

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 15 JULY 2010**

MEMBERS

* Cllr J H Baverstock – Chairman

* Cllr R D Gilbert – Vice-Chairman

* Cllr K J Baldry	* Cllr M J Howarth
* Cllr A D Barber	* Cllr C W Jones
* Cllr N A Barnes	* Cllr L P Jones
* Cllr H D Bastone	* Cllr R M Lawrence
* Cllr J I G Blackler	* Cllr I Longrigg
* Cllr J Brazil	* Cllr D W May
* Cllr B F Cane	* Cllr D M O'Callaghan
∅ Cllr B E Carson	* Cllr C M Pannell
* Cllr R J Carter	* Cllr J T Pennington
* Cllr P H Cook	∅ Cllr S L Rankin
* Cllr S E Cooper	* Cllr R Rowe
* Cllr P Coulson	* Cllr M F Saltern
* Cllr R F Croad	∅ Cllr J W Squire
∅ Cllr G J Fielden	* Cllr R C Steer
* Cllr M Hannaford	* Cllr M Stone
* 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, Shared Head of Corporate Services and Member Support Services Manager;

Item 7 (Minute 28/10 below refers): Head of Environment Services;

Item 11 (Minute 32/10 below refers): Head of Spatial Planning and Economy and Forward Planning Manager; and

Item 12 (Minute 33/10 below refers): Head of Development Management.

24/10 **MINUTES**

The minutes of the annual meeting of Council held on 13 May 2010 were confirmed as a correct record and signed by the Chairman.

25/10 URGENT BUSINESS

The Chairman advised that he had agreed for one item of urgent business to be raised at this meeting. This item sought Council approval to advertise the new arrangements and charges for the new (long stay) Lower Union Road Car Park in Kingsbridge. The item was considered urgent due to the need to advertise the amendments to the Off-Street Parking Order before the next Council meeting was due to be held.

It was intended that this item would be taken as agenda item 7 (Minute 28/10 below refers).

26/10 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 L P Jones declared a personal interest in Item 15(f): 'Reports of Bodies – Executive: 10 June 2010' (Minute 36/10(f) below refers) by virtue of her involvement with the Ivybridge Youth Centre and remained in the meeting during the presentation of these minutes.

Cllrs R D Gilbert, C W Jones and R J Tucker declared a prejudicial interest in Item 15(l): 'Reports of Bodies – Environment PDG: 30 June 2010' (Minute 36/10(l) below refers) by virtue of being in receipt of water from a private supply and proceeded to leave the meeting during the discussion and vote on this item.

Cllr R D Gilbert declared a prejudicial interest in Item 8(ii): 'Questions' (Minute 29/10(b) below refers) by virtue of his business interests in East Portlemouth and left the meeting during consideration of this question.

27/10 CHAIRMAN'S ANNOUNCEMENTS

The Council proceeded to note a list of Civic Engagements recently attended by the Chairman, during which particular reference was made to:-

- the total number of engagements attended by the Chairman and Vice-Chairman being thirty-eight to date;
- his attendance at a recent Marlton Parish Council meeting; and
- the help and support provided by his Vice-Chairman.

28/10 LOWER UNION ROAD CAR PARK, KINGSBRIDGE

As raised above (minute 25/10 refers), an urgent report was considered which sought approval to advertise the new arrangements and charges for the new (long stay) Lower Union Road Car Park in Kingsbridge.

In discussion, reference was made to:-

- (i) the estimated loss of income during the changeover. In expressing concern, some Members highlighted the anticipated loss of income during the two month changeover, which would occur during the peak summer months. In addition, the loss of parking at this time of year could have a major economic impact on Kingsbridge businesses. In reply, a Member made reference to the issue arising from the planning condition imposed by the Development Management Committee, whereby a replacement car park would be in operation upon the opening of the supermarket;
- (ii) overnight car park charges. It was confirmed that the order sought to replicate the current arrangements and consequently, there was not an overnight charge at the Cookworthy Car Park.

It was then:

RESOLVED

That officers be instructed to advertise the amendments to the Off-Street Parking Order 1999 to include the following detail:-

- (a) The charges and conditions for the new car park at Lower Union Lane Kingsbridge for 2010/11 should duplicate those that existed in Cookworthy Car Park (as at presented Appendix A: Addition to Schedule); and
- (b) To remove Cookworthy Car Park from the Schedule of the District of South Hams (Off-Street Parking Place) Order 1999 as amended.

