

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 29 OCTOBER 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 F J Hawke	* Cllr R C Steer
* Cllr J D Hawkins	* Cllr R J Tucker
∅ Cllr T J Hewitt	* 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: Chief Executive, Strategic Director (Resources), Solicitor and Member Support Services Manager; and
Item 10 (Minute 55/09 below refers): Forward Planning Manager and Baker Associates Representative.

49/09 **MINUTES**

The minutes of the meeting of the Council held on 17 September 2009 were confirmed as a correct record and signed by the Chairman.

50/09 **ELECTION OF VICE-CHAIRMAN**

Since the Vice-Chairman was in the chair for this meeting, it was necessary to appoint a Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

That Cllr Cane be appointed Vice-Chairman for the duration of this meeting only.

51/09 **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:-

Cllrs H D Bastone, B F Cane, D W May and R D Gilbert each declared a personal interest in Item 9(c): 'Notices of Motion' (Minute 54/09(c) below refers) by virtue of their respective payments of business rates in the South Hams and remained in the meeting and took part in the discussion and vote thereon;

Cllrs P H Cook and P Coulson declared personal interests in Item 13(f): 'Reports of Bodies: Salcombe Harbour Board – 28 September 2009' (minute 58/09(f) below refers). Cllr Cook declared her interest by virtue of her husband renting a mooring at Salcombe Harbour. Cllr Coulson declared his interest by virtue of his renting of a mooring. Both Members remained in the meeting but did not take part in the discussion and abstained from the vote on these minutes;

Cllrs R M Lawrence, K J Baldry, C M Pannell, B E Carson, J A Westacott and F J Hawke each declared a personal interest in Item 9(b): 'Notices of Motion' (Minute 54/09(b) below refers) by virtue of their respective membership of parish and town councils and remained in the meeting and took part in the discussion and vote thereon.

52/09 **CHAIRMAN'S ANNOUNCEMENTS**

The Council noted a list of Civic Engagements attended by the Chairman. On behalf of the Council, the Chairman also extended his best wishes to Cllr Stone and hoped to see him return to his office soon.

53/09 **QUESTIONS**

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

54/09 **NOTICE OF MOTIONS**

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

(a) By Cllrs Bastone and Hawkins

‘That the Council makes strong representations to the Local Government Association and the Government that it is imperative that submissions made under the Sustainable Communities Act are progressed as a matter of urgency. In South Hams the need for affordable housing is ever more urgent and we need the receipt from Second Homes Council Tax to be retained by the Billing Authority where it is raised in order to help address the shortage caused in part by second home ownership.’

Having been **PROPOSED** and **SECONDED**, the proposer of the motion made reference to the background of the Act. It was noted that the purpose of the Act was to promote the sustainability of local communities through enabling local people to ask central government to take action to improve the sustainability of local areas.

Proposals were consequently formulated under the structure of the South Hams Strategic Partnership’s Community Partnership Forum at an event at the Watermark, Ivybridge on 23 February 2009. Whilst approximately 200 proposals were raised at this event, these were eventually shortlisted and prioritised to a total of eleven. The eleven shortlisted proposals were then endorsed for submission by the Executive at its meeting on 16 July 2009 (Minute E.20/09 refers).

The proposer proceeded to advise that the next step of the process was for the Local Government Association to draw up a nationwide shortlist of proposals during October / November 2009. Thereafter, the Secretary of State would ultimately determine which proposals to implement, however no timescales reference a final decision had yet been indicated.

Specifically in respect of the proposal to enable second homes Council Tax monies to be spent in affected local areas, the proposer felt that due to the current economic climate, there would inevitably be less monies allocated towards affordable housing initiatives. It was therefore considered absolutely critical that second homes monies be retained to ensure a continuing funding supply to address housing need in the South Hams.

In welcoming the motion and highlighting the unnecessarily extensive levels of consultation, the seconder felt it was vital that the government acted upon these proposals quickly.

