

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD  
AT FOLLATON HOUSE, TOTNES ON THURSDAY 26 MARCH 2009**

**MEMBERS**

\* Cllr B F Cane – Chairman

\* Cllr M Stone – Vice-Chairman

* Cllr K J Baldry	* Cllr P W Hitchins
* Cllr N A Barnes	* Cllr M J Howarth
* Cllr H D Bastone	* Cllr C W Jones
* Cllr J H Baverstock	* Cllr L P Jones
* Cllr J I G Blackler	* Cllr R M Lawrence
* Cllr J Brazil	∅ 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

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

For all items: Strategic Management Team; Monitoring Officer; and Member Support Services Manager;

Items 11, 12 and 13 (Minutes 86/08, 87/08 and 88/08 below refer) – Head of Community Regeneration and Forward Planning Manager;

Item 14 (Minute 89/08 below refers) – Head of Environment Services; and

Item 16 (Minute 91/08 below refers) – Risk and Health and Safety Advisor.

**80/08 MINUTES**

The minutes of the meeting of the Council held on 5 February 2009 were confirmed as a correct record and signed by the Chairman.

**81/08 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 P H Cook declared a personal interest in Item 14: 'Review of Car Park Charges' (Minute 89/08 below refers) by virtue of her having relatives who owned units which were used for boat storage purposes and remained in the meeting during the discussion and vote on this item.

Cllr H D Bastone declared a prejudicial interest in Item 14: 'Review of Car Park Charges' (Minute 89/08 below refers) by virtue of him being the manager of some employees who were in possession of an annual parking permit and left the meeting during consideration of this item.

82/08

### **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 long service presentation to Mr Phil Read on 24 February 2009. The Chairman advised that Mr Read enjoyed his job and had expressed his sorrow to be leaving the employ of the Council. It was such examples that the Chairman felt typified the family environment of the Council.

83/08

### **QUESTIONS**

It was noted that one question had been received in accordance with Council Procedure Rule 8.

#### **From Cllr Lawrence to Cllr Tucker, Leader of Council**

*i) How many second homes are there in the South Hams? How many in the Totnes Constituency part and in the SW Devon part?*

In response, Cllr Tucker advised that, according to Council Tax records, there were 4,084 second homes within the South Hams, with 3,376 located in the Totnes Constituency part and 708 in the SW Devon part.

Cllr Lawrence proceeded to highlight the recent news that a local MP had been writing to second homeowners in the Totnes Constituency part to advise them of their entitlement to also vote in this area. Therefore, Cllr Lawrence asked the Leader a supplementary question regarding whether he agreed that there was something immoral whereby individuals purchasing more than one property could in effect, buy themselves more than one electoral vote. In reply, Cllr Tucker advised that until the law was amended, the Council was powerless to prevent such a practice.

84/08

### **NOTICE OF MOTIONS**

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

**By Cllrs Brazil and O'Callaghan**

*"This Council is opposed to the introduction of identity cards and will write to the Home Secretary to register our opposition."*

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

- the high cost of implementing ID Cards (estimated at £100 per person and still rising). The proposer felt that this constituted a waste of money, particularly in the current economic climate, when there were many more appropriate priorities;
- the likelihood of the scheme working. The proposer made reference to the scheme being promoted on the basis that it would increase safety, yet recent terrorist attacks in the United Kingdom (UK) had been carried out by UK citizens;
- the UK becoming a surveillance society. Through the use of fear and prejudice, the proposer believed that the Government was pushing the UK towards a surveillance society. To support his view, the proposer highlighted the levels of CCTV in the UK and the potential for law abiding citizens to become criminals simply for not carrying an ID card; and
- his support for those MPs who had stated their objections to the scheme.

In discussion, the following points were raised:-

- (a) In support of the motion, some Members were also of the view that the Government should instead focus upon border controls and cease its apparent obsession with centralisation. Furthermore, reference was made to the poor track record of the Government in respect of the recent losses of databases and unsuccessful IT systems;
- (b) An amendment to the motion was **PROPOSED** and **SECONDED**. The amendment sought an additional sentence at the end of the motion whereby: *'If the ID cards become law, Members of Council will refuse to carry them'*. Some Members stated that they could not advocate breaking the law and therefore could not support this amendment. In addition, a Member stated that the wording would potentially restrict and inhibit any newly elected Members in the future. When put to the vote, the motion was declared **LOST**.

