

South Hams Council



Title:	Agenda																														
Date:	Thursday, 28th November, 2019																														
Time:	2.00 pm																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Cllr Rowe Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table border="0"> <tr> <td>Cllr Abbott</td><td>Cllr May</td></tr> <tr> <td>Cllr Austen</td><td>Cllr McKay</td></tr> <tr> <td>Cllr Baldry</td><td>Cllr O'Callaghan</td></tr> <tr> <td>Cllr Bastone</td><td>Cllr Pannell</td></tr> <tr> <td>Cllr Birch</td><td>Cllr Pearce</td></tr> <tr> <td>Cllr Brazil</td><td>Cllr Pennington</td></tr> <tr> <td>Cllr Brown</td><td>Cllr Pringle</td></tr> <tr> <td>Cllr Chown</td><td>Cllr Reeve</td></tr> <tr> <td>Cllr Hawkins</td><td>Cllr Rose</td></tr> <tr> <td>Cllr Hodgson</td><td>Cllr Smerdon</td></tr> <tr> <td>Cllr Holway</td><td>Cllr Spencer</td></tr> <tr> <td>Cllr Hopwood</td><td>Cllr Sweett</td></tr> <tr> <td>Cllr Jackson</td><td>Cllr Taylor</td></tr> <tr> <td>Cllr Kemp</td><td>Cllr Thomas</td></tr> <tr> <td>Cllr Long</td><td></td></tr> </table>	Cllr Abbott	Cllr May	Cllr Austen	Cllr McKay	Cllr Baldry	Cllr O'Callaghan	Cllr Bastone	Cllr Pannell	Cllr Birch	Cllr Pearce	Cllr Brazil	Cllr Pennington	Cllr Brown	Cllr Pringle	Cllr Chown	Cllr Reeve	Cllr Hawkins	Cllr Rose	Cllr Hodgson	Cllr Smerdon	Cllr Holway	Cllr Spencer	Cllr Hopwood	Cllr Sweett	Cllr Jackson	Cllr Taylor	Cllr Kemp	Cllr Thomas	Cllr Long	
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Cllr Holway	Cllr Spencer																														
Cllr Hopwood	Cllr Sweett																														
Cllr Jackson	Cllr Taylor																														
Cllr Kemp	Cllr Thomas																														
Cllr Long																															
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Member.Services@swdevon.gov.uk																														

1. Urgent Business

the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');

2. Exempt Information

to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;

3. Declarations of Interest

Members are invited to declare any personal; or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;

4. Polling District and Polling Places Review 2019	1 - 12
5. Brixton Neighbourhood Plan	13 - 16
6. Appointments: Future IT Platforms Joint SH/WD Member Working Group and Devon Audit Partnership	17 - 22
7. Reports of Bodies	
To receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies	
* Indicates minutes containing recommendations to Council	
(a) Salcombe Harbour Board* - 16 September 2019	23 - 28
(b) Licensing Committee - 30 September 2019	29 - 32
(c) Development Management Committee - 9 October 2019	33 - 40
(d) Overview & Scrutiny Panel - 17 October 2019	41 - 52
(e) Executive * - 31 October 2019	53 - 58
(f) Development Management Committee - 6 November 2019	59 - 66

Report to: **Special Council**

Date: **28 November 2019**

Title: **POLLING DISTRICT AND POLLING PLACES
REVIEW 2019**

Wards Affected: **All**

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Lead Member: **Leader of the Council**

Date next steps can be taken: **1 December 2019**

Author: **Liz Tucker** Role: **Senior Specialist Electoral
Services**

Contact: Liz.tucker@swdevon.gov.uk

RECOMMENDATION

That the Council be RECOMMENDED that the Polling Districts and Polling Places Order 2019 (Appendix A) be approved.

1. Executive summary

- 1.1 The Electoral Administration Act 2006 introduced a duty for all polling districts and polling places to be reviewed every four years. The Electoral Administration Act 2013 provided that a review must be carried out within 16 months of October 2018 and must be concluded by 31 January 2020
- 1.2 The review has taken place and identified that the current Polling District Polling Places Order needs to be revised

2. Background

- 2.1 To comply with The Electoral Registration and Administration Act 2013, a compulsory review of the polling districts and polling places must be completed by 31 January 2020
- 2.2 Responsibility for the review of polling districts and polling places rests with the local authority, while the provision of polling stations lies with the Returning Officer personally
- 2.3 Definition of terms:-

Polling district the area created by the division of a constituency, ward or division into smaller parts, within which a polling place can be determined which is convenient to electors

Polling place: A polling place is a geographical area in which a polling station is located. The geographical area can be defined as tightly as a particular building or as widely as the entire polling district. Where a polling place is not named, by default it is the whole polling district

If polling places are too specific and the polling place is unavailable at election time then the Returning Officer would be forced to hold the election in a different polling place from that contained in the Order. It would then be necessary to issue an appropriate Notice and make arrangements for a new order to be made. With very tight election timescales and considerably high workloads, the need for additional paperwork would be disruptive to the election process

A Polling station is the actual location, chosen by the Returning Officer, where the process of voting takes place and must be within the polling place for the particular polling district

- 2.4 Public notice was given of the commencement of the review of polling districts and polling places by the Council on 12 August 2019. The opportunity was also taken to receive representations concerning the accessibility of polling stations and the Returning Officer's proposals were published on 28 August 2019. The closing date for submissions was 20 September 2019
- 2.5 Notices were sent to town and parish councils in the District, political parties, Members of the County and District Councils and various organisations who have knowledge of accessibility issues.
- 2.6 On 30 September 2019 the draft Polling District and Polling Places Order 2019 was published and sent to the town and parish councils and Councillors, and placed on the website. Further comments were invited by 18 October 2019. No further comments were received.
- 2.7 During the consultation period, representations were received from electors of Woodleigh who wished to retain the polling place within Woodleigh for the parish. Electors from North Huish parish who wished to retain the polling place within Avonwick. Bigbury parish council who agreed with the proposal for the Bigbury on Sea polling place to be in Bigbury and to vote at St Ann's Chapel. A request from Brixton Parish Council to create a new polling district for Brixton (Sherford) in readiness for the increase in electors in the future. Stokenham Parish Council who agreed with the proposal for the Huccombe polling place to be in Stokenham and the polling station to be at the Parish Hall. Totnes Town Council No adverse comments were received from Totnes Town Council did not raise any concerns regarding the resiting of the polling station from Methodist Church Hall, Fore Street, Totnes to the Civic Hall.

3. Outcomes/outputs

3.1 Following the consultation, if Members agree to the changes then the current Polling District and Polling Places Order 2014 will need to be changed as follows : -

- To avoid the use of polling district suffixes i.e. LAY1 and to simplify the sequences, to change the South West Devon polling districts references to commence with an H and proceed alphabetically and the Totnes Constituency to commence with an E. i.e. LAA to become HAA and SAA to become EAA.

South West Devon Constituency

- **Bigbury** Combine the existing Bigbury and Bigbury on Sea polling districts and create a Bigbury polling district. The polling station to be St Ann's Chapel, Bigbury.
- **Brixton** Create a new polling district of Brixton (Sherford) in addition to Brixton in readiness for the number of persons who will be registering. The polling place to remain as Brixton.

Totnes Constituency

- **Totnes Town** Combine the existing Riverside and Central polling districts and create a Totnes Town polling district. The polling station to be Civic Hall, Totnes.
- **Stokenham** Combine the existing Stokenham and Huccombe polling districts and create a stokenham polling district. The polling station to be Parish Hall, Stokenham.

3.2 If these recommendations are agreed, the above changes will take effect from 01 December 2019 although due to the General Election being held on 12 December, the Register of Electors will not be published until February 2020.