29/10

QUESTIONS

It was noted that five questions had been received in accordance with Council Procedure Rule 8.

From Cllr Brazil to Cllr Saltern, lead Executive Member for Housing

- (a) *“SHDC has the worst record on building affordable houses in Devon and Cornwall. Why do you think this is the case?”*

In reply, Cllr Saltern made particular reference to:-

- his assumption that the question referred to the Shelter report over which he had a number of concerns and had proven to be wildly inaccurate;

- the question being inaccurate in fact. This was supported by the below table:

Completions – 2009/10	
East Devon	18
Exeter	158
North Devon	43
South Hams	60
Mid Devon	54
Torrige	63
West Devon	60
Teignbridge	174

- the pace of housing delivery having not met demand. The two major factors in this trend were the economic situation being the worst endured since World War II and the environmental quality of the area and the strong interest of local communities to protect that environment;
- his support at the fast progress being made on the Local Development Framework;
- the Housing Market Needs Assessment. The Assessment had highlighted that the South Hams had the worst contribution of factors ever encountered;
- performance equating to a good reflection of the effort put in. However, it was acknowledged that the Council still needed to do far better. As a consequence, a number of schemes and initiatives in relation to villages were being considered and it was his view that there should be a balance struck between large scale development and smaller scale development in the rural areas.

In his supplementary question, Cllr Brazil asked for specific examples of how the Council was looking at enabling development in rural parishes. Cllr Saltern replied that in line with the new localism agenda, the Council was looking at implementing a 'Village Housing Initiative.' It was his intention for the first such scheme to be undertaken in Newton Ferrers, with the exact details being presented to the Executive meeting on 2 September 2010.

From Cllr Brazil to Cllr Hitchins, lead Executive Member for Prosperity

- (b) *"How long has SHDC known that the Environment Agency was withdrawing the discharge licence for the East Portlemouth public toilets?"*

In reply, Cllr Hitchins advised that the Environment Agency (EA) granted the Council a consent to discharge septic tank effluent from the public conveniences at Ferry Steps on 24 October 2007. The consent granted was temporary and would expire on 19 October 2011. The EA indicated that if, at this date, a private discharge was still required then a treatment plant must be installed. However, in 2009 another permit was granted for another four year period which superseded the existing permit and therefore would apply until November 2013.

In his supplementary question, Cllr Brazil welcomed this response and sought assurances on behalf of the parish council that there would be no threat of closure between now and 2013. In reply, Cllr Hitchins confirmed that this Council would not impose a closure, subject to there being no contrary discharge breach.

From Cllr Brazil to Cllr Howarth, lead Executive Member for Value for Money

(c) *“How many complaints have been made by members of the public about council officers in the past two years and how many of these complaints have been upheld?”*

In reply, Cllr Howarth made particular reference to:-

- all public complaints being dealt with under the Council’s Corporate Complaints Procedure;
- 111 complaints having been logged in the last two years;
- the complaint being potentially a disciplinary matter. In this event, the Head of Service was expected to review the matter and respond within ten working days. Of the 111 complaints, two had led to disciplinary action, in one of which the employee was later exonerated;
- the Head of Service being able to invoke an independent review to be signed off by a Strategic Director;
- a complainant referring a matter to the Ombudsman. If a complainant was dissatisfied with the way a complaint was handled by the Council, then it could be referred to the Ombudsman. In the last two years, no complaints about the attitude or actions of an officer had been referred to the Ombudsman.

From Cllr Brazil to Cllr Tucker, Leader of Council

(d) *‘On the 17 December 2009 this Council voted to approve the publication of the Site Allocations Development Plan Documents. Do you think it is right that members who voted for this approval should now criticise the Council in public about these documents?’*

In response, Cllr Tucker anticipated that the situation would change in line with the formation of the Coalition Government.

