

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD  
AT FOLLATON HOUSE, TOTNES ON THURSDAY 20 JULY 2006**

**MEMBERS**

\* Cllr B E Carson – Chairman

\* Cllr R J Carter – Vice-Chairman

* Cllr N A Barnes	∅ Cllr J O'Connell
∅ Cllr H D Bastone	* Cllr C M Pannell
∅ Cllr J S Beer	* Cllr J T Pennington
* Cllr B J Boughton	* Cllr M C Ramsay
* Cllr J Brazil	* Cllr S L Rankin
* Cllr B F Cane	* Cllr M A Roadknight
* Cllr P H Cook	* Cllr G H W Rosevear
* Cllr R F Croad	* Cllr G Rothwell
* Cllr G Date	* Cllr R Rowe
* Cllr B C Evans	* Cllr M F Saltern
∅ Cllr L A Facy	* Cllr J W Squire
* Cllr S M Fairman	* Cllr I P Steer
* Cllr G J Fielden	* Cllr M Stone
∅ Cllr R W Hallett	∅ Cllr D W S Thorning
* Cllr V A Harvey	* Cllr R J Tucker
∅ Cllr J D Hawkins	* Cllr A R Vale
∅ Cllr P W Hitchins	* Cllr A Ward
* Cllr I Longrigg	* Cllr J A Westacott
* Cllr D W May	* Cllr R O Yonge

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

For all items: Strategic Director (Community), Strategic Director (Resources),  
Monitoring Officer, Member Support Services Manager;  
Item 10 (see 39/06 below) – Acting Strategic Director (Operations)  
Item 11 (see 40/06 below) – Head of Planning and Building Control;  
Item 12 (see 41/06 below) – Housing Development and Resources Manager.

34/06      **MINUTES**

The minutes of the meeting of the Council held on 15 June 2006 were confirmed as a correct record and signed by the Chairman.

35/06      **CHAIRMAN'S ANNOUNCEMENTS**

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

The Chairman made particular reference to the Devon Youth Games at Tiverton and he congratulated all the participants from the South Hams on achieving an overall position of joint second.

### 36/06 **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 was made.

### 37/06 **QUESTIONS**

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

#### **(a) From Cllr Boughton to Cllr Yonge, Leader of the Council:-**

*At the last Full Council, Cllr Brazil said that he would never be in favour of the new community at Sherford. Can the Leader of Council describe what would be the consequences if Cllr Brazil's view were adopted as council policy?*

In response, Cllr Yonge referred to the history of the proposal for a new community in the South Hams, which dated back to 1993. Following an Enquiry in Public, it was determined that a new town on the Plymouth boundary was needed. The Council's position switched from one of objection to a planned approach to delivering a quality, balanced community. The consequences of not pursuing this solution would have included an inability to progress on a partnership basis with other service providers, the achievement of a mixed development being more unlikely, other housing sites being proposed on an ad hoc basis, financial penalties for non-adherence to the County Structure Plan and the perception that the Council had not acted competently.

### 38/06 **NOTICE OF MOTION**

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

#### **(a) By Cllrs Beer and Yonge:**

*"South Hams District Council calls on Derriford Hospital to reconsider closing the Primrose Unit. This unit is critically important to all those suffering from breast cancer not only in the South Hams but in the whole of the South West."*

In accordance with Council Procedure Rule 12.7 the motion was altered to replace the word "unit" in the first sentence with "ward". Having then been **PROPOSED** and **SECONDED**, the proposer of the motion referred to the need for a bespoke ward for cancer patients and the importance of decisions being made based on the advice of clinicians.

During discussion, particular reference was made to:-

- (i) the need for this matter to be drawn to the attention of Devon County Council's Health Scrutiny Committee;
- (ii) clarification regarding the ward's current opening times. Members were advised that a saving of £200,000 had been achieved by closing the ward between Fridays evenings and Monday mornings. However, a further £200,000 saving was proposed through the complete closure of the ward;
- (iii) the large charitable element to the funding of the unit and the problems this brought of sustainability.

### **RESOLVED**

South Hams District Council calls on Derriford Hospital to reconsider closing the Primrose Ward. This unit is critically important to all those suffering from breast cancer not only in the South Hams but in the whole of the South West.

#### **(b) By Cllrs Brazil and Ward:**

*"This Council writes to Housing Minister Yvette Cooper and asks her to reconsider her views on the effect of second homes on the housing market and allows South Hams District Council to impose a second Home Impact Tax despite the views of local MP Anthony Steen."*

Members were advised that a letter had been sent to Ruth Kelly, the Minister for Local Government, in light of recent comments attributed to Yvette Cooper. Consequently, it was inappropriate for the motion to propose a further letter being sent. The motion was therefore altered as follows:

*"This Council writes to Housing Minister Yvette Cooper and asks her to allow South Hams District Council to impose a second Home Impact Tax, despite the views of local MP Anthony Steen."*

Having been **PROPOSED** and **SECONDED** as altered, the proposer of the motion referred to the opportunity for money to be raised locally for affordable homes projects through the imposition of a tax on second homes. He also expressed concern at the view of the local MP, Anthony Steen, who had suggested at a local meeting that second home ownership was not a significant contributor to the issue of housing affordability.