It was then:

RESOLVED

That the Council makes strong representations to the Local Government Association and the Government that it is imperative that submissions made under the Sustainable Communities Act are progressed as a matter of urgency. In South Hams the need for affordable housing is ever more urgent and we need the receipt from Second Homes Council Tax to be retained by the Billing Authority where it is raised in order to help address the shortage caused in part by second home ownership.

(b) By Cllrs C Jones and Lawrence

'This Council affirms its commitment to the rural parishes of the South Hams in the allocation of Council resources and services on a fair and equitable basis. It therefore confirms that in one of the few areas in which it directly supports rural communities – i.e. the inspection, insurance and maintenance of play areas - it will continue its current levels of service and financial support, irrespective of the ownership of those assets.'

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

- the wider issue of rural areas being disadvantaged and the belief that local authorities should 'rural proof' their services;
- rural areas not being able to benefit from services such as the subsidised leisure centres, the recent expenditure on major play areas and the Flavel Centre and Watermark Building. The proposer felt that resources were concentrated on urban areas, yet (excluding the 5 major towns) 60% of South Hams residents lived in rural parishes;
- the proposed new arrangements constituting a further imbalance between the rural and urban areas, as this initiative would largely affect the rural parishes;
- the future costs to rural parishes after the first year; and
- the lack of an alternative plan in the event that the town councils decline the offer to make a contribution towards their play areas;

In urging support of his motion, the proposer felt that the proposal was ill conceived and required greater consideration before it was implemented.

In discussion, an amendment to the motion was **PROPOSED** and **SECONDED**. The amendment was as follows:-

'The Council affirms its deep commitment to the rural parishes of the South Hams in the allocation of Council resources on a fair and equitable basis. It therefore confirms that it will offer the inspection, insurance and maintenance of play areas in line with the principles of fairness and equity'.

In presenting this amendment, the proposer felt that this reflected the deep commitment of the Council to support its rural parishes in a fair and equitable way. Without pre-judging the outcome or presenting a subjective viewpoint, the proposer felt that this amendment would enable the Council to consult on this matter in order to enable a fair and equitable solution.

In discussion on the amendment, reference was made to:-

- (a) budget setting implications for town and parish councils. To allow for town and parish councils to financially prepare and adjust their precepts accordingly, a Member felt that these proposals should be deferred to the 2011/12 financial year. In response, a Member advised that the letter had been sent to town and parish councils to allow for adequate consideration when setting their precepts;
- (b) the comments of the lead Executive Member for Distinct Environment. In support of the amendment and in reiterating the budgetary pressures facing the Council, the Member reminded those present that whilst it was important, play and leisure provision was a discretionary service. Moreover, the Council had a good record in supporting all towns and parishes and had recently invested heavily to improve play facilities. The Member acknowledged that, as they had the greatest usage, a larger proportion of funding was allocated to the towns. Nonetheless, it was considered crucially important that parishes did not lose their play areas and the Council wished to work with town and parishes in partnership and not in conflict.

The Member stressed that this proposal had been indicated in the Public Space Strategy, which had been adopted by Council in 2008. During the consultation stage of the Strategy, no concerns had been raised in respect of this proposal;

- (c) the unfair and inequitable nature of the proposals. A Member stated that some rural residents would in effect pay twice if these proposals went forward. It was noted that there were many examples in which parish councils maintained their own play areas. In effect, these residents who therefore be paying twice: once through their local precept and once through their district council precept for play areas which were maintained by the district council;

- (d) economies of scale. A Member felt that through losing economies of scale, these proposals would not constitute value for money and would become inefficient. In addition, some parish councils would not wish (or have the capacity) to take on any such additional responsibilities and the Member therefore believed that the matter should be re-considered at a future Policy Development Group meeting.

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

It was then:

RESOLVED

The Council affirms its deep commitment to the rural parishes of the South Hams in the allocation of Council resources on a fair and equitable basis. It therefore confirms that it will offer the inspection, insurance and maintenance of play areas in line with the principles of fairness and equity.