3.3 The Returning Officer keeps the location of polling stations under review and will ask the Polling Station Inspectors, who visit each polling station on each polling day, for their comments on their continued suitability

4. Options available and consideration of risk

4.1 The Council needs to ensure that polling districts and polling places meet the needs of the electors

4.2 Failure to review the polling districts and polling places would result in the non-compliance with a legal obligation

- 4.3 If the polling place was too specific and the polling place unavailable, then the Returning Officer would be forced to hold the election in a different polling place from that contained in the Order. This would necessitate issuing an appropriate notice and arranging for a new order to be made at a time when timescales are very tight and workloads considerably high

5. Proposed Way Forward

- 5.1 It is proposed that South Hams District Council approves the Polling District and Polling Places Order 2019 as set out in Appendix A

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The legal requirement to carry out a review of polling districts and polling places is set out in the report. Failure to carry out the required review would result in the Council being in breach of its statutory duty.
Financial implications to include reference to value for money		The recommendation will reduce the cost of hire of polling stations and staff. Election costs are borne by the relevant tier of government for whom an election is taking place (ie. the government for parliamentary elections, South Hams District Council for District elections etc.
Risk		<ol style="list-style-type: none"> 1. The Council needs to ensure that polling districts and polling places meet the needs of the electors 2. Failure to review the polling districts and polling places would result in the non compliance of legislation 3. If the polling place was too specific and the polling place unavailable, then the Returning Officer would be forced to hold the election in a different polling place from that contained in the Order. This would necessitate issuing an appropriate notice and make arrangements for a new order to be made at a time when timescales are very tight and workloads considerably high
Supporting Corporate Strategy		This report supports the Council and Communities Corporate Strategy themes
Climate Change - Carbon / Biodiversity Impact		None

Comprehensive Impact Assessment Implications		
Equality and Diversity		The recommendations endeavour to meet the needs of all the electorate by providing convenient, accessible polling places
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		None

Supporting Information

Appendices:

Appendix A: The Polling Districts and Polling Places Order 2019

Background Papers:

Public Notice of the commencement of the review – 12 August 2019

The Electoral Administration Act 2006

The Electoral Registration and Administration Act 2013

Review of Polling Districts and Polling Places (Parliamentary Elections)

Regulations 2006

The South Hams District Polling Districts and Polling Places Order 2014

The Returning Officer's proposals published on 28 August 2019

Emails of representation

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APPENDIX A**SCHEDULE OF POLLING DISTRICTS/POLLING PLACES****(1) SOUTH WEST DEVON CONSTITUENCY (2) TOTNES CONSTITUENCY****(being that part of the District of South Hams in the South West Devon Constituency and the Totnes Constituency)****(1) SOUTH WEST DEVON CONSTITUENCY**

POLLING DISTRICTS	PARISHES AND OTHER PLACES WITHIN THE POLLING DISTRICTS	POLLING PLACES
HAA AVETON GIFFORD	Aveton Gifford	Aveton Gifford
HAB BICKLEIGH	Bickleigh (excluding that part in the Bickleigh (Woolwell) Polling District)	Roborough
HAC BICKLEIGH (Woolwell)	Bickleigh (excluding that part in the Bickleigh Polling District)	Woolwell
HAD BIGBURY	Bigbury (including Bigbury-On-Sea)	Bigbury
HAE BRIXTON	Brixton (excluding Sherford Polling District)	Brixton
HAF BRIXTON (Sherford)	Brixton (excluding that part in the Brixton polling district)	Brixton
HAG CORNWOOD	Cornwood	Cornwood
HAH ERMINGTON	Ermington	Ermington
HAI HARFORD	Harford	Harford
HAJ HOLBETON	Holbeton	Holbeton
HAK IVYBRIDGE (Filham)	Ivybridge (that part of Ivybridge East Parish Ward not within the Ivybridge east polling district)	Ivybridge
HAL IVYBRIDGE (Ivybridge West)	Ivybridge (that part of Ivybridge West Parish Ward not within the Ivybridge (woodlands) polling district)	Ivybridge
HAM IVYBRIDGE (Ivybridge East)	Ivybridge (that part of Ivybridge East Parish Ward not within the Ivybridge (Filham) polling district)	Ivybridge
HAN IVYBRIDGE (Woodlands)	Ivybridge (that part of Ivybridge West Parish Ward not within the Ivybridge west polling district)	Ivybridge
HAO KINGSTON	Kingston	Kingston
HAP MODBURY	Modbury	Modbury
HAQ NEWTON AND NOSS (Newton Ferrers)	Newton and Noss (excluding that part in the Newton and Noss (Noss Mayo) Polling District)	Newton Ferrers

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HAR NEWTON AND NOSS (Noss Mayo)	Newton and Noss (excluding that part in the Newton and Noss (Newton Ferrers) Polling District	Noss Mayo
HAS RINGMORE	Ringmore	Ringmore
HAT SHAUGH PRIOR	Shaugh Prior and Wotter (excluding those parts in the Shaugh Prior (Lee Moor) Polling Districts)	Shaugh Prior
HAU SHAUGH PRIOR (Lee Moor)	Shaugh Prior (excluding those parts in the Shaugh Prior Polling District)	Lee Moor
HAV SPARKWELL (Sparkwell)	Sparkwell (excluding that part in the Sparkwell (Lee Mill) Polling District)	Sparkwell
HAW SPARKWELL (Lee Mill)	Sparkwell (excluding that part in the Sparkwell (Sparkwell) Polling District)	Lee Mill
HAX UGBOROUGH	Ugborough East Parish Ward (excluding that part in the Ugborough (Bittaford) Polling District)	Ugborough
HAY UGBOROUGH (Ivybridge East)	Ugborough West Parish Ward	Bittaford
HAZ UGBOROUGH (Bittaford)	Ugborough East Parish Ward (excluding that part in the Ugborough Polling District)	Bittaford
HBA WEMBURY (Wembury)	Wembury Parish Ward	Wembury
HBB WEMBURY (Down Thomas)	Down Thomas Parish Ward	Down Thomas
HBC YEALMPTON	Yealmpton	Yealmpton

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POLLING DISTRICTS	PARISHES AND OTHER PLACES WITHIN THE POLLING DISTRICTS	POLLING PLACES
EAA ASHPRINGTON	Ashprington and Tuckenhay	Ashprington
EAB BERRY POMEROY (Bridgetown)	Berry Pomeroy Bridgetown Parish Ward	Berry Pomeroy
EAC BERRY POMEROY	Berry Pomeroy Village Parish Ward	Berry Pomeroy
EAD BLACKAWTON	Blackawton	Blackawton
EAE BUCKFASTLEIGH WEST	Buckfastleigh West	Scoriton
EAF BUCKLAND TOUT SAINTS	Buckland Tout Saints	Ledstone
EAG CHARLETON	Charleton	West Charleton
EAH CHIVELSTONE	Chivelstone	East Prawle
EAI CHURCHSTOW	Churchstow	Churchstow
EAJ CORNWORTHY	Cornworthy	Cornworthy
EAK DARTINGTON	Dartington	Dartington
EAL DARTMOUTH CLIFTON	Dartmouth Clifton Parish Ward	Dartmouth
EAM DARTMOUTH (Townstal)	Dartmouth Townstal Parish Ward	Dartmouth Townstal
EAN DEAN PRIOR	Dean Prior	Dean Prior
EAO DIPTFORD	Diptford	Diptford
EAP DITTISHAM	Dittisham	Dittisham
EAQ EAST ALLINGTON	East Allington	East Allington
EAR EAST PORTLEMOUTH	East Portlemouth	East Portlemouth
EAS FROGMORE AND SHERFORD (Frogmore)	Frogmore Parish Ward	Frogmore
EAT FROGMORE AND SHERFORD (Sherford)	Sherford Parish Ward	Sherford
EAU HALWELL AND MORELEIGH	Halwell and Moreleigh	Halwell

APPENDIX A

SCHEDULE OF POLLING DISTRICTS/POLLING PLACES

(1) SOUTH WEST DEVON CONSTITUENCY (2) TOTNES CONSTITUENCY

(being that part of the District of South Hams in the South West Devon Constituency and the Totnes Constituency)

EAV HARBERTON (Harberton)	Harberton Parish Ward	Harberton
EAW HARBERTON (Harbertonford)	Harbertonford Parish Ward	Harbertonford
EAX HOLNE	Holne	Holne
EAY KINGSBRIDGE (East)	Kingsbridge East Parish Ward	Kingsbridge East
EAZ KINGSBRIDGE (North)	Kingsbridge North Parish Ward	Kingsbridge North
EBA KINGSBRIDGE (Westville)	Kingsbridge Westville Parish Ward	Kingsbridge Westville
EBB KINGSWEAR (Hillhead)	Kingswear Hillhead Parish Ward	Hillhead
EBC KINGSWEAR (Kingswear)	Kingswear Parish Ward	Kingswear
EBD LITTLEHEMPSTON	Littlehempston	Littlehempston
EBE LODDISWELL	Loddiswell	Loddiswell
EBF MALBOROUGH	Malborough	Malborough
EBG MARLDON	Marldon	Marldon
EBH NORTH HUISH	North Huish	Avonwick
EBI RATTERY	Rattery	Rattery
EBJ SALCOMBE	Salcombe	Salcombe
EBK SLAPTON	Slapton	Slapton
EBL SOUTH BRENT (Brentmoor)	South Brent (excluding those parts in the South Brent (Village) Polling District)	South Brent
EBM SOUTH BRENT (Village)	South Brent (excluding those parts in the South Brent (Brentmoor) polling district)	South Brent
EBN SOUTH HUISH	South Huish	Galmpton
EBO SOUTH MILTON	South Milton	South Milton
EBP SOUTH POOL	South Pool	South Pool
EBQ STAVERTON	Staverton	Staverton
EBR STOKE FLEMING	Stoke Fleming	Stoke Fleming
EBS STOKE GABRIEL	Stoke Gabriel	Stoke Gabriel

