

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 13 SEPTEMBER 2007**

MEMBERS

* Cllr R J Carter – Chairman

* Cllr B F Cane – 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 H Baverstock	∅ Cllr R M Lawrence
* Cllr J I G Blackler	* Cllr I Longrigg
* Cllr J Brazil	* Cllr D W May
* Cllr B E Carson	* 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 Date	* Cllr M F Saltern
* Cllr G J Fielden	∅ Cllr J W Squire
* Cllr R D Gilbert	* Cllr R C Steer
* Cllr F J Hawke	* Cllr M Stone
* 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

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

For all items: Chief Executive, Strategic Director (Community), Strategic Director (Resources), Deputy Monitoring Officer, Member Support Services Manager;
Items 10 and 11 (Minutes 45/07 and 46/07 below refer): Head of Community Regeneration and Forward Planning Manager

40/07

MINUTES

A Member wished for it to be recorded that whilst his declaration of a prejudicial interest in Item 4: 'Salcombe Harbour Strategic Plan' (Minute 39/07 refers) had been noted, he had been instructed to withdraw from the meeting on the advice of the Monitoring Officer. Whilst the Member adhered to this request, he stated that it was his personal belief that he did not have a prejudicial interest in this matter.

In acknowledging this point, the minutes of the special meeting of the Council held on 2 August 2007 were confirmed as a correct record and signed by the Chairman.

41/07 **CHAIRMAN'S ANNOUNCEMENTS**

The Council noted a list of civic engagements attended by the Chairman.

42/07 **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 N A Barnes and R C Steer declared prejudicial interests in Item 11: 'Local Development Framework – Totnes and Dartington Development Plan Document – Preferred Options' (Minute 46/07 below refers). Cllr Barnes advised that her interest was work related and Cllr Steer declared his interest by virtue of him being a direct milk supplier to Dairy Crest. Both Members left the meeting during consideration of this item.

Cllr M J Howarth declared a prejudicial interest in Item 14(a): 'Reports of Bodies: Development Control Committee – 20 June 2007' (Minute 49/07(a) below refers) in relation to application number 28/0916/07/F by virtue of him being the applicant for this proposal and left the meeting during consideration of this item;

Cllr G Date advised of a potential prejudicial interest in Item 11: 'Local Development Framework – Totnes and Dartington Development Plan Document – Preferred Options' (Minute 46/07 below refers) should the Follaton Farm site be discussed by virtue of him being the property owner's accountant. Cllr Date advised that he would leave the meeting should this site be discussed.

43/07 **QUESTIONS**

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

(a) From Cllr Date to Cllr Barnes, Executive Member for Value for Money

(i) Is it possible to have a breakdown of s106 monies received, analysed over Wards and within Wards what the money can be spent on?

Cllr Barnes advised that a report was being presented to the Scrutiny Group on 20 September 2007 which would address the issues arising in the question. Cllr Barnes also stated that she would be happy to provide any additional information to Cllr Date, should he have any outstanding queries following the Scrutiny meeting.

(b) From Cllr Date to Cllr Carson, Executive Member for Clean Environment

(ii) I have had two problems with refuse collections in the past 3 weeks. The Utilities did work in Hillbrook Road, from prior to 16 August. This meant that the Refuse Vehicles could not collect from Hillbrook Road and Hillbrook Rise for two weeks. I rang on a number of occasions, on the three times I got through, I left a message, but at no time did I receive a return call.

The other problem was personal on 23 August, my bin was not collected, my wife rang on at least 4 days, asking for it to be collected. Every time, she was assured it would be collected, it never was. What has gone wrong with the refuse collection service? In my personal case, if the lorries had broken down, or there was a lack of staff due to the holidays, would it not be better to say that, rather than, in effect lie?

In response, Cllr Carson advised of the need for the utilities companies to liaise more closely with local authorities to ensure greater awareness of when works were due to take place. In apologising for this non-collection, Cllr Carson outlined a number of potential reasons as to why the refuse may not have been collected.

Cllr Date asked a supplementary question regarding the issue of responding to telephone calls. In response, Cllr Carson apologised for the lack of communication and advised that the service had no spare capacity at this time.

44/07

NOTICE OF MOTIONS

It was noted that one motion had been received in accordance with Council Procedure Rule 10.1.

(a) By Cllrs Pennington and Croad:

“That this Council urges the Prime Minister to call a National Referendum on the proposed European Union Reform Treaty which is basically the same as the previously rejected E.U. Constitution on which the Labour Party pledged a National Referendum.”

Having been **PROPOSED** and **SECONDED**, the proposer of the motion referred to the issue being of considerable importance with ramifications to both local and central government. The proposer also highlighted the need for the Labour Party to honour its promise of a National Referendum and the requirement to consult with the people. In making reference to a number of politicians from across the political parties who had expressed their belief that a National Referendum should take place, the proposer also highlighted that adoption of the proposals had been fully rejected in Referendums undertaken by the Netherlands and France. The view was also expressed by the proposer that should the treaty come into force, then vast sums of UK taxpayers' monies would be spent on promoting politically correct edicts.