From Cllr C Jones to Cllr Tucker, Leader of Council

(e) *“As the Council prepares to make difficult decisions on budget reductions and ‘prioritisation’ of resources and services in the year ahead, will the Leader of the Council:*

- *provide clear and firm assurances that the rural parishes will be treated fairly and equitably vis-a-vis the towns in the allocation of District Council resources;*
- *explain by what method(s) such ‘rural-proofing’ will be achieved in the decision-making process; and*

- *provide clear and firm assurances that the District Council will not 'dump' onto rural parishes against their will the responsibility for and/or cost of running facilities and services hitherto supported by the District Council."*

In response, Cllr Tucker informed that the Council was awaiting the outcome of the Comprehensive Spending Review in the autumn. However, the Council was working on the assumption that large cuts would be necessary. Where assets were within the ownership of the Council, all town and parish councils would be treated equally. On the matter of 'rural proofing' the Leader confirmed that Ivybridge was the only part of the South Hams which was not defined as being rural, but said that the town would not be treated differently. In respect of the 'dumping' of services, the Leader cited the example of the devolved services initiative and stated that the Council did not undertake such a practice.

In reply to a supplementary question, Cllr Tucker advised that he would be more than willing to look at information provided by Cllr Jones on the subject of rural proofing.

30/10

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 Cooper

"This Council fully endorses and supports the undermentioned letter (as attached at Appendix A) sent to the Leaders of all Councils by the Rt Hon Eric Pickles Conservative MP and Secretary of State for Communities and Local Government in the Coalition Government."

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

- his respect for Mr Pickles and the increased emphasis being given to localism, rather than bureaucracy;
- the abolition of the Regional Spatial Strategy (RSS), Comprehensive Area Assessments and the Standards for England. In addition, the South West Regional Development Agency was likely to be abolished and the proposer felt that a positive start had been made to reducing unnecessary Quangos and bureaucracy;
- the RSS not being solely concerned with housing and development;
- his reservations which he voiced at the Council meeting on 17 December 2009 (Minute 65/09 refers);
- the importance of the public consultation results of the Site Allocation Development Planning Documents (DPDs) being taken into account.

In stating her support for this motion, the seconder stated her belief that local democracy would be improved through the Coalition Government.

In discussion, the following points were raised:-

- (i) A Member highlighted how many local communities were unhappy with the current centralised forward planning system. In light of this, the Member stated that the deadline of 2 July 2010 for receipt of comments on the Site Allocation DPDs should now be revisited.

On this matter, the Leader agreed with the principle of increased localism and reduced bureaucracy. However, he also advised that the removal of the RSS would not eradicate the need for progress to be made on the DPDs and the Core Strategy. In urging Members to read the correspondence received from the Department for Communities and Local Government (as attached to the Bulletin edition of 16 July 2010), the Leader also informed that the Site Allocation DPDs would be submitted to the Inspector at the end of July. This was in accordance with the Council resolution on 17 December 2009. If in the meantime, legislation was amended, then the Inspector would have that information when making a decision.

Since the majority of Members wished for the DPD to be progressed swiftly, the Leader reiterated that the Council had no intention of stopping this process. In echoing this point, a Member emphasised the importance of progressing with the DPD process in line with Council Corporate Priority 1 and the need to expand the majority of communities in the South Hams;

- (ii) Further to the comments of the Leader ((i) above refers), a Member felt that the time to invoke any delay had been at the Council meeting on 17 December 2009. In respect of the Site Allocation DPDs, the issue was no longer within the control of the Council and if the Inspector concluded them to be sound, then these documents would be binding;
- (iii) In caution on the localism agenda, a Member believed that it was often easier for central government to delegate problems than it was to provide adequate resources to support them.

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

It was then:

RESOLVED

This Council fully endorses and supports the undermentioned letter (as attached at Appendix A) sent to the Leaders of all Councils by the Rt Hon Eric Pickles Conservative MP and Secretary of State for Communities and Local Government in the Coalition Government.

31/10

PETITION SUBMITTED TO THE CHAIRMAN OF COUNCIL ON BEHALF OF THE RESIDENTS OF HOPE COVE AND GALMPTON

The Chairman received a petition from Mr Clive Higgs on behalf of the residents of Hope Cove and Galmpton.

The petition (which included over 130 signatories) stated that the residents of Hope Cove and Galmpton strongly supported Council funding to enable senior bus passes to be used on the only morning (9.10am) daily bus to Kingsbridge.