SCHEDULE OF POLLING DISTRICTS/POLLING PLACES
(1) SOUTH WEST DEVON CONSTITUENCY (2) TOTNES CONSTITUENCY

APPENDIX A

(being that part of the District of South Hams in the South West Devon Constituency and the Totnes Constituency)

EBT STOKENHAM	Stokenham & Huccombe (excluding those parts in the Stokenham (Chillington) Polling District)	Stokenham
EBU STOKENHAM (Chillington)	Stokenham (excluding those parts in the Stokenham Polling District)	Chillington
EBV STRETE	Strete	Strete
EBW THURLESTONE	Thurlestone & Bantham	Thurlestone
EBX TOTNES (Bridgetown West)	Totnes Bridgetown Parish Ward (excluding those parts in the Totnes (Bridgetown) polling district)	Totnes (Bridgetown West)
EBY TOTNES (Bridgetown)	Totnes Bridgetown Parish Ward (excluding those parts in the Totnes (Bridgetown West) polling district)	Totnes (Bridgetown)
EBZ TOTNES (Town)	Totnes Parish Ward (excluding those parts in the Totnes (West) Polling District)	Totnes (Town)
ECA TOTNES (West)	Totnes Parish Ward (excluding those parts in the Totnes (Town) Polling District)	Totnes (West)
ECB WEST ALVINGTON	West Alvington	West Alvington
ECC WOODLEIGH	Woodleigh	Woodleigh

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Report to: **Special Council**
Date: **28 November 2019**
Title: **Brixton Neighbourhood Plan**
Portfolio Area: **Leader – Cllr Pearce**
Wards Affected: **Wembury and Brixton**
Urgent Decision: **Y** Approval and
clearance obtained:

Date next steps can be taken: Immediately
following this meeting.

Author: **Duncan Smith** Role: **Neighbourhood Planning
Specialist**

Contact: **Duncan.Smith@swdevon.gov.uk**

RECOMMENDATION:

**That Special Council approves the making (adoption) of the
Brixton Neighbourhood Development Plan.**

1. Executive summary

- 1.1 Neighbourhood Development Plans are a community right introduced by the Localism Act 2011. They are the responsibility of Parish Councils.
- 1.2 Once 'made', or adopted, by the Local Planning Authority, they become a part of the Development Plan for the district and are used alongside the Local Plan to decide planning applications in the area they relate to.
- 1.3 In order to comply with the Neighbourhood Planning Regulations, the plan must be made by South Hams District Council as the relevant Local Planning Authority within 8 weeks of a successful referendum result.

2. Background

- 2.1 The Brixton Neighbourhood Plan has been undertaken by Brixton Parish Council in accordance with the relevant legislation and regulations.
- 2.2 The Brixton Neighbourhood Area was designated on 26th June 2015.
- 2.3 Following the necessary community engagement, consultation and background work, a draft plan was submitted to South Hams

- District Council on 30th January 2019, in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations.
- 2.4 The District Council consulted on the draft plan between 1st February 2019 until Friday 15th March 2019, in accordance with Regulation 16 of the above Regulations.
 - 2.5 Following this consultation an independent examiner was appointed in accordance with Regulation 17, who confirmed that, subject to minor modifications, the plan met the 'basic conditions' as set out in legislation, and was suitable to go forward to referendum.
 - 2.6 The Council agreed with the Examiner's conclusion, and a referendum held on 15th October 2019 achieved a turnout of 23.62% of local residents. Of these, 95.18% voted in favour of the plan.
 - 2.7 Following a majority vote in a referendum to 'make' the plan, it becomes a statutory part of the Local Development Plan and is used alongside the Local Plan (Joint Local Plan once adopted) to help decide planning applications in the Neighbourhood Area.
 - 2.8 Council officers have worked alongside the Brixton Neighbourhood Plan Group to ensure that the Neighbourhood Plan provides an appropriate framework for development in the Brixton area up to 2034.
 - 2.9 Officers confirm that the plan meets the necessary 'basic conditions', including conformity with the Local Plan and with national policy.
 - 2.10 Regulation 18a of the Neighbourhood Planning (General) Regulations requires that a neighbourhood plan is 'made' by the Local Planning Authority no later than 8 weeks from the date of a successful referendum. In this case the relevant date by which the plan should be made is 10th December 2019.
 - 2.11 The Council has previously expressed support for neighbourhood plans as a way of achieving local and community priorities.

3. Outcomes/outputs

- 3.1 Once made, the Brixton Neighbourhood Development Plan will become part of the Local Development Plan and will be used to help decide planning applications in the Brixton area.
- 3.2 A successful outcome for this neighbourhood plan will provide encouragement to the many other Parishes who are currently working on neighbourhood plans.

4. Options available and consideration of risk

- 4.1 Neighbourhood Plans come into force as part of the Development Plan immediately following a successful referendum. Therefore the Brixton Neighbourhood Plan should now be used to decide planning applications.
- 4.2 However, in order to comply with the relevant legislation, the Local Planning Authority must make a neighbourhood plan within the required timeframe following a successful referendum, unless a legal challenge has been brought in relation to the referendum or

unless there are concerns about the compatibility of the neighbourhood plan with any EU or human rights legislation. In this instance there are no such concerns.

- 4.3 Failure to make the Brixton Neighbourhood Plan within the required timeframe could open the Council to legal challenge.

5. Proposed Way Forward

- 5.1 It is recommended that Special Council approve the making of the Brixton Neighbourhood Development Plan.

6. Implications

Implications	Relevant to proposals Y/N	Details are set out in this report.
Legal/Governance		As set out in section 4, South Hams District Council is legally obliged to make the Brixton Neighbourhood Development Plan.
Financial implications to include reference to value for money		There are no financial implications.
Risk		There is a risk of legal challenge if the Neighbourhood Plan is not made within the required timeframe
Supporting Corporate Strategy		The Council's role in the Neighbourhood Plan process is a statutory duty.
Climate Change - Carbon / Biodiversity Impact		The Brixton Neighbourhood Plan aligns with the Joint Local Plan and contains policies aimed at mitigating the effects of Climate Change and impacts upon Biodiversity.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The Neighbourhood Plan has assessed Equality and Diversity implications as part of its background evidence.
Safeguarding		None
Community Safety, Crime and Disorder		No direct implications.
Health, Safety and Wellbeing		Positive outcomes are anticipated from the making of the Neighbourhood Plan.

Other implications		none
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Supporting Information

Appendices:

None

Background Documents:

Brixton Neighbourhood Plan - Referendum version

The Neighbourhood Planning (General) Regulations 2012, including later amendments Government guidance at <https://www.gov.uk/guidance/neighbourhood-planning>

Background documents to the Brixton Neighbourhood Plan, available at <https://www.neighbourhoodplanning.swdevon.gov.uk/brixton>

Report to: **Special Council**

Date: **28 November 2019**

Title: **Appointments: Future IT Platforms Joint
WD/SH Member Working Group and Devon
Audit Partnership**

Portfolio Area: **Leader – Cllr Judy Pearce**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Immediately**

Author: **Darryl White** Role: **Senior Specialist –
Democratic Services**

Contact: darryl.white@swdevon.gov.uk or 01803 861247

RECOMMENDATION

That, for the remainder of the 2019/20 Municipal Year:

- 1. the Council establish a 'Future IT Platforms' Joint SH/WD Member Working Group and approve the draft Terms of Reference as outlined at Appendix A;**
- 2. the Council representatives on this Member Working Group be: Cllrs Brown, Long, McKay, Spencer and Taylor;**
- 3. the Council be represented on the Devon Audit Partnership Committee and the Chairman and Vice-Chairman of the Audit Committee be appointed to serve on this Outside Body; and**
- 4. attendance at meetings of these Bodies, for the purposes of Members' Allowances, be regarded as an 'Approved Duty'.**

1. Executive summary

- 1.1 It is a requirement for the Council to make appointments to its lists of Other Groups and Outside Bodies.
- 1.2 This report seeks Council approval, for the remainder of the 2019/20 Municipal Year, to establish a 'Future IT Platforms' Joint SH/WD Member Working Group and to make appointments to serve on the Devon Audit Partnership Committee.