In support, the seconder referred to the destructive impact of second home ownership in local communities and the inability of local people to get onto the property ladder.

During discussion, particular reference was made to:-

- (i) the income derived by local people from the owners of second homes;

- (ii) a Member's concern at the limited impact of such a tax and his view that taxation on rental income to private landlords should be removed and responsibility for new house building returned to councils from housing associations;
- (iii) some Members' concern at the lack of information regarding the pros and cons of such a tax and the need for this issue to be debated once such information was available;
- (iv) a Member's view that a controlled housing market was required. The Member made reference to the Channel Islands where new houses were designated as either for local people, key workers or available on the open market.

On being put to the vote, this motion was declared **LOST**.

39/06

### **GOVERNANCE ARRANGEMENTS FOR THE HARBOUR AUTHORITY**

Members considered a report which outlined revised governance arrangements for the Salcombe Harbour Board and sought Member approval to implement them.

The Acting Strategic Director (Operations) provided clarification on the appointments process for both Members of Council and co-opted Members. Two panels would be established. For the panel appointing the co-opted Members, the existing Chairman of the Board would be on the panel. However, he would be excluded from sitting on the panel appointing the Council's Members on the Board, as would other councillors who had expressed an interest in Board membership. Nominations to the Appointments Panel would be made by the majority and minority political groups.

A Member suggested that if the Council agreed that the political balance rules should be disapplied in respect of the membership of the Board, this should be reviewed on an annual basis. Members were advised that the political balance rules could be reapplied at a future date should it be the case that the "fitness for purpose" criteria for the selection of Board Members were not being met.

The Monitoring Officer reminded Members that all new Members of the Board would be required to abide by the Code of Conduct and would therefore be bound by current rules on prejudicial interests.

### **RESOLVED**

That:-

- (i) the governance arrangements for the Harbour Authority as set out in the report presented to the Council, including the Memorandum of Understanding and Harbour Constitution, are adopted and implemented as set out in the report;

- (ii) Appointments to the Council's new Harbour Board be made through the process as set out in the report;
- (iii) That the political balance rules are disapplied in the case of the Elected Member representation on the Salcombe Harbour Board.

40/06

### **DEVELOPMENT CONTROL – APPROVAL OF MINOR AMENDMENTS**

Consideration was given to a report which sought Members' opinion on the process of dealing with the approval of minor amendments to approved plans.

The report set out the risks to the Planning Authority where minor amendments to approved plans were permitted under delegated authority and recommended that this practice be discontinued as it had no basis in planning law.

#### **RESOLVED**

That:-

- i) it be agreed that the Development Control Service should cease to approve minor amendments to schemes once planning permission, listed building consent, advertisement consent, or conservation area consent have been granted, and that all such amendments should be regularised through a new application;
- ii) applicants, agents and the general community be advised about the changes on the Council's procedure;
- iii) the Scheme of Delegation be altered to reflect these changes.

41/06

### **HOMELESSNESS – MEMBER APPEAL BOARD**

Consideration was given to a report which sought Member approval to introduce an alternative approach to the determining of appeals in respect of homelessness applications.

During discussion, particular reference was made to:-

- (i) the opportunity for appeals against the Council's decision to be considered by the County Court. A Member expressed concern at the cost of this and the experience which would be faced by the appellants in going to Court. Members were advised that

decisions taken at officer level were thoroughly reviewed and challenged to ensure that the Council's case was robust;

- (ii) one of the original objectives of the Board, which was to stop cases going to the County Court. Members were advised that there had been cases where papers were still lodged at Court despite it being considered by a Homelessness Appeal Board.

### **RESOLVED**

That the Homelessness Member Appeal Board be discontinued with immediate effect and that the Constitution be revised accordingly.

42/06

### **APPOINTMENT TO OUTSIDE BODY - DEVON BUILDING CONTROL PARTNERSHIP**

Consideration was given to a report which sought approval for two Members to be appointed to serve on the Management Board of the Devon Building Control Partnership.

Cllrs Bastone, Rosevear and Ward were nominated and the vote took place by use of ballot papers.

### **RESOLVED**

That Cllrs Bastone and Rosevear be appointed to serve on the Management Board of the Devon Building Control Partnership for the remainder of the 2006 / 2007 municipal year.

43/06

### **REPORTS OF BODIES**

### **RESOLVED**

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

- |     |                               |              |
|-----|-------------------------------|--------------|
| (a) | Salcombe Harbour Board        | 13 June 2006 |
| (b) | Development Control Committee | 14 June 2006 |
| (c) | Standards Committee           | 16 June 2006 |
| (d) | Executive                     | 22 June 2006 |

### **E.6/06: Proposed Pilot Merger of South Hams, Teignbridge and West Devon Crime and Disorder Reduction Partnerships**

### **RESOLVED**

That:-



The Vice-Chairman of the Group undertook to speak to the Chairman and send a written reply to the Member.

(g) Council Tax Setting Panel 29 June 2006

(h) Scrutiny 6 July 2006

**SC.14/06: 2004 / 2005 Joint Annual Audit and Inspection Letter**

A Member expressed concern regarding the level of street sweeping. The Executive Member for the Clean Environment advised that a written response would be sent to the Member.

(Meeting commenced at 2.00 pm and concluded at 4.50 pm).

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Chairman