Upon receipt of the petition, the Chairman thanked Mr Higgs and referred the matter to the lead Executive Member for Community Affairs to provide a response.

32/10

ADOPTION OF DEVELOPMENT POLICIES DEVELOPMENT PLAN DOCUMENT

A report was considered which outlined the importance of adopting the Development Plan Document (DPD) in order to enable progress against Council priorities and to assist in processing planning applications.

The Development Policies DPD set out a suite of policies for determining planning applications. Its approval as 'sound' by the Inspector was a very significant milestone for the Council to reach. The Inspector's report was binding and the Council was now obliged to adopt the plan.

In discussion, reference was made to:-

- (a) Climate Change. Despite being a cross-cutting theme for the Council, a Member expressed his disappointment at the lack of targets within the document regarding related elements such as sustainable construction. On this point, another Member advised that due to the level of reference in the document to Climate Change (which would influence Developer Costs) he could not support its adoption;
- (b) the Regional Spatial Strategy (RSS). The Leader confirmed that the examination considered the document as submitted and that the Inspector's report was binding. Therefore, it was not possible to delete reference to the RSS. However, the Leader stated that it was his wish to invoke a review of the document after two years of its adoption;
- (c) rural communities. A Member informed that he opposed adoption of the document, due to the lack of emphasis being given to rural communities. The Member felt that the recent trend of rural shops, public houses and hotels closing would not be halted by the adoption of this document.

It was then:

RESOLVED

That the Development Policies Development Plan Document be adopted in line with the Inspector's binding report.

33/10

DELEGATED POWERS IN DEVELOPMENT MANAGEMENT

Members considered a report which sought approval to amend the Scheme of Delegation for the Head of Development Management in light of the Vanguard service review.

The proposed amendments were the forerunner to a wider review of the Scheme and the Constitution as a whole. However, these amendments deserved consideration in advance due to the need to implement the new 'leaner' arrangements as soon as possible, in the interests of effective, efficient and lawful determinations of planning applications.

In discussion, it was apparent that a number of Members had concerns regarding the content of the draft Scheme. As a consequence, the Chairman intervened and **PROPOSED** a motion that the matter be deferred to the Council meeting on 9 September 2010. Moreover, Members should relay any comments and/or suggested amendments on the draft Scheme to the lead Executive Member for Value for Money before 5.00pm on Friday, 30 July 2010. This motion was subsequently **SECONDED** and when put to the vote declared **CARRIED**.

It was then:

RESOLVED

1. That the matter be deferred to the Council meeting on 9 September 2010; and
2. That Members relay any comments and/or suggested amendments on the draft Scheme of Delegation to the lead Executive Member for Value for Money before 5.00pm on Friday, 30 July 2010.

34/10

80% PLANNING TRAINING THRESHOLD

Consideration was given to a report which outlined the recommendations of the Political Structures Working Group regarding the current requirement in the Constitution to attend 80% of planning training events held.

In discussion, the following points were raised:-

- (a) A Member felt that the proposal was too inflexible and did not make any provision for any lack of attendance due to unforeseen circumstances such as illness;
- (b) In stating his opposition to the proposal, a Member highlighted his disquiet that local Members could be prevented from carrying out their duties in relation to Development Management due to a failure to attend adequate training. In addition, the requirement did not take into account the level of experience already gained by a Member. In the event that the proposal was agreed, the Member also suggested that some form of assessment should take place after the training had been concluded in order to give it some relevance;
- (c) A Member emphasised the importance of receiving regular training on development management matters, particularly in light of the frequent and ongoing changes in issues such as planning legislation and policy.

It was then:

RESOLVED

That with immediate effect, the Constitution be amended to reflect that:-

- Two Planning Training sessions be convened annually, with an expectation that all Members have to attend both of these in order to be able to take part in the planning decision-making process during the following Municipal Year;
- Newly elected Members will have to attend two induction Planning Training sessions before they can take part in the planning decision-making process during that year and must also attend both annual sessions;
- Repeat sessions will be held in conjunction with West Devon Borough Council to provide additional opportunities for Members to meet the requirement to attend both the induction training and the two sessions; and
- Whilst re-elected Members will be welcome to attend the two induction sessions, this will be optional and will not count towards the requirement to attend the two annual sessions.