2. Background

Future IT Platforms Joint WD/SH Member Working Group

- 2.1 The current contract for the Council's Case Management ICT System expires in February 2021.
- 2.2 The Council's adopted Medium Term Financial Strategy includes provision of £150,000 per year as a contribution to the replacement of the current ICT System.
- 2.3 The Case Management System is critical to the Council's ability to operate in its Shared Services model and any replacement system must be jointly implemented across services within the Council and its Shared Service partner – West Devon Borough Council.
- 2.4 At the Executive meeting held on 18 July 2019 (Minute E.26/19 refers), Members resolved to support the procurement of a replacement System and also to delegate authority to the Head of IT Practice to commence detailed implementation planning.
- 2.5 To ensure that the future ICT System is aligned to the Corporate Priorities of both Councils and is fully operational by February 2021, it is proposed that a Joint Working Group is formed that comprises of Members from both Councils.
- 2.6 It is suggested that the primary purpose of forming a Joint Working Group is to provide oversight of the progress of the project delivery and to provide approval to proceed at key project junctures;
- 2.7 A detailed project plan is currently being developed with the proposal to hold the first Group meeting in the next few months in order to formally agree the Project Plan and procurement route;
- 2.8 Officers are proposing that five Members from each Council are appointed to serve on the Working Group. The Group Leaders and Independent Members have been consulted and the following nominations have been made:
 - Cllr Brown;
 - Cllr Long;
 - Cllr McKay;
 - Cllr Spencer; and
 - Cllr Taylor.
- 2.9 A draft set of Terms of Reference for the proposed Working Group are detailed at Appendix A.

Devon Audit Partnership Committee

- 2.10 At its meeting on 21 March 2019, the Council approved an Audit Committee recommendation whereby the Council should 'join the

Devon Audit Partnership as a Non-Voting Partner from 1 April 2019 (or as soon as is reasonably practicable thereafter)' (Minute 68/18 refers);

- 2.11 As part of the Partnership arrangement, the Council has been advised that it is entitled to nominate two representatives to serve on the Partnership Committee (that is administered by Devon County Council) and that, ideally, these roles should be filled by the Chairman and Vice-Chairman of the Audit Committee;
- 2.12 Group Leaders have consequently been invited to submit their nominations to these two positions and it is recommended that the Chairman and Vice-Chairman of the Audit Committee be appointed.

3 Options available and consideration of risk

- 3.1 Member involvement from both councils in the Future ICT Platforms project is considered to be vitally important and the establishment of a Joint Member Working Group will help to meet this requirement.

4. Proposed Way Forward

- 4.1 It is recommended that the Council establishes (and makes appointments to) the 'Future ICT Platforms' Joint Member Working Group and appoints two representatives to serve on the Devon Audit Partnership Committee.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council Constitution requires the Council to approve the list of (and appointments to) the lists of Other Groups and Outside Bodies.
Financial implications to include reference to value for money	Y	Attendance at meetings of Outside Bodies is already budgeted for within the Members' Allowances budget. To ensure value for money, Members appointed to Outside Bodies are encouraged to provide regular feedback and consultation on issues affecting the Bodies concerned.
Risk	Y	In the event of any Member finding themselves in a position where interests conflict, they are strongly encouraged to seek early advice of the Council's Monitoring Officer.

Supporting Corporate Strategy	Y	Council Theme – <i>delivering efficient and effective services</i>
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	N/A
Safeguarding	N	N/A
Community Safety, Crime and Disorder	N	N/A
Health, Safety and Wellbeing	N	N/A
Other implications	N	None

Appendices:

A – Draft Terms of Reference for the Joint WD/SH Member Working Group.

Background Documents:

Council Constitution;
Executive agenda and minutes – 18 July 2019 meeting; and
Council agenda and minutes – 21 March 2019 meeting.

Future IT Platforms Joint Working Group – Draft Terms of Reference

1. Purpose

South Hams District Council and West Devon Borough Council have agreed to set up a Joint Working Group to consider options and opportunities to deliver our future IT platform which will be key to delivering future efficiencies and ensuring an improved customer experience.

2. Membership and quorum

- Total membership of the JWG shall not exceed 10 Members, 5 from each Council
- The Chair of the meeting shall be nominated by the JWG Members of the Council hosting the meeting
- Each Council will decide whether its appointees to the JWG will be politically balanced.
- The quorum for meetings shall be at least three members from each Council
- Each member of the JWG shall have one vote and issues will be decided by a simple majority
- The JWG may invite consultants, specialist advisors and officers to provide advice and information and/or attend JWG meetings in an advisory capacity.

3. Meetings

- The frequency of its meetings will be determined by the JWG
- An agenda and associated papers will be made available to the JWG at least 5 days before the date of the meeting
- The venue for the meetings will normally alternate between West Devon and South Hams' offices unless otherwise agreed by the JWG. Where possible, skype will also be an option.
- JWG meetings will not be open to the public
- All members are entitled to attend JWG meetings but cannot participate or vote.
- A summary of the JWG meetings will be made available to all members through the Member bulletin

4. Remit

- To consider the options for the future Information Technology platforms which are common across both Councils
- Consider contract awards where officers have delegated authority or make recommendations to Hub/Executive/Council where further approval is required.
- Receive project progress updates and ensure that the wider Membership is kept updated
- Approve progression at key project gateways to the next phase of the project
- Participate in User Acceptance Testing ("UAT") in respect of customer facing element and ensure that UAT of all other system elements is completed before go live

5. Overview & Scrutiny Committee and Overview & Scrutiny Panel

- The respective Overview & Scrutiny bodies will monitor progress of the work of the JWG, receiving quarterly project updates (or more frequently where required)

6. Changes to the terms of reference for the Joint Working Group

- Minor amendments (as determined by the Monitoring Officer) to the terms of reference may be made by the Chief Executive in consultation with the Leaders

- Any other amendments shall be made by the respective Councils

Date agreed:

**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY, 16 SEPTEMBER 2019**

Members in attendance			
* Denotes attendance		Ø Denotes apology for absence	
*	Cllr J Brazil (Chairman)	*	Ms A Jones
*	Cllr D Brown	Ø	Mr M Mackley
*	Cllr R J Foss	Ø	Mr H Marriage (Vice-Chairman)
*	Cllr M Long	*	Mr C Plant
		Ø	Mr I Stewart
		*	Mr M Taylor

Also in attendance:
Cllr D W May (lead Executive Member)

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Chief Executive; Strategic Director – Place and Enterprise; Salcombe Harbour Master; Deputy Section 151 Officer; Deputy Monitoring Officer; Senior Specialist – Democratic Services; and Assets Specialist

SH.8/19 CHAIRMAN'S ANNOUNCEMENT

The Chairman congratulated Mr Chris Brook on his recent appointment as the Council's Strategic Director – Place and Enterprise.

SH.9/19 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 24 June 2019 were confirmed as a correct record and signed by the Chairman.

SH.10/19 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following were made:

Ms Jones, Mr Plant and Mr Taylor each declared a disclosable pecuniary interest in all related agenda items by virtue of paying harbour dues to the Council. As a result of the Deputy Monitoring Officer granting each Board Member a dispensation, they were all able to take part in the debate and vote on any related matters (Minute SH.3/19 refers).

SH.11/19 PUBLIC QUESTION TIME

It was noted that no Questions were to be raised in accordance with the Public Question Time Procedure Rules.

SH.12/19 FEEDBACK FROM HARBOUR COMMUNITY FORUMS

The Board received verbal update reports from those Members who attended the Harbour Community Forums. The updates were given as follows:

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

The representative advised that the next SKECF meeting was to be held on Tuesday, 17 September 2019.

South Devon & Channel Shellfishermen

The representative advised that:

- an application had now been made by the Council to the Maritime Management Organisation for funding towards the purchase of Personal Flotation Devices. By way of a further update, the Chief Executive advised that the application had sought 75% of the total funding and therefore, if successful, there would need to be a means of raising the additional monies. A Board Member proceeded to make the point that Fishermen in Cornwall were each required to contribute £30 towards their own devices;

As a cautionary note, the Board was advised that, whilst Plymouth City Council had been successful in its Bid, officers were not aware of any other local authority that had been awarded funding. Members concluded that it would be useful to receive a progress update at the next Board meeting.

