item, the Leader reiterated the unnecessary expense arising from this drawn out exercise. He also advised that he had sent correspondence to town and parish councils in the South Hams asking for each to submit their views on this matter.

In discussion, the following points were raised:-

- (a) Members expressed their dismay at the short consultation period which was further compounded by the Christmas Holiday season;
- (b) A Member stated that the whole process had now become a farce and in particular highlighted the following factors:-
  - the lack of public support from any Council Leaders in Devon for the Unitary Devon proposal;

- the referred to finance figures being three years out of date;
- the upcoming General Election; and
- the escalating costs being incurred by the recently established unitary Cornwall Council.

(c) Members requested that they be in receipt of the relevant contact details to ensure that they can advise residents on how to make formal representations.

It was then:

### **RESOLVED**

1. That consideration has been given to an initial response to the Boundary Committee recommendation to guide the work of officers during the consultation period;
2. That the Local Government Review Member Working Group steer the ongoing work associated with responding to the Boundary Committee's recommendation;
3. That authority be delegated to the Working Group to consider and submit a response to the Secretary of State by 19 January 2010;
4. That the limited costs associated with responding to the Boundary Committee's consultation, including informing local people, be funded from the Strategic Issues Reserve; and
5. That an appropriate contribution to any future legal action taken by another Devon authority as a result of the Secretary of State's decision, supported by legal advice that confirms that there is an arguable case, be made and funded from the Strategic Issues Reserve.

67/09

### **MEMBERS' ALLOWANCES 2010/11**

Consideration was given to a report which sought to determine the new Scheme of Members' Allowances for 2010/11.

In discussion, reference was made to:-

- (a) an alternative recommendation. An alternative recommendation was **PROPOSED** and **SECONDED** which sought to maintain the Scheme of Members' Allowances at the 2009/10 level, with the one exception being to increase the passengers' allowance rate from 2p per mile to 5p per mile.

In the current economic climate, a number of Members felt that any suggested increases would be totally inappropriate. To further support this recommendation, a Member believed that the findings of the Panel would unduly reward Members who were not currently in receipt of the electronic allowance;

- (b) Members setting their own allowances. Whilst a Member expressed his wish for a standard nationwide formula to be applied to all Member allowances, the Chief Executive advised that the LGA supported the independence of each authority being able to set their own scheme.

It was then:

### **RESOLVED**

That with the exception of the passengers' allowance rate being increased from 2p per mile to 5p per mile, the Scheme of Members Allowances for 2010/11 remain unchanged.

68/09

### **PROPOSAL TO ADOPT A MEMBER/OFFICER PROTOCOL**

The Council considered a report which recommended the adoption of a protocol defining the respective roles of Members and officers of the Council and how they should behave towards each other.

In discussion, reference was made to:-

- (a) a number of minor amendments suggested by the Standards Committee at its 15 December 2009 meeting (Minute S.30/09 refers). The Monitoring Officer presented each of these amendments which were subsequently endorsed by the Council;
- (b) the differentials between the role of a Member and the role of an officer.

### **RESOLVED**

That, subject to the inclusion of the amendments suggested by the Standards Committee at its meeting on 15 December 2009, the Member/Officer protocol be adopted.

69/09

### **APPOINTMENTS TO COUNCIL AND OUTSIDE BODIES**

A report was presented which sought to make appointments to Council and Outside Bodies.

**RESOLVED**

That with immediate effect for the remainder of the 2009/10 Municipal Year:-

- (a) Cllr C W Jones be appointed to serve on the Environment Policy Development Group;
- (b) Cllr M Hannaford be appointed to serve on the Community Policy Development Group;
- (c) Cllrs P W Hitchins, C M Pannell and R J Tucker be appointed to serve on the Shared Services Steering Group. For the purposes of Members' Allowances, attendance at meetings of this body will be regarded as an approved duty; and
- (d) Cllr Liz Hitchins be appointed to the Standards Review Sub-Committee for the sole purpose of dealing with one outstanding request for a review.

70/09

**EXCLUSION OF PUBLIC AND PRESS**

**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 as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

(NOTE: for clarification, all officers of the Council also left the meeting room during consideration of the following item of business).

71/09

**POST OF CHIEF EXECUTIVE**

An exempt report was presented which advised of the recommendation of the Member Working Group to continue the arrangement with West Devon Borough Council for a shared Chief Executive.