It was then:

**RESOLVED**

That this Council is opposed to the introduction of identity cards and will write to the Home Secretary to register our opposition.

**LOCAL GOVERNMENT REVIEW – ORAL UPDATE**

Subsequent to the publication of the meeting agenda, a late report had been produced and presented to Members for consideration. The report briefly summarised the further draft proposals for unitary local government in Devon, which had been published by the Boundary Committee on 19 March 2009.

As an update, the Strategic Director (Community) highlighted the recently published results of the East Devon District Council Court of Appeal Challenge and made reference to a summary outcome document which had been tabled to the meeting.

In discussion, the following points were raised:-

- (i) An amendment to the presented officer recommendation was **PROPOSED** and **SECONDED**. The amendment sought inclusion of two additions, whereby firstly the Council had no confidence in the Boundary Committee and secondly, it was opposed to the recently published further draft proposals. When put to the vote, these amendments were declared **CARRIED**;
- (ii) A Member stated his disbelief that the further draft proposals published still contained out of date (and now largely irrelevant) figures in relation to population statistics (2001 figures) and budgetary analysis (autumn 2007 figures). In addition, the proposals still did not address the concerns regarding the lack of democratic representation;
- (iii) The proposer of the amendment believed that the outcome of the Appeal Challenge constituted such a damning indictment of the Boundary Committee (BC) that he queried how the process could still go forward. Moreover, by publishing the further draft proposals on 19 March 2009, the BC had pre-empted the appeal decision and had published a document which was as equally flawed as its previous publication. As a consequence, the proposer suspected that there was potentially a further raft of challenges still to come. In conclusion, the proposer felt that it was time for the Council to make a stand by stating that it had no confidence in the BC;
- (iv) In echoing the comments of the proposer, the seconder of the motion made reference to this view being shared across all political parties of the Council. As a matter of caution, the seconder warned of the need to be aware of the Exeter and Exmouth option potentially gaining momentum. In questioning its political independence, the seconder reiterated that the BC had continued to ignore representations and the wishes of local residents and it was therefore his belief that the Chairman of the BC should resign;
- (v) In addition to the officer time spent on the Review, some Members also emphasised the levels of expenditure already incurred by local authorities during this process;

- (vi) A Member wished to extend his gratitude to both County and District Council officers for continuing to deliver high class services in very difficult and unsettling circumstances;
- (vii) A number of Members felt that the Review should be terminated with immediate effect and local authorities should be allowed to focus on local priorities and service delivery. In addition, a Member stressed that both the BC and Government should be given the strongest possible message that it was now time to start listening to local authorities and residents.

It was then:

### **RESOLVED**

That:-

1. the Council has no confidence in the Boundary Committee;
2. the Council is opposed to the further draft proposals as published by the Boundary Committee in March 2009;
3. consideration has been given to an initial response to the Boundary Committee recommendations to guide the work of officers during the consultation period;
4. the Local Government Review Member Working Group steer the on-going work associated with responding to the Boundary Committee's recommendation;
5. authority be delegated to the Working Group to consider and submit a response to the Boundary Committee by 14 May 2009;
6. the Working Group report back to Council at its Annual Meeting on 14 May 2009 on the outcome of this process; and
7. the limited costs associated with responding to the Boundary Committee's consultation, including informing local people, be funded from the Strategic Issues Reserve.

86/08

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

A report was considered which sought approval to publish the pre-submission stage document of the Development Policies Development Plan Document (DPD).

In discussion, reference was made to:-

- (a) the preferred options consultation stage in July 2007. Some Members were of the view that this pre submission stage publication had overlooked the majority of responses received during the July 2007 consultation period. In particular, a local Member highlighted the efforts of Totnes residents and community groups to ensure that the town had become an international leader in sustainability. The Member felt that the policies of the DPD did not take into account the responses already received and this was potentially impeding the international recognition currently being given to Totnes.

In response, officers advised that the consultants had been provided with all feedback received and had aimed to strike an appropriate balance between the views of residents and community groups from the Totnes area (who had wished to increase the emphasis on sustainability) and other views from across the South Hams and the national and regional policy positions. Nonetheless, officers advised that the policies were still challenging and were likely to have implications for the viability and deliverability of development;

- (b) the accommodation requirements of gypsies and travellers. A Member highlighted the high level of need to identify suitable gypsy and traveller sites and was of the view that proposed policy DP10: 'Gypsies and Travellers' was currently insufficient to address this requirement. In response, officers advised that the identification of sites to meet the needs of gypsies and travellers would be the subject of a separate DPD.