Kingsbridge and Salcombe Marine Business Forum

The representative informed that the marine businesses were generally content. However, in response to recent thefts, some concerns had been raised over the service that was being provided by the security company. Following a brief discussion, the Harbour Master advised that the current contract was due to expire in 2020 and a future options report would therefore be presented to the Board before the expiry date.

Kingsbridge Estuary Boat Club (KEBC)

The representative did not provide an update to this Board meeting.

East Portlemouth

The representative informed that the Parish Council had last met in September and no issues relevant to the Harbour had been raised at this meeting.

SH.13/19 **2020/21 BUDGET**

Members considered a report that proposed the Salcombe Harbour Authority budget for 2020/21. Furthermore, the report also provided a Budget forecast for 2019/20.

During the subsequent debate, a Member was of the view that the proposal to contribute £58,000 to the Council's Marine Infrastructure Reserve should not be supported. In support of his view, the Member highlighted the recent decision to use this Reserve to support the Batson Project and felt that it would be more appropriate for the £58,000 contribute to be allocated to the Pontoon Reserve. In response, the Chairman reminded the Board of the recent works that had been undertaken to the Kingsbridge Quay wall and that the Harbour Authority had not been asked to contribute any monies. As a result, the Chairman was of the view that there was a need for an element of goodwill and trust from both the Council and the Board.

In conclusion, whilst the majority of Members were supportive of the proposal to contribute to the Marine Infrastructure Reserve, it was felt that the wording in section 9 of the presented agenda report should be reviewed in future years to ensure that it was not misinterpreted.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to approve the proposed 2020/21 Salcombe Harbour Authority budget.

SH.14/19 **PROPOSED CHARGES 2020-2021**

Consideration was given to a report that presented the proposed Fees and Charges for the Harbour that would ensure that it achieved a breakeven Revenue Budget for 2020/21.

The report also advised that the 2020/21 Budget gap had been projected to be £34,700.

The Chairman introduced the report and wished to thank both the Harbour Authority and Finance officers for their work and extensive consultation with Members to develop the proposed Fees and Charges for 2020/21.

In discussion, the following points were raised:-

- (a) A Member highlighted the proposed reductions in Harbour Dues for Commercial Fishing Vessels and felt that this was a good example of the Board's support for the fishing industry;
- (b) In echoing the comments of the Chairman, such was the work that had been undertaken by the Board to reach this point, Members felt that they could recommend the proposed Fees and Charges for 2020/21 with far more confidence than in previous years.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to implement the proposed fees and charges with effect from 1 April 2020.

SH.15/19 **HARBOUR MASTER'S REPORT**

Members considered a report that provided an update on a number of recent issues that had affected the Harbour.

During discussion, reference was made to:-

- (a) the serious recent incident on the Slipway. The Board recognised the seriousness of the incident and welcomed the steps that had already been taken to prevent a similar incident from occurring again. Officers noted the importance of both the Board and Council being adequately assured and a lessons learned exercise had already commenced. Members requested that this be considered at the next Board Workshop on 25 November 2019;
- (b) the next Board Workshop. Members were supportive of the Harbour Master suggestion that the next Workshop should replace the next scheduled formal Board meeting. It was therefore agreed that the Workshop should be held between 1.00pm and 4.00pm on Monday, 25 November 2019.

It was then:

RESOLVED

That the contents of the Harbour Master's report be noted and approved.

SH.16/19 **EXCLUSION OF PUBLIC AND PRESS**

It was then:

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

SH.17/19 ASSETS PROJECTS UPDATE

The Assets Specialist provided an update to the Board on the Assets Projects and it was agreed that more detailed consideration to the issues raised would be given by Members at the aforementioned Workshop on 25 November 2019.

SH.18/19 RE-ADMITTANCE OF PUBLIC AND PRESS

It was then:

RESOLVED

That the public and press be re-admitted to the meeting.

SH.19/19 CHAIRMAN'S CONCLUDING REMARKS

Since this was the last scheduled Board meeting before the Assistant Harbour Master (Logistics and Maintenance) left the employ of the Council, the Chairman (on behalf of the Board) thanked the officer for being such a fantastic public servant and all Members wished him every success for the future.

(Meeting commenced at 2.30 pm and concluded at 3.55 pm)

Chairman

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**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON MONDAY 30 SEPTEMBER 2019**

MEMBERS

* Cllr D Brown - Chairman

* Cllr T R Holway - Vice-Chairman

Ø Cllr R Foss

Ø Cllr K Kemp

Ø Cllr D W May

* Cllr G Pannell

* Cllr K Pringle

* Cllr H Reeve

* Cllr R Rowe

Ø Cllr P C Smerdon

* Cllr J Sweett

* Cllr D Thomas

* Denotes attendance

Ø Denotes apology for absence

Officers in attendance and participating:

Environmental Health Head of Practice; Environmental Health Senior Specialist;
Deputy Monitoring Officer and Senior Specialist – Democratic Services

L.01/19 MINUTES

The minutes of the meetings of the Licensing Committee held on 8 November 2018 and the Sub-Committee held on 25 April 2019 were both confirmed as a correct record and signed by the Chairman.

L.02/19 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 there were none made.

L.03/19 EXCLUSION OF PUBLIC AND PRESS

It was then:

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

L.04/19

CONSIDERATION OF WHETHER A DRIVER REMAINS A 'FIT AND PROPER' PERSON TO HOLD A TAXI LICENCE

Consideration was given to an exempt report that sought to determine whether or not a Hackney Carriage licence holder remained a 'fit and proper' person.

The Chairman advised those present that the agenda item would be considered in the following running order:

- Environment Health Senior Specialist to introduce the officer report;
- Committee Members to ask any questions on the report and the officer introduction;
- The applicant and his legal representative to make their representations in support of the driver retaining his Hackney Carriage licence;
- Committee Members to ask any questions on these representations;
- The Deputy Monitoring Officer to summarise the main points that had been raised before outlining the options that were available to the Committee;
- The Committee to adjourn to consider the matter in the presence of the Deputy Monitoring Officer; and
- The meeting to be reconvened with the Chairman to read out the Committee decision.

Once all parties in attendance were content that they had no further questions or issues to raise, the Committee then adjourned (at 2.30pm) in the presence of the Deputy Monitoring Officer to consider the matter.

The meeting was subsequently reconvened at 4.20pm and the Chairman proceeded to read out the Committee decision as follows:

The Decision

'Members of the Licensing Committee have considered very carefully the facts surrounding the allegations and subsequent investigation by officers.

- *We have read the Licensing Specialist's report, which you have had sight of;*
- *We have read the information provided by partner agencies;*
- *We have read the character references that you have provided today;*
- *We have also listened very carefully to what you and your representative have told us today;*
- *The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities – the onus being on yourself to satisfy the Authority that you remain a 'fit and proper' person to hold a joint Private Hire and Hackney Carriage drivers licence / vehicle licence.*

The Committee has decided to REVOKE your taxi driver licence.'

The Chairman proceeded to outline to the licence holder and his legal representative the reasons for this decision and confirmed that these would be sent out (in writing) to them both in due course.

Finally, the licence holder was also advised that he did have the right to appeal to the Magistrates Court.

(Meeting commenced at 2.00 pm and concluded at 4.30 pm).

Chairman

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
9 OCTOBER 2019**

Members in attendance * Denotes attendance Ø Denotes apologies			
*	Cllr V Abbott	Ø	Cllr K Kemp
*	Cllr J Brazil Chairman	*	Cllr M Long
*	Cllr D Brown	*	Cllr G Pannell
*	Cllr R J Foss (am only)	Ø	Cllr K Pringle
*	Cllr J M Hodgson	Ø	Cllr R Rowe
*	Cllr T R Holway	*	Cllr B Taylor

Other Members also in attendance and participating:

Cllrs D May, D O'Callaghan and J A Pearce

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		HOP Development Management; Planning Senior Specialist; Planning Specialists; Deputy Monitoring Officer; and Specialist – Democratic Services
	4015/18/FUL	Specialist Place Making (Landscape)
	2045/19/HHO	Specialist Assets (Drainage)

DM.28/19 MINUTES

The minutes of the meeting of the Committee held on 11 September 2019 were confirmed as a correct record and signed by the Chairman.