The seconder of the motion stated that a National Referendum was promised in the Labour Party manifesto and should therefore be carried out. During this process, the seconder felt it likely that more detail regarding the Treaty may become apparent.

Having been called for in accordance with Council Procedure Rule 15.5, a recorded vote was carried out, with the voting on the motion being recorded as follows:-

For the motion (35):- Cllrs Baldry, Barnes, Bastone, Baverstock, Blackler, Brazil, Cane, Carson, Carter, Cooper, Coulson, Croad, Date, Fielden, Gilbert, Hawke, Hawkins, Hewitt, Hicks, Howarth, C Jones, L Jones, Longrigg, May, O'Callaghan, Pennington, Rankin, Rowe, Saltern, Steer, Stone, Tucker, Vint, Ward and Westacott.

Absent (5):- Cllrs Cook, Hitchins, Lawrence, Pannell and Squire.

The motion was therefore declared **CARRIED**.

RESOLVED

That this Council urges the Prime Minister to call a National Referendum on the proposed European Union Reform Treaty which is basically the same as the previously rejected E.U. Constitution on which the Labour Party pledged a National Referendum.

45/07

AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD)

A report was considered which sought approval to publish the Affordable Housing SPD for consultation in accordance with Regulation 17 of the Town and Country Planning Regulations 204 (Minute E.45/07(a)(4) also refers).

It having been **PROPOSED** and **SECONDED** that the recommendation in the presented report be adopted, an amendment was **PROPOSED** and **SECONDED**, as follows:-

'That Members resolve that the draft Affordable Housing SPD be approved for consultation, subject to amendment of Para B3.4 to include reference to co-housing, housing co-operatives, community land trusts and self-build as models of intermediate housing provision and amendment to Para F1.4 to read: "The Council will also encourage equitable and participatory methods of affordable housing provision, including co-housing, housing co-operatives, community land trusts and self-build. Any such approach must however ensure that arrangements are in place to secure the appropriate management of the homes and to ensure that they remain affordable to people in need".'

Whilst in broad support of the initial recommendation, the proposer expressed his concern that the document made no reference to intermediate housing provision methods such as co-housing, housing co-operatives, community land trusts and self build. In support of the amendment, Members also made reference to it advocating and promoting a range of different methods and felt that it did not dilute the initial recommendation but added greater variety to it and could see no harm in its inclusion.

In response, officers advised that the document attempted to set into context the issue of affordable housing and it was easier to promote those types of intermediate affordable housing in line with national policy. As it stood, it was noted that Para F1.4 made reference to the provision of other forms of affordable housing and officers also informed that not all co-housing was necessarily affordable. The document did not prejudice other affordable housing elements from coming forward and if it became apparent after this consultation phase that other housing types should be accommodated into the document, it could be amended accordingly.

On being put to the vote, the amended recommendation was declared **LOST**.

During discussion on the main motion, reference was made to:-

- (a) the importance of key workers. It was noted that a key worker tended to be defined as a public sector employee. In comparison to other areas in the UK, the differential for wages between public and private sector workers tended to be smaller in the South West and as a consequence, the document aimed to look at general housing need;
- (b) issues of viability. A Member welcomed the inclusion of the requirement for a developer to provide strong justifiable reasons why it would be necessary to consider a reduction in the level of affordable housing. Furthermore, the Member made the point that in some instances, the contributions from developers towards affordable housing had been minimal;

- (c) an affordable housing mix. A Member appreciated the recognition in the document that affordable housing should not solely be defined as the construction on site of bedsits and should include provision for affordable larger dwellings.

RESOLVED

That the draft Affordable Housing Supplementary Planning Document be approved for consultation.

46/07

LOCAL DEVELOPMENT FRAMEWORK – TOTNES AND DARTINGTON DEVELOPMENT PLAN DOCUMENT – PREFERRED OPTIONS

Consideration was given to a report which sought approval to publish the Totnes and Dartington Development Plan Document (DPD) Preferred Options for consultation. The report set out the purpose and scope of the document and the key issues that needed to be addressed (Minute E.45/07(a)(5) also refers).

It having been **PROPOSED** and **SECONDED** that the recommendation in the presented report be adopted, an amendment was **PROPOSED** and **SECONDED**, as follows:-

‘(i) That Members RESOLVE that the Totnes and Dartington Development Plan Document (Preferred Options) be published for consultation, in respect of the Steamer Quay site; and

(ii) That in respect of the Riverside site, the site for the proposed school be moved into site 5 and houses initially allocated in that area be re-located to Brownfield sites following discussion with Forward Planning Officers’.