It was then:

### **RESOLVED**

That the pre-submission stage of the Development Policies Development Plan Document be published for consultation.

87/08

### **SOUTH HAMS LOCAL DEVELOPMENT FRAMEWORK: SITE ALLOCATION DEVELOPMENT PLAN DOCUMENTS – OPTIONS CONSULTATION**

Members considered a report which sought approval to carry out community involvement and publish consultation documents for the site allocation Development Plan Documents (DPDs).

In discussion, the following points were raised:-

- (a) Members were assured that the Dartmoor National Park Authority was a key consultee during this process;

- (b) It was noted that the draft consultation leaflets proposed that in allocating sites, priority should be given to those villages which contained firstly a school and secondly a shop. However, a Member queried whether in light of the extreme housing need in the South Hams, these criteria were appropriate. In reply, Members were informed that the Core Strategy provided for only 400 dwellings in the villages and that the proposed approach to determining priority provided a starting point to consider apportioning that figure. The proposed consultation process should enable levels of need and potential sites within each village to be more fully evaluated;
- (c) Officers confirmed that copies of the evolving consultation leaflets had been previously discussed by Members at workshops and informal briefings and were available as Background Documents to the presented report;
- (d) Officers hoped that the programme of community involvement could take place during May and June 2009.

It was then:

### **RESOLVED**

That a programme of community involvement for the Dartmouth, Ivybridge, Kingsbridge, Totnes and Rural Areas site allocation Development Plan Documents be carried out and the associated consultation leaflets be published.

88/08

### **SOUTH HAMS LOCAL DEVELOPMENT FRAMEWORK: SITE ALLOCATION DEVELOPMENT PLAN DOCUMENTS – OPTIONS CONSULTATION – USE OF EXTERNAL FACILITATORS**

Members considered a report which sought to approve expenditure up to the EU limit to enable commissioning of the Prince's Foundation. The report also requested that details of the financial arrangements be delegated to the Strategic Director (Community) and the Head of Financial Services, in consultation with the Leader of Council.

In discussion, reference was made to:-

- (a) an amendment to the officer recommendation. In introducing the item, the Chairman **PROPOSED** an amendment to part 2 of the recommendation whereby, '*approval be given accordingly to an exception to Standing Orders Relating to Contracts on the grounds that as there is only one contractor in the market, tendering would be a waste of time*'. This amendment was subsequently **SECONDED** and when put to the vote was declared **CARRIED**;

- (b) Some Members expressed concern that the exact costings of this proposal were unknown. In reply, officers advised that they were aiming to contain the total expenditure well within the current EU limit of £139,000. Furthermore, the report presented an opportunity to make rapid progress on this exercise, which could increase any future award of Housing and Planning Delivery Grant to the Council.

It was then:

### **RESOLVED**

1. That approval be given for expenditure up to the EU limit, in order to commission the Prince's Foundation for the Built Environment to apply Enquiry by Design to the programme of community involvement for the Dartmouth, Ivybridge, Kingsbridge, Totnes and Rural Areas site allocation DPDs;
2. That approval be given accordingly to an exception to Standing Orders Relating to Contracts on the grounds that as there is only one contractor in the market, tendering would be a waste of time; and
3. That details of expenditure be delegated to the Strategic Director (Community) and the Head of Financial Services, in consultation with the Leader of Council.

89/08

### **REVIEW OF CAR PARK CHARGES**

A report was presented which highlighted representations made in respect of the South Hams (Permit and Boat Storage) Re-advertised (Amendment) Order 2009 and sought approval to a Revised Scheme for 2009.

In discussion, Members made particular reference to the proposed increase in Reserve Permit charges from the existing £772 up to £1106. In stating their opposition to this proposed 43% increase, some Members felt that this would simply further penalise local businesses and residents. In addition, these Members made reference to the Council's Corporate Priority 2 (Good Jobs) and queried the justification for such an increase to a tiny minority. For some organisations, a reserved parking space was an essential overhead and this proposal was likely to have a major impact upon some small and vulnerable businesses.