DM.29/19 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllrs V Abbott, M Long and G Pannell all declared a personal interest in applications **4015/18/FUL**: READVERTISEMENT (Revised plans received) Proposal for 23 new holiday lodges with associated bases, parking and internal access road – Salcombe Retreat, Lane to Soar Mill Hotel, Malborough, and **2259/19/HHO**: Householder application for extension to living area, creation of ensuite bedroom wing, attached garage and courtyard garden (resubmission of 3978/18/HHO) Part retrospective – Sharpitor Cottage, South Sands, Salcombe, by virtue of all being members of the National Trust, who had submitted an objection to both applications;

Cllr B Taylor declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and he remained in the meeting and took part in the debate and vote thereon:

2407/19/F: Erection of single dwelling – Tresco, Knighton Road, Wembury;

4015/18/FUL: READVERTISEMENT (Revised plans received) Proposal for 23 new holiday lodges with associated bases, parking and internal access road – Salcombe Retreat, Lane to Soar Mill Hotel, Malborough;

2259/19/HHO: Householder application for extension to living area, creation of ensuite bedroom wing, attached garage and courtyard garden (resubmission of 3978/18/HHO) Part retrospective – Sharpitor Cottage, South Sands, Salcombe

2186/19/FUL: Erection of a new building consisting of 4no. 1 bed 2 person apartments – Vacant land between Davis Road and Townstal Road, Dartmouth

DM.30/19

PUBLIC PARTICIPATION

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.31/19

PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

a) 2428/18/FUL

Meadowbrook, Shinnars Bridge, Dartington

Parish: Dartington

Upgrade and extension to existing play park and creation of bike track in woodland recreation area

Case Officer Update:

Two late letters of objection had been received within the last 24 hours. The letters raised no new issues other than referring to recent media reports highlighting that the UK was in danger of losing mammal species and 15% of species were in danger of extinction

Speakers included:

Objector – Ms Trudy Turrell: Supporter – Ms Mandy Burton: Parish Council representative – Cllr Simon Mcinnes: Ward Member – Cllr Hodgson

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Submission of tree protection methodology prior to construction of the bike track
4. Submission of a plan indicating where the replacement planting will be carried out, prior to construction of a cycle track
5. Adherence to the Ecology report
6. Written confirmation that the provisions in the ecology report have been properly created by a suitably qualified ecologist
7. Prior to construction provision of a LEMP to be approved by LPA
8. No lighting within the woodland
9. Development to be carried out in accordance with the submitted FRA and the following mitigation and a flood warning and evacuation plan and appropriate signage alerting the public to the flood risks

b) 2407/19/FUL Tresco, Knighton Road, Wembury

Parish: Wembury

Erection of single dwelling

Case Officer Update: The case officer confirmed comments of the speaker that drainage matters had now been agreed

Speakers included: Supporter – Mr Andy Coughlan: local Ward Member - Cllr Brown

Recommendation: Refusal

Committee Decision: Refusal

c) 4015/18/FUL Salcombe Retreat, Lane to Soar Mill Hotel, Malborough

Parish: Malborough

READVERTISEMENT (Revised plans received) Proposal for 23 new holiday lodges with associated bases, parking and internal access road

Case Officer Update: The case officer updated the Committee following queries raised at the site inspection related to parking provision for those lodges without adjacent parking spaces. One late letter of objection had

been received that referred to highway grounds and lack of car parking. The long list of conditions had been missed from the back of the report, and there were two additional conditions proposed that related to aligning materials to the existing lodges and confirmed the period of non-occupancy as per the existing lodges from 15 January to 15 March.

Speakers included: Supporter – Mr Malcolm Gigg; Parish Council – Cllr John Yeoman; and Ward Members – Cllrs Long and Pearce

Recommendation: Conditional Approval

During discussion, Members were shown a number of photographs taken of the site from viewpoints in the area. The Parish Council representative advised that the application was contrary to the recently adopted Malborough Neighbourhood Plan in that it sought to transfer an area of land previously for tents and caravans, to a permanent site of lodges.

Members did not feel that the application conserved and enhanced the AONB, and did not have confidence in the landscape proposals submitted. Some Members however, felt that the recent declaration of climate change indicated that better holiday provision should be available in this country and supported the proposal.

Committee Decision: Refusal

Reasons:

The proposal would have a detrimental impact on the AONB, would be contrary to JLP policies DEV 24, DEV 25 and Policy 27 of the Malborough Neighbourhood Plan

d) 2259/19/HHO Sharpitor Cottage, South Sands, Salcombe

Parish: Salcombe

Householder application for extension to living area, creation of en-suite bedroom wing, attached garage and courtyard garden (re-submission of 3978/18/HHO) Part retrospective

Case Officer Update: None

Speakers included: Town Council representative – Cllr Mike Fice:
Ward Member – Cllrs Long and Pearce

Recommendation: Conditional Approval

During discussion, the Town Council representative advised that the proposal was contrary to the recently adopted Salcombe Neighbourhood Plan. The Members noted from the site inspection that the parking facilities were

cramped and the proposal had no outlook and the residential amenity was poor. The design was not in keeping and the proposal did not conserve or enhance the AONB

Committee Decision: Refusal

Reasons:

1. The proposed development, by reason of its scale and design, fails to offer its occupants a satisfactory standard of amenity, contrary to adopted policy DEV1 (1) Residential amenity.
2. The proposed development, by reason of its scale, design and materials, fails to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty, contrary to adopted policies SPT2 (10) Sustainable linked neighbourhoods and sustainable rural communities, SPT11 Strategic approach to the historic environment, SPT12 (4, 5) Strategic approach to the natural environment, DEV20 (2 and 4) Place shaping and the quality of the built environment, DEV23 (1, 2, 3, 7) Landscape character, DEV24 Undeveloped Coast and Heritage Coast (3, 5) and DEV25 Nationally protected landscapes (2, 3, 8), policies ENV1 and B1 of the Salcombe Neighbourhood Plan and the guidance of the National Planning Policy Framework (NPPF) contained but not limited to paragraphs 170, 172 and 173. It is therefore recommended that the application be refused.

NB: As this application was part retrospective, the Committee voted to request officers to proceed with enforcement action.

e) 2253/19/HHO 3 Highfield Drive, Kingsbridge

Parish: Kingsbridge

Householder application for proposed first floor side extension

Case Officer Update: None

Speakers included: Ward Member – Cllr O’Callaghan

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions

Standard time limit
Adherence to plans
Materials samples
Obscure glazing

f) 2045/19/HHO 3 Higher Brook Road, Ivybridge**Parish: Ivybridge**

Householder application for proposed ground floor extension to form new shower room

Case Officer Update: None

Speakers included: Supporter: Mrs Luscombe (statement read): and
Ward Member – Cllr May

Recommendation: Refusal

Committee Decision: Refusal

g) 2186/19/FUL Vacant land between Davis Road and Townstal Road, Dartmouth**Parish: Dartmouth**

Case Officer Update: None

Speakers included: Objector – Mrs Grace Hamilton: Supporter – Mr
George Hardy

Recommendation: Delegate to Head of Development Management Practice, in consultation with the Chairman, to conditionally grant planning permission, subject to a s106 legal obligation.

However, in the event that the s106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HOP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made, delegated authority is given to the HOP Lead Development Management to refuse the application in the absence of a signed s106 Agreement.

Committee Decision: Delegate to Head of Development Management Practice, in consultation with the Chairman, to conditionally grant planning permission, subject to a s106 legal obligation.

However, in the event that the s106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HOP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made, delegated authority is given to the HOP Lead Development Management to refuse the application in the absence of a signed s106 Agreement.

Members requested an amendment to the planning condition on sample materials requesting that material colours should be in keeping with the area.

Conditions:

Time limit

Approved plans

Unexpected land contamination

Vehicle crossing

Construction Management Plan

Surface Water Drainage

Foul Drainage

Landscaping scheme

Samples

Remove PD rights

Electric vehicle charging points

Details to demonstrate that ensure that the ventilation system will not exceed the permitted development level for Air Source Heat Pumps which can be found in MCS020.

DM.32/19 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

The Head of Development Management provided further details on specific recent appeal decisions, and particularly noted the comments of the Inspector regarding housing mix and how evidence to support such arguments must be robust.