The proposer advised that there were certain site option elements which she could not support in the document. In outlining her concerns, specific reference was made to the following viewpoints:-

- that a proposed new school site was located in the wrong place;
- that new riverside housing on the southern edge of Bridgetown would cause a significant increase in traffic on the already busy main A385;
- that the road access to the new homes through Bridgetown would mean additional numbers of traffic passing through dangerous junctions, shopping centres and the existing St John’s Primary School;
- that the future of the caravan park could be in jeopardy; and
- that the proposals could threaten the Sea Scout hut. The Member also highlighted that a Strategy Group had already raised £10,000 to upgrade facilities and felt that there would be little point in the Group carrying out refurbishment works, if the hut was to be moved.

Other local Members concurred with a number of the comments of the proposer and believed that publication of the document for consultation should be delayed until the proposals were felt to be right.

In contrast, other Members felt that the presented document should be published for consultation, with the results of this exercise being fully evaluated to see the themes and issues which had arisen. These Members also felt that there should be no further delay in the process, as any rescheduling would have a knock-on effect on other Local Development Framework documents.

On being put to the vote, the amended recommendation was declared **LOST**.

During discussion on the main motion, reference was made to:-

- (a) public engagement. Assurances were given that the consultation process would be comprehensive and would include imaginative methods of public engagement.

RESOLVED

That the Totnes and Dartington Development Plan Document (Preferred Options) be published for consultation.

47/07

CHANGES TO TOR HOMES BOARD

Consideration was given to a report which set out the implications for the Council of the proposed changes within Tor Homes in reducing the size of their board from 15 to 12 members.

RESOLVED

That:-

- (i) No objection in principle be made to the proposed changes to reduce, in equal proportion, the size of Tor Homes' Board from 15 to 12 members;
- (ii) Authorisation be given to the Officers of the Council to vote at the Tor Homes General meeting which considers this change, in favour of the Rule change reducing the Board, in equal proportion, from 15 to 12 members.

48/07

STANDARDS COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBERS AND PARISH REPRESENTATIVES

Members considered a report that needed Council to consider the recommendations of the appointments panel in the course of making appointments to the Standards Committee.

RESOLVED

That the following be appointed to the Standards Committee as co-opted Members for a period of 4 years from the effective date of 13 September 2007:-

- Independent Chairman: Mr M Winterton;
- Independent Member: Mr R Alison;
- Parish Representative: Mr P Dredge.

49/07

REPORTS OF BODIES**RESOLVED**

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

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| (a) | Development Control Committee | 20 June 2007 |
| (b) | Development Control Committee | 18 July 2007 |
| (c) | Development Control Committee | 5 September 2007 |
| (d) | Scrutiny | 21 June 2007 |

SC.04/07 Review of Changes – Waste Collection

In light of the seriousness of the waste issue, a Member expressed concern that the Environment Policy Development Group meeting to consider a report on proposed remedial action, had been postponed until 1 November 2007. In response, it was noted that the Working Group had not progressed at the desired speed and the information would not be available before this time. It was also stated that in the meantime, officers had been liaising with their Teignbridge District Council counterparts, who were currently trialling a food waste summer service in some communities. Members were informed that the results of this exercise would also be available to be presented to this meeting.

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| (e) | Scrutiny | 26 July 2007 |
| (f) | Audit Committee | 26 June 2007 |
| (g) | Audit Committee | 11 September 2007 |

A.13/07 Statement on Internal Control for South Hams District Council

RESOLVED

That the Statement of Internal Control be approved and that a review on the management of change in the waste collection, in particular the management of risk for this project be included in the statement and carried out.

A.14/07 Financial Instructions

RESOLVED

That the Financial Instructions be approved, subject to the comments as detailed in the minutes of that meeting and its inclusion in the Council's Constitution as the 'Financial Procedure Rules', and the revised financial limits.

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| (h) | Prosperity Policy
Development Group | 27 June 2007 |
| (i) | Community Policy
Development Group | 6 July 2007 |
| (j) | Salcombe Harbour Board | 10 July 2007 |

SH.19/07 Boat Park Operations

The Member Champion for Health and Safety and Risk Management made reference to the letter appended from Safety UK, which raised a number of serious issues and questioned what measures were being taken to address these matters. In response, the Chairman of the Board assured the Council that as many issues as possible were presently being addressed. The Chairman also wished to praise the work of the Harbour Master who was shown to be extremely capable and pro-active in this area.

RESOLVED

That the Council advertise for expressions of interest to operate the Creek Car Park as a boatyard winter storage to achieve the safe operation of slipping and lifting, safe chocking and the storing of boats only and ensuring continued access for local independent contractors to carry out works on boats.

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| (k) | Executive | 12 July 2007 |
| (l) | Executive | 6 September 2007 |

E.36/07 Totnes Southern Area – Sustainability Proposals

RESOLVED

That £32,800 from the capital receipt for the Totnes Southern Area development is allocated to fund the enhanced levels of insulation as set out in Option 1 of the presented report.

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

Chairman