(c) By Cllrs Hitchins and Pannell

'This Council totally endorses the comments of our Leaders and the Mayors of South Hams as recently communicated to Jim Knight MP by letter. This Council has grave concerns regarding the detrimental impact of the re-evaluation of businesses in this District, particularly in the current economic climate.'

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

- the letter dated 15 October 2009 which had been sent from the Leader of Council to Jim Knight MP and had been tabled to the meeting;
- the impact on local shopkeepers in these already difficult economic times;
- the particular strength of feeling in Dartmouth, where traders were contemplating blocking the access roads in and out of the town in protest;
- the misconception that the district council collected the business rate monies and kept the revenue for its own uses; and
- the motion seeking endorsement of the Leader's action and the support of the Local Government Association.

The seconder of the motion echoed the comments of the proposer and welcomed the contents of the Leader's letter.

In discussion, the following points were raised:-

- (a) A number of Members felt that such proposed business rate increases (in many instances well over 100%) were totally unacceptable in the current economic climate;
- (b) As an assurance, the Chief Executive advised that the Council was doing everything it possibly could to reverse this decision and there was felt to be potential to ask local MPs to lobby central government. In addition, and as a nationwide issue, there was provision on the No.10 Downing Street website to create a petition;
- (c) The real possibility that a number of village shops could be forced to close down in the event that these proposed increases were imposed. A Member highlighted that this would also directly lead to increased unemployment numbers, which would again be to the detriment of the economy;
- (d) It was confirmed that the valuation office was due to be represented at the Business Forum meeting, which was to be held at Follaton House, Totnes on Thursday, 26 November 2009. Members were informed that indications were that the valuation office was beginning to realise the scale of this problem and were looking at the processes of invoking a review.

It was then:

RESOLVED

This Council totally endorses the comments of our Leaders and the Mayors of South Hams as recently communicated to Jim Knight MP by letter. This Council has grave concerns regarding the detrimental impact of the re-evaluation of businesses in this District, particularly in the current economic climate.

55/09

SOUTH HAMS LOCAL DEVELOPMENT FRAMEWORK: DEVELOPMENT POLICIES DEVELOPMENT PLAN DOCUMENT – SUBMISSION STAGE

The Council considered a report which sought approval to submit the Development Policies DPD to the Secretary of State for examination.

In discussion, a Member expressed her concerns with regard to the proposed changes relating to 'DP4: Sustainable Construction.' In stating her objections to these changes, particular reference was made to:-

- the drive to increase sustainability in the South Hams;
- her belief that these changes represented the Council in effect giving in to developers;
- her surprise at the representations made by the Dartington Hall Trust;
- the lack of local evidence to justify removing these clauses. The Member felt that the onus should be on the developer to quantify and provide sound evidence to justify any deletions and prove that a scheme was unviable. As a consequence the Member felt that a decision on submission of this Document should be deferred until the evidence was forthcoming.

In agreement with this view, another Member highlighted that the South Hams area was at the epicentre of fuel poverty and was the second highest carbon polluter in the South West. It was noted that the County Council had recommending strengthening of this Policy and in light of localised data and evidence being available; the Member supported the comment that a decision should be deferred to allow for this information to be evaluated.

In disagreement with these points, it was highlighted that:-

- there was clear guidance that local policies should not replicate regional and national policies;
- clear evidence was lacking to justify to an Inspector that the Council could retain these clauses;
- higher building specifications led to increased development costs, which would have to be offset against the viability or Section 106 contributions of any scheme. It was stated that there was only limited scope for available monies within a development site and affordable housing in the South Hams was already built at a higher sustainability level;
- any delay in submitting this Document to the Secretary of State would not be desirable.

It was then:

RESOLVED

That the Development Policies Development Plan Document be submitted to the Secretary of State for examination.

56/09

DRAFT MEMBER DEVELOPMENT STRATEGY

A report was considered which presented the draft Member Development Strategy for approval and outlined the Council's commitment to supporting Members in developing the necessary skills to serve the community.