(Meeting commenced at 11.00am and concluded at 4.30pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 9 October 2019

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2428/18/FUL	Meadowbrook, Shinnars Bridge, Dartington	Refusal	Cllrs Hodgson, Long, Pannell and Abbott (4)	Cllrs Brazil, Foss, Brown, Taylor and Holway (5)	(0)	Cllrs Kemp, Pringle and Rowe (3)
2428/18/FUL	Meadowbrook, Shinnars Bridge, Dartington	Conditional Approval	Cllrs Brazil, Holway, Foss, Brown and Taylor (5)	Cllrs Hodgson, Pannell and Long (3)	Cllr Abbott (1)	Cllrs Kemp, Pringle and Rowe (3)
2407/19/FUL	Tresco, Knighton Road, Wembury	Conditional Approval	Cllrs Hodgson, Holway and Brown (3)	Cllrs Brazil, Foss, Taylor, Abbott, Pannell and Long (6)	(0)	Cllrs Kemp, Pringle and Rowe (3)
2407/19/FUL	Tresco, Knighton Road, Wembury	Refusal	Cllrs Brazil, Foss, Taylor, Abbott, Pannell and Long (6)	Cllrs Hodgson, Holway and Brown (3)	(0)	Cllrs Kemp, Pringle and Rowe (3)
2015/18/FUL	Salcombe Retreat, Lane to Soar Mill Hotel, Malborough	Refusal	Cllrs Hodgson, Long, Brown and Taylor (4)	Cllrs Brazil, Abbott and Holway (3)	Cllr Pannell (1)	Cllrs Kemp, Pringle, Rowe and Foss (4)
2259/19/HHO	Sharpitor Cottage, South Sands, Salcombe	Refusal	Cllrs Holway, Long, Pannell, Abbott, Brown, Hodgson and Taylor (7)	Cllr Brazil (1)	(0)	Cllrs Kemp, Pringle, Rowe and Foss (4)
2253/19/HHO	3 Highfield Drive, Kingsbridge	Conditional Approval	Cllrs Hodgson, Abbott, Brazil, Holway, Long, Pannell, Brown and Taylor (8)	(0)	(0)	Cllrs Kemp, Pringle, Rowe and Foss (4)
2045/19/HHO	3 Higher Brook Park, Ivybridge	Refusal	Cllrs Abbott, Brazil, Hodgson, Long and Pannell (5)	Cllrs Brown and Taylor (2)	Cllr Holway (1)	Cllrs Kemp, Pringle, Rowe and Foss (4)
2186/19/FUL	Vacant land between Davis Road and Townstal Road, Dartmouth	Conditional Approval	Cllrs Abbott, Hodgson, Holway, Long, Pannell, Brown and Taylor (7)	(0)	Cllr Brazil (1)	Cllrs Kemp, Pringle, Rowe and Foss (4)

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 17 OCTOBER 2019**

Panel Members in attendance:			
* Denotes attendance		Ø Denotes apology for absence	
*	Cllr L Austen	*	Cllr H Reeve
*	Cllr J P Birch (Chairman)	*	Cllr J Rose
*	Cllr M Chown	*	Cllr P C Smerdon (Vice Chairman)
*	Cllr S Jackson	*	Cllr B Spencer
*	Cllr J McKay	Ø	Cllr J Sweett
*	Cllr D M O'Callaghan	*	Cllr D Thomas
*	Cllr J T Pennington		

Other Members also in attendance:	
Cllrs K J Baldry, H D Bastone, J Brazil, J D Hawkins, N A Hopwood, M Long, D W May, G Pannell, J A Pearce, R Rowe and B Taylor	

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Deputy Chief Executive; and Senior Specialist – Democratic Services
7	O&S.34/19	Deputy Monitoring Officer
8(a)	O&S.35/19(a)	Head of Housing Revenue and Benefits Practice and Senior Specialist (Benefits)
9	O&S.36/19	Director of Place and Enterprise and Senior Specialist Assets
10	O&S.37/19	Section 151 Officer and Deputy Section 151 Officer
11	O&S.38/19	Case Management Manager and Localities Team Leader
12	O&S.39/19	Head of Place Making Practice
13	O&S.43/19	Head of Environment Services Practice

O&S.31/19 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 5 September 2019 were confirmed as a correct record and signed by the Chairman.

O&S.32/19 DECLARATIONS OF INTEREST

Members and officers 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 D M O'Callaghan declared a Disclosable Pecuniary Interest in agenda item 8(a): 'Executive Forward Plan: (a) Council Tax Reduction Scheme 2020/21' (Minute O&S.35/19(a) below refers) by virtue of being in receipt of monies in accordance with this Scheme and left the meeting room during consideration of this agenda item.

O&S.33/19 **PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, the Chairman informed that five questions had been received for consideration during this agenda item.

1. Question from Mr Guy Chapman

'What assistance will this Council provide to individual Town and Parish Councils in the South Hams wishing to draw up their own Climate Action Plans – and how will you help them calculate the overall emissions and biodiversity levels of their parishes?'

In reply, the Leader of the Council provided the following response:

'At its meeting on 26 September 2019, the Council took the following decision:

In support of its commitment to the Climate and Biodiversity crisis, this Council would welcome the Town and Parish Councils across the District that have declared a Climate and Biodiversity crisis working together to create Action Plans to address and mitigate this challenge. To support this action, South Hams District Council will set up a website, similar to the one now well established for Neighbourhood Plans and populate it with our plans, a 'carbon footprint' calculator and a blog page for groups to exchange views.

The Council is in the process of developing this website, which will be launched as soon as is practically possible.

The Council has also arranged its joint SHDC / Devon County Council Annual Consultation Event with town and parish council representatives on the evening of Wednesday, 4 December 2019 and this session will include an open discussion on Climate Change Emergency Declarations.

2. Question from Ms Alexandra Bridgeman

'In the Council's Climate and Biodiversity Action Plan, what measurable indicators of biodiversity levels will the Council be using?'

Do you have baseline data on the total areas of woodland, moorland, wildflower meadow etc and the number and diversity of species in these areas?'

In response, the Leader stated that the Council was in the process of developing its Action Plan whilst also supporting the Devon Carbon Plan. It was envisaged that the Action Plan, or work emerging from the Plan, would include the use of measurable indicators but these have not been determined at this stage.

Finally, the Council would be establishing baseline data through the same process.

3. Question from Ms Jo Raeburn

‘What national legal, regulatory or financial obstacles currently obstruct delivery of an effective local Climate Action Plan – and how will you help persuade the Government to remove these obstacles?’

The Leader replied that a key part of the Council’s emerging Action Plan, and the wider Devon Carbon Plan, would be determining what obstacles existed and how they may be overcome. This could include a range of actions including lobbying and influencing relevant organisations, including the Government.

4. Question from Ms Sima Cutting

‘Does this Council’s current electric vehicle charging points use electricity from 100% renewable (solar / hydro / wind) suppliers? And do all its properties use electricity from 100% renewable energy suppliers? If not, what steps are being taken to reduce the overall carbon footprint of the Council’s energy purchases?’

In her reply, the Leader of Council gave the following response:

At this stage, not all electricity was sourced from 100% renewable energy suppliers. A key part of the Council’s emerging Action Plan was to establish a baseline of its own carbon footprint and to determine how it would achieve a net-zero position. An important component of this would be reducing the footprint of its energy purchases.

5. Question from Ms Dee Cunnison

‘On 25 July, this Council committed to develop a Climate Change and Biodiversity Action Plan that will include an assessment of a 2030 target for becoming carbon neutral. As Torbay City, Plymouth City and Cornwall County Councils aim to be carbon neutral by 2030 and Teignbridge District, Dartmoor National Park and Totnes by 2025, how have you worked with these specific councils to assess this option and is this emerging assessment open to scrutiny by this committee?’

The Leader replied that the Council was working with a range of organisations including Torbay, Plymouth, Teignbridge and Dartmoor National Park, primarily through the development of the Devon Carbon Plan. The Council was preparing an Action Plan through its Climate Change and Biodiversity Member Working Group, which was scheduled to be presented to the Council meeting on 19 December 2019 for consideration.

O&S.34/19 **RECENT INFORMATION COMMISSIONER'S OFFICE DECISION – VERBAL UPDATE**

By way of background to this agenda item, the Deputy Monitoring Officer advised that:

- Having been made aware of discussions between the Council and the landowner as a result of his response to the Neighbourhood Plan consultation, the Council had then received a request from the South Hams Society for information on:

'any communication the Council had had with any party since 13 September 2017 concerning development of land off Shadycombe Road, Salcombe, otherwise known as 'The Crofts'. The land was earlier the subject of a pre-application planning enquiry to which the Council gave the reference 1739/16/PDM.'

A review had been completed in November 2018 and information released and a further review was undertaken by legal officers during early 2019 when the Information Commissioner's Office (ICO) complaint had been re-opened;

- Officers had been exploring potential redevelopment opportunities at Batson Quay, Salcombe including land known as 'The Crofts' and had held workshops with community groups and representatives. Contrary to the media reports, these sessions had been led by Assets (and not Development Management) Officers and no formal pre-application had ever been submitted for the land in question;
- A lot of information had been released in November 2018 but not an initial drawing that had been presented to the workshop that had suggested that there may be a site for a potential Community Housing project. The Council had argued that the drawing was commercially sensitive and should not be released as to do so would adversely affect legitimate economic interests;
- The ICO test for whether or not information should be released was a high one and the ICO was not persuaded that the exception had been engaged in this instance;
- At the time the initial request had been received, there had been a robust debate between officers. Whilst the legal advice had been understood, officers had felt that, although the decision may be challenged, the Council should still argue its case on this issue.