35/10

ANNUAL REPORT OF SCRUTINY AND THE POLICY DEVELOPMENT GROUPS

A report was presented which highlighted the working of Scrutiny and the Policy Development Groups during the 2009/10 Municipal Year. The report also sought to make recommendations for future work programmes and amend working methods where appropriate.

It was then:

RESOLVED

That the work programmes of Scrutiny and the Policy Development Groups be noted.

36/10

REPORTS OF BODIES

RESOLVED

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

- | | | |
|-----|----------------------------------|--------------|
| (a) | Personnel Panel | 5 May 2010 |
| (b) | Development Management Committee | 19 May 2010 |
| (c) | Licensing Committee | 24 May 2010 |
| (d) | Scrutiny | 27 May 2010 |
| (e) | Salcombe Harbour Board | 7 June 2010 |
| (f) | Executive | 10 June 2010 |

E.8/10: Partnership Working on Plymouth Economic Growth Agenda – A Reform of Governance and Delivery Arrangements

RESOLVED

That the Leader be appointed to serve on the Portfolio Holders Board to represent Economic Development, Strategic Housing and Planning Issues affecting the area. For the purposes of Member Allowances, attendance at meetings of this body be regarded as an approved duty.

E.10/10: Annual Treasury Management Report 2009/10

RESOLVED

That the Treasury Management activity for 2009/10 be approved.

E.13/10: Reports of Other Bodies

a) Community Policy Development Group – 15 April 2010

CPDG.33/09: Events on Council Property

RESOLVED

That where there is an outstanding concern over whether an event should be authorised, the matter be decided by the appropriate Head of Service, in consultation with the Monitoring Officer and the local ward Member(s).

(g) Audit Committee 15 June 2010

A.08/10: Revision of Contract Procedure Rules (formerly known as Standing Orders Related to Contracts)

RESOLVED

That the updated version of the Contract Procedure Rules, and the revised financial limits, be adopted in the Constitution.

(h) Development Management Committee 23 June 2010

(i) Scrutiny 24 June 2010

(j) Audit Committee 29 June 2010

A.13/10: Statement of Accounts 2009/10

In respect of Renovation Grants, the Chairman of the Committee informed that he had now obtained the breakdown information regarding each of the grants which made up the Budget.

A.15/10: System of Internal Control and Annual Governance Statement 2009/10 for South Hams District Council

RESOLVED

That the draft Annual Governance Statement for 2009/10 and supporting evidence be approved.

(k) Standards Committee 30 June 2010

S.5/10: Review of Constitution and Scheme of Delegation

Although it was a constitutional requirement for the Standards Committee to undertake a review of the Constitution and the Scheme of Delegation, some Members did not feel this to be appropriate. In echoing the views of the Committee, the Monitoring Officer advised that there was a need for an improved method of undertaking such a review.

S.10/10: Report of Investigating Officer: Complaints for Consideration

It was confirmed that the Standards Committee (England) Regulations 2008 dictated that a report of an Investigating Officer into a complaint would not be disclosed into the public domain, unless the matter was referred to a Hearing.

(l) Environment PDG 30 June 2010

EPDG.04/10: Wind Turbines

A Member advised that he would seek to propose an amendment in relation to this item before the Group signed the minutes off as a true and correct record at its next meeting.

EPDG.05/10: Implementation of Charges for the Private Water Supplies Regulations 2009

RESOLVED

That the charges be approved to recover costs from appropriate persons in respect of carrying out the duties under the Private Water Supplies Regulations 2009. In addition, the charges be reviewed in the future at the same time as other environmental health fees and charges.

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

Chairman

Appendix A



The Rt Hon Eric Pickles MP
Secretary of State for Communities and Local Government

Department for Communities and Local Government
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27th May 2010

Dear Leader

ABOLITION OF REGIONAL STRATEGIES

I am writing to you today to highlight our commitment in the coalition agreements where we very clearly set out our intention to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Consequently, decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

I will make a formal announcement on this matter soon. However, I expect Local Planning Authorities and the Planning Inspectorate to have regard to this letter as a material planning consideration in any decisions they are currently taking.

*Yours ever,
Eric Pickles*

THE RT HON ERIC PICKLES MP