It was then:

**RESOLVED**

1. That the proposal for the continuation of the Shared Chief Executive arrangement be supported and that David Incoll continue in the role as Chief Executive and Head of Paid Service for both West Devon Borough Council and South Hams District Council from 1 February 2010 until the end of the year;

2. That effective monitoring of these arrangements continue to be carried out by the Joint Monitoring and Review Group;
3. That the detailed financial arrangements continue to be delegated to the Head of Financial Services, in consultation with the Leader and Deputy Leader of Council;
4. That the role of the Electoral Registration and of the Electoral Returning Officer continue to be filled by Mark Seymour, Strategic Director (Resources) during the period of the Shared Chief Executive; and
5. That the key tasks for 2010 (as detailed in paragraphs 9 and 10 of the presented report) be approved.

72/09

### **RE-ADMITTANCE OF PUBLIC AND PRESS**

#### **RESOLVED**

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

73/09

### **REPORTS OF BODIES**

#### **RESOLVED**

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

- (a) Environment PDG 14 October 2009

#### **EPDG.15/09: Climate Change Action Plan Progress Report**

Following a request, the Chairman of the Group agreed to provide a Member with the costings incurred by the Council in relation to Climate Change.

- (b) Prosperity PDG 21 October 2009
- (c) Scrutiny 22 October 2009
- (d) Salcombe Harbour Board 2 November 2009
- (e) Development Control Committee 11 November 2009
- (f) Prosperity PDG 18 November 2009

### **PPDG.21/09: Community Regeneration Budget Review**

The Chairman of the Group confirmed that current financial contributions made to the Youth Enquiry Scheme, Rural Housing Enablers, Devon Rural Network and the Devon and Exeter Racial Equality organisation would be able to be discussed by the Group during its Budget meeting.

- (g) Scrutiny 19 November 2009
- (h) Executive 19 November 2009

### **E.62/09: Affordable Housing Capital Programme**

When questioned, the Leader of Council stated that he had sent a letter to the County Council to request that the second homes Council Tax monies would be returned to the Council.

### **E.63/09: Proposal to Charge for Street Naming and Numbering Services**

#### **RESOLVED**

That from 1 April 2010:-

- (1) a charge of £21.00 per property be made for changes to house names;
- (2) a charge of £37.00 per property be made for changes to street names;
- (3) a charge of £36.00 per property be made for naming new developments; and
- (4) authority be delegated to the Monitoring Officer, in consultation with the Executive Member for Community Affairs, to review charges annually, in accordance with the statute.

### **E.64/09: Budget Proposals 2010/11 – Licensing & Environmental Health Review of Charges**

#### **RESOLVED**

That the proposed fees and charges (as set out in the report presented to the Executive) be approved.

### **E.67/09: Reports of Other Bodies**

- a) Environment Policy Development Group – 14 October 2009**

### **EPDG.14/09: 12 Month Review of the Devolved Services Pilot in Stokenham**

In light of his concern at the apparent open ended commitment that the Council would extend the pilot scheme until such time as it had received and decided upon the recommendations from the Devon Association of Parish Councils, a Member sought assurances as to when this issue would be re-considered. In response, it was noted that this item was on the Executive Forward Plan for consideration at its 8 April 2010 meeting.

(i) Licensing Committee 26 November 2009

### **L.8/09: Gambling Act 2005 – Statement of Principles**

#### **RESOLVED**

1. That the 'Children and Young People Services' (formerly the 'Local Safeguarding Children Board') be nominated in writing as the body competent to advise the authority about the protection of children from harm issues (Section 157(h) of the Gambling Act 2005 refers);
2. That the proposed triennial 'Statement of Principles' (as amended for the period 31 January 2010 – 30 January 2013) be approved; and
3. That the Monitoring Officer, in liaison with the Chairman of the Licensing Committee, be granted approval to make any minor amendments to the Constitution or Statement of Principles arising from the Council's licensing responsibilities under the Gambling Act 2005.

(j) Audit Committee 1 December 2009

(k) Executive 3 December 2009

### **E.78/09: Reports of Other Bodies**

#### **b) Prosperity Policy Development Group – 18 November 2009**

**PPDG.19/09: Review of Car Park and Pannier Markets –  
continued from 21 October 2009**

In reply to the concerns of a Member regarding the time scales to re-advertise any changes to the Concessionary Residents Car Parking Scheme in line with the Budget Setting process, the Leader agreed to follow up this matter with officers.

(Meeting commenced at 2.00 pm and concluded at 5.15 pm).

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Chairman