

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 17 SEPTEMBER 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 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 R J Tucker
* Cllr J D Hawkins	* Cllr R J Vint
∅ Cllr T J Hewitt	* Cllr A Ward
* Cllr M J Hicks	* Cllr J A Westacott MBE
∅ Cllr P W Hitchins	

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Chief Executive, Strategic Director (Community), Strategic Director (Resources), Monitoring Officer and Member Support Services Manager.

41/09 **MINUTES**

The minutes of the meeting of the Council held on 23 July 2009 were confirmed as a correct record and signed by the Chairman.

42/09 **ELECTION OF VICE-CHAIRMAN**

RESOLVED

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

43/09 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

44/09 **CHAIRMAN'S ANNOUNCEMENTS**

The Council noted a list of Civic Engagements attended by the Chairman. During which, the Chairman wished to make particular reference to the following events:-

- the 10th Anniversary of the Kingsbridge Farmers Market on 1 August 2009;
- the Lord Mayor of Plymouth's Civic Reception on 28 August 2009; and
- the upcoming skate competition finale in Borough Park, Totnes on 19 September 2009.

45/09 **QUESTIONS**

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

46/09 **NOTICE OF MOTIONS**

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

By Cllrs Hicks and Saltern

"That this Council is very concerned at the way the foundering attempts at reorganising local government in Devon are interfering with serious efforts, particularly in South Devon, to improve efficiencies by joint working arrangements and, further, requests that the CEO/Leader send a formal letter to that effect to the Secretary of State to end the uncertainty and bring an end to the whole sorry process."

Having been **PROPOSED** and **SECONDED**, the seconder of the motion made reference to the chronology of events behind the Local Government Review, which had commenced in 2006 when Exeter City Council had submitted a bid for unitary status. The seconder stated that the three years of this ongoing process had been typified by incompetence and had led to democracy being undermined and had also resulted in a significant waste of money to Council Taxpayers in Devon. In making this stand, the seconder also expressed his view that the Review was driven by a political agenda and emphasised that the valuable officer time and resources re-directed towards this exercise had been immeasurable. Nonetheless, the seconder also wished to pay tribute to the Council and its officers, who had continued to work tirelessly despite the uncertainty arising from what he termed 'this entire sorry process'.

In discussion, particular reference was made to:-

- (a) a number of Members reiterating their discontent regarding the amount of money and officer time wasted during what they considered to be a pointless exercise;
- (b) the support of Devon County Council. It was noted that the County Council also wished for the process to be halted;
- (c) the current economic climate. Some Members made reference to the importance of future working in partnership and integration in order to generate the necessary savings and efficiencies which inevitably would be required.

It was then:

RESOLVED

That this Council is very concerned at the way the foundering attempts at reorganising local government in Devon are interfering with serious efforts, particularly in South Devon, to improve efficiencies by joint working arrangements and, further, requests that the CEO/Leader send a formal letter to that effect to the Secretary of State to end the uncertainty and bring an end to the whole sorry process.

47/09

MEMBER APPOINTMENT TO THE STANDARDS COMMITTEE

The Chairman advised that there was a need to appoint a Minority Group Member to the Standards Committee and invited nominations from the Council.

The Acting Leader of the Liberal Democrat Group advised that in light of the Group losing all confidence in the Standards Committee, she was unwilling to propose a nomination for this position. Another Member highlighted the independent composition of the Committee and felt it unfortunate that the Liberal Democrat Group was unwilling to propose a nomination.

As a consequence, the Leader of Council proposed that Cllr Westacott be appointed to the Standards Committee. This proposal was subsequently seconded and put to the vote.

It was then:

RESOLVED

That, with immediate effect, Cllr Westacott be appointed to serve on the Standards Committee for the remainder of the 2009/10 Municipal Year.

48/09

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) | Salcombe Harbour Board | 13 July 2009 |
| (b) | Community PDG | 15 July 2009 |
| (c) | Executive | 16 July 2009 |
| (d) | Licensing Committee | 17 July 2009 |
| (e) | Standards Committee | 21 July 2009 |

The Monitoring Officer clarified that since both elected Council Members were absent from this meeting, it became inquorate only at the point on the agenda when it was due to consider complaints received.

S.15/09: Local Determination of Complaints: The First Year**RESOLVED**

That a Standards Hearing Sub-Committee be established.

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| (f) | Development Control Committee | 22 July 2009 |
| (g) | Scrutiny | 23 July 2009 |
| (h) | Development Control Committee | 31 July 2009 |

DC.20/09: Application 7/49/2426/06 – Sherford New Community, Land South/South West of A38 Deep lane and East of Haye Road, Elburton, Plymouth

Some Members reiterated a view raised at the Development Control Committee meeting, namely that such a critical decision should have been deferred for the determination of full Council. In reply, it was noted that as a regulatory body with a quasi-judicial function, the Committee had authority to determine such matters and made objective planning decisions outside the political regime of the Council.

In light of further comment regarding the feasibility of deferring a decision on a planning application and the process followed when the vote was taken at the meeting, it was agreed that the Monitoring Officer would provide Members with a written response on these matters.

A Member also expressed his regret that the now approved application appeared to constitute a diluted version of the first class, exemplar development which had been outlined when the proposals had initially been considered by the Committee at its 23 April 2008 meeting (Minute DC.68/07 refers). In reply, the Leader of Council felt that in light of the current economic situation and government pressures, the approved proposals constituted a good compromise. The Leader proceeded to highlight that later phases of the development could still achieve a level of 40% affordable housing if the economic situation significantly improved. It was also hoped that the creation of the Main Street would be included in the next phase of the proposals.

In terms of the timing of the Committee meeting on 31 July 2009, officers advised that this date had been set in light of the practice of the Council to avoid meetings being held during August and to ensure the potential availability of public subsidy, since the timescale for accessing the agreed funding was tight. In addition, the applicants had threatened to submit an appeal based upon non-determination. Whilst it was difficult to judge whether the applicants would follow through with this threat, it was felt more appropriate for Members to have the opportunity to make a decision. Members would have therefore retained a level of control over the decision taken, rather than incur the extensive costs of going to appeal in the absence of a formal decision by the Council and possibly ending up with an outcome which could be more detrimental to the local community. Although it was accepted that the timing was not ideal, statutory agenda publication deadlines had been adhered to and there were a number of factors which had dictated this meeting date.

Despite raising a number of concerns, Members stated that they did not wish to criticise the work of the officers involved and indeed it was felt that their work on the project should be commended.

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| (i) | Prosperity PDG | 4 August 2009 |
| (j) | Development Control Committee | 2 September 2009 |

(Meeting commenced at 2.00 pm and concluded at 3.00 pm).

Chairman