In contrast, another Member expressed his support for the proposals. The Member highlighted the current discrepancy between the cost of reserved and public parking spaces. Whilst expressing great sympathy with the current plight of a number of local businesses, the Member felt that he could not support the public spaces (which were used by customers of these businesses) in effect being subsidised by offering substantially cheaper reserved parking bays.

Following the debate, an amendment was **PROPOSED** and **SECONDED** and on being put to the vote was declared **LOST**:-

‘That all car parking charges be increased by 4% for 2009/10.’

It was then:

**RESOLVED**

1. That the representations made in respect of the 2009 Order be noted and confirmation be given to the revised scheme (as attached to the presented report); and
2. That officers be instructed to confirm the Order accordingly and publicise the confirmation in accordance with statutory requirements, with the Order to come into effect on 27 March 2009.

90/08

**APPOINTMENT OF COUNCIL AND OUTSIDE BODIES**

Consideration was given to a report which sought to make appointments to Council and Outside Bodies.

**RESOLVED**

1. That with immediate effect for the remainder of the 2008/09 municipal year:-
  - (a) Cllr J D Hawkins be appointed to serve on the Executive;
  - (b) Cllr R C Steer be appointed as the Chairman of the Community Policy Development Group;
  - (c) Cllr M J Howarth be appointed as the Vice-Chairman of the Community Policy Development Group;
  - (d) Cllr T J Hewitt be appointed to serve on the Community Policy Development Group;
  - (e) Cllr J T Pennington be appointed to serve on the Public Spaces Working Group;
  - (f) The list of Outside Bodies be updated to include the Joint Plymouth Urban Fringe DPD Panel and the Sustainable Threshold Assessment Panel;

- (g) Cllrs Baldry and Squire be appointed as the Council's representatives on the Joint Plymouth Urban Fringe DPD Panel and that for the purposes of Members' Allowances, attendance at meetings of this body be regarded as an approved duty; and
- (h) Cllrs Hitchins and Colin Jones be appointed as the Council's representatives on the Sustainable Threshold Assessment Panel and that for the purposes of Members' Allowances, attendance at meetings of this body be regarded as an approved duty;
2. That parish representatives Mr Chris Cox and Mr Stuart Dunham be appointed to serve on the Standards Committee as co-opted Members for a period of 4 years from the effective date of 26 March 2009.

91/08 **RISK MANAGEMENT – ANNUAL REPORT**

Members considered a report which provided information on risk management activities undertaken since April 2008.

**RESOLVED**

That Council has considered and supports the progress made on risk management.

92/08 **REPORTS OF BODIES**

**RESOLVED**

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

- |                                   |                  |
|-----------------------------------|------------------|
| (a) Prosperity PDG                | 3 February 2009  |
| (b) Development Control Committee | 11 February 2009 |
| (c) Scrutiny                      | 12 February 2009 |
| (d) Personnel Panel               | 16 February 2009 |

**PP.29/08 Temporary Worker Provision 2009-2012**

In response to a request, it was agreed that a copy of the report (as presented to the Panel) would be provided to an interested Member.

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|-------------------------|------------------|
| (e) Standards Committee | 17 February 2009 |
|-------------------------|------------------|

(f) Community PDG 18 February 2009

The outgoing Chairman of the Group wished to thank all Members and officers for their support during his tenure and made particular reference to his pride at the major investment (£1.9 million) into public space and recreation.

(g) Council Tax Setting Panel 24 February 2009

(h) Environment PDG 25 February 2009

### **EPDG.16/08 South Devon and Tamar Valley Areas of Outstanding Natural Beauty (AONB) Management Plans**

For absolute clarity, a Member questioned the position for instances where the Development Control Committee voted upon planning applications which were contrary to planning policy. In reply, the Monitoring Officer advised that if the Committee had sound planning justification, there was no reason why it could not depart from policy when determining applications.

During consideration of the Management Plans, the Chairman of the Group advised that Members had expressed the view that the comments of the AONB Partnership Committee were often not taken into adequate account when considering planning applications.

(i) Executive 5 March 2009

### **E.117/08 Setting of Fees for the Local Land Charges Services 2009/10**

#### **RESOLVED**

1. That the proposed Local Land Charges search fees be approved; and
2. That authority be delegated to the Monitoring Officer, in consultation with the Executive Member for Community Affairs, to review Local Land Charges search fees annually, in accordance with the Regulations.

(j) Development Control Committee 11 March 2009

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

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Chairman