In discussion, the following points were raised:-

- (a) In line with increasing national requirements, it was intended that the Strategy would form the basis to consult on the individual training and development needs of each Member;
- (b) Some Members highlighted the apparent contradiction between the Strong and Prosperous Communities White Paper highlighting that Members should be 'able to speak out on all issues affecting their local areas' and the contents of the Member Code of Conduct. In reply, the Leader of Council acknowledged this view and advised that correspondence would be sent to the Department of Communities and Local Government to seek clarification on this matter;
- (c) For clarity, it was noted that the Steering Group Members would be responsible for assessing the individually identified training and development needs of Members. Once these had been identified, it was intended that these would be factored into an overall Action Plan.

It was then:

RESOLVED

That the draft Member Development Strategy be approved.

57/09

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 R M Lawrence be appointed to serve on the Audit Committee;
- (b) Cllr A Ward be appointed to serve on the Beach Management Task and Finish Group;
- (c) Cllr K J Baldry be appointed to serve on the Council Tax Setting Panel; and

That for the duration of the 12 month trial period:-

- (d) Cllrs M J Howarth and R J Tucker be appointed to serve as the Council's representatives on the County Committee. For the purposes of Members' Allowances, attendance at meetings of this body will be regarded as an approved duty.

58/09

REPORTS OF BODIES**RESOLVED**

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

(a) Audit Committee 8 September 2009

(b) Executive 10 September 2009

E.43/09 Reports of Other Bodies**b) Prosperity Policy Development Group – 4 August 2009****PPDG.05/09: To create an order for Taxis to park free in designated bays at Glanville Mill Car Park****RESOLVED**

That approval be given to the making of the Order under the Road Traffic Regulation Act 1984, to enable hackney carriages to utilise five bays in Glanville Mill car park free of charge while plying for hire.

(c) Environment PDG 16 September 2009

Due to a production error, it was noted that the first page of these minutes (page 24 of the Council Minute Book refers) was incorrect. As a consequence, an amended version was circulated to the meeting.

(d) Standards Committee 22 September 2009

In response to a question, it was confirmed that any individual complaints which had been received for the assessment, review and consideration of a Standards Sub-Committee were classified as informal meetings and therefore were not held in the public domain. As a consequence, the complaints which had been considered at a Standards Assessment Sub-Committee on 11 August 2009 (deferred from the declared inquorate meeting on 21 July 2009) were not formally minuted or circulated in the Council Minute Book.

S.25/09: Complaint SH04/170708 – Update

Due to the nature of this issue, the Chairman ruled that the questions raised on this matter should be addressed to the Chairman of the Standards Committee.

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| (e) | Scrutiny | 24 September 2009 |
| (f) | Salcombe Harbour Board | 28 September 2009 |

SH.23/09: 2010/11 Budget**RESOLVED**

That the 2010/11 Budget items (as set out within the presented report) be approved.

SH.24/09: Review of Charges**RESOLVED**

1. That the changes to the charging policy (as set out in paragraphs 5 to 11 of the report presented to the Board) be implemented; and
2. That the proposed charges (as presented in updated Appendix A to the Board) be implemented with effect from 1 April 2010.

SH.26/09: Opinion Meter Survey

Members were informed that the Survey was an electronic meter which had been sited in the Harbour Office. The Survey enabled the public to express their views and respond to a number of questions on the Harbour and its related services.

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| (g) | Community PDG | 29 September 2009 |
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CPDG: 18/09 Community Regeneration Service Review

The Chief Executive assured Members that the Council was not missing opportunities to access available external grant funding. The grant funding streams for which the External Funding Officer post had taken a lead on no longer existed and the Chief Executive felt that officers were still well equipped to identify alternative grant opportunities as and when they arose.

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| (h) | Personnel Panel | 2 October 2009 |
| (i) | Development Control Committee | 7 October 2009 |

DC.32/09: Planning Applications

A local Member reiterated his disappointment at the Committee decision to convert the last remaining village shop facility in Ermington. He proceeded to advise those present that the local community continued to pursue this matter and it was hoped that a facility could be established.

(j) Executive

8 October 2009

(Meeting commenced at 2.00 pm and concluded at 3.55 pm).

Chairman