During the subsequent debate, reference was made to a lessons learned exercise. It was noted that a review of the Development Management Pre-Application process was to be undertaken by officers and the Panel requested that this item be presented to its meeting on 28 January 2020 prior to its onward consideration by the Executive. In addition, the Panel also requested that an agenda item titled: 'Guidance on ICO Procedure' should be included on the agenda for the next meeting to be held on 21 November 2019.

Specifically with regard to the role of Members, assurances were given that, in the future, Members would be notified in respect of when ICO decisions had been published and it was agreed that this would be included as part of the Guidance report to be presented to the next Panel meeting.

It was then:

RESOLVED

That the Panel Work Programme be updated whereby:

- a 'Guidance on ICO Procedure' report be presented to the next Panel meeting to be held on 21 November 2019; and
- a 'Review of the Development Management Pre-Application Process' be presented to the Panel meeting on 28 January 2020.

O&S.35/19 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan. In accordance with Procedure Rules, formal requests had been made for two future Executive agenda items to be first considered by the Panel. These items were as follows:

(a) Council Tax Reduction Scheme 2020/21

A report was presented that recommended continuation of the existing Council Tax Reduction Scheme for 2020/21 with no proposed amendments.

In the subsequent discussion, reference was made to:-

- (i) the effectiveness of the Scheme. The majority of Members were very supportive of the Scheme and acknowledged that Devon County Council recommended it as best practice to other District Councils;
- (ii) the four official complaints. Officers confirmed that they had been working with the four official complainants following the introduction of the banding scheme and they had each been offered help, assistance and support;
- (iii) some concerns over the scheme. A Member expressed some specific concerns that he had on the scheme that included:
 - the absence of a cap;
 - the website requiring a review to ensure that critical information was in the most prominent part of the webpage; and

- the need to define the Minimum Income Floor.

In light of the specific nature of some of these points, it was agreed that the Member would meet with lead officers and the lead Executive Member outside of this meeting to discuss in greater detail.

It was then:

RECOMMENDED

That the Panel **RECOMMEND** to the Executive to **RECOMMEND** to Council that no amendments be made to the existing Council Tax Reduction Scheme for 2020/21.

(b) Draft Capital Programme Proposals 2020/21

In connection with this future agenda item, a Member had given advanced notice of her wish to raise the following question:

'I would like to ask the Leader if she would be able to brief the Overview and Scrutiny Panel on the implications of the unexpected rise in the Public Works Loan Board (PWLB) for Council Assets Projects including the proposed Kingsbridge Hotel and the Batson Quay/Whitestrand proposals at Salcombe.'

In response, the Deputy Leader informed that:

'Council officers were assessing the impact of the increase of 1% on the Public Works Loan Board (PWLB) Interest Rate currently being offered on loans, on all of the business cases that involve external borrowing. The increase in Interest Rates of 1% only affected any new borrowing and did not affect loans already taken out in the past (e.g. for leisure),

The increase would affect the Council's Commercial Investment Strategy in as much as the Council would need to factor in a higher Interest Rate into future Business Cases. The Commercial Investment Strategy itself still remained relevant.

The Council's Treasury Management Advisors had indicated that other lenders (banks) and Pension Funds were now looking to come into the lending market. Previously, such lenders could not compete with the PWLB rates being offered, but their rates now had a chance of being competitive. Any lending from banks was likely to have longer lead in times.

Consultation on the Kingsbridge and Ivybridge schemes would be taking place and stakeholders (e.g. Members, residents and businesses) would be made aware of how to engage in the consultation process.

The Whitestrand project (replacement of toilets / showers and the Harbour Office) was not affected by an increase in borrowing rates as this project was being funded by the Council's own capital resources (capital receipts) and there was no external borrowing involved.

Similarly, the Batson Quay project would be funded by internal borrowing (borrowing from the Council's own resources) and not external borrowing from a third provider, due to the smaller amount of borrowing involved. However, the project was undergoing a review of the specification and design to see where the tendered cost could be reduced to bring the scheme within the Budget envelope approved by Members.'

With no further issues raised, the meeting proceeded to consider the next agenda item.

O&S.36/19 ACCOMMODATION STRATEGY UPDATE

The Panel received an update from the lead Executive Member on the Accommodation Strategy and noted the amount of outstanding work on reviewing the future of Follaton House and the Arboretum.

Whilst the Executive Forward Plan had indicated that the Strategy was to be presented to the next Executive meeting on 31 October 2019, the lead Member informed that there was a need for the Accommodation Strategy Member Working Group to meet at least once more prior to it being in a position to make a formal recommendation. As a result, the Member would be seeking a deferral of this matter to an Executive meeting during early 2020 and proceeded to encourage the wider membership to share their views with him and the lead officers.

During the ensuing debate, it was confirmed that any Member could attend future meetings of the Accommodation Strategy Member Working Group and it was agreed that the dates of these meetings would be publicised via the Members' Bulletin.

O&S.37/19 REVIEW OF FEES AND CHARGES FOR 2020/21

Consideration was given to a report that set out proposals for any changes to Fees and Charges for all services for 2020/21.

During the ensuing discussion, reference was made to:-

- (a) Zoo licensing charges. By way of background for newly elected Members, officers advised that the proposed charges were as a result of the officer review into all aspects of zoo licensing charges that had been requested during the 2018/19 Budget setting process (Minute 53/18 refers);

- (b) charging for serious private water supply sampling failures. In the event of this new charging proposal being approved, officers gave their assurances that an appropriate Communications Strategy would be implemented.

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that:

1. the proposed Fees and Charges set out for Parks, Open Spaces and Outdoor Sports (as detailed in Appendix A of the presented agenda report) be approved;
2. the proposed Environmental Health charges (as detailed in Appendix B of the presented agenda report) be approved;
3. the proposed unchanged fees and charges for Development Management (as detailed in Appendix C of the presented agenda report) be approved;
4. delegated authority be given to the Director of Place and Enterprise, in consultation with the lead Executive Member for Enterprise, to set the Dartmouth Lower Ferry Fees to take account of market changes (including competitor charges);
5. charges be introduced for the use of the existing electric charging points at Follaton House;
6. delegated authority be given to the Commissioning Manager for Waste and the Head of Practice Lead for Waste, in consultation with the lead Executive Member for Environment, to set the Commercial Waste Fees and Charges, once the report is complete that is outlined at paragraph 3.14 of the presented agenda report;
7. the proposed Boat Storage Charges (as detailed at paragraph 3.15 of the presented agenda report) be approved;
8. the proposed 'Proof of Life' charges be approved and introduced with immediate effect;
9. the proposed changes to S257 Footpath Diversion Orders charges be approved with immediate effect; and
10. delegated authority be given to the Section 151 Officer and the lead Executive Member to set the Local Land Charges fees on a cost recovery basis.

O&S.38/19 LOCALITY SERVICE UPDATE

The Panel considered a report that summarised the activity and reviewed the performance of the Locality Service during 2019. In addition, the report also outlined some of the future challenges that were facing the Council over the next twelve months.

During the ensuing discussion, the following points were raised-

- (a) Having been informed that a formal service review had not been carried out since the establishment of the Service in 2015, a motion was **PROPOSED** and **SECONDED** as follows:

‘That a Task and Finish Group (comprising of Cllrs Austen, Birch, McKay, Spencer and Thomas) be established to review the role of the Locality Service with a concluding report being presented to the Panel meeting to be held on the afternoon of 23 January 2020.’

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

- (b) Officers advised that the decision to task the Locality Engagement Officers with resolving waste related issues and monitoring had worked particularly well;
- (c) A number of Members commended the role played by the Mobile Locality Officers and were of the view that they had been one of the success stories of the Council’s Transformation Programme.

It was then:

RESOLVED

That a Task and Finish Group (comprising of Cllrs Austen, Birch, McKay, Spencer and Thomas) be established to review the role of the Locality Service with a concluding report being presented to the Panel meeting to be held on the afternoon of 23 January 2020.

O&S.39/19 TOWN CENTRES STRATEGY

The Panel considered a report that provided an update on the progress that had been made on the Council’s Town Centres Strategy.

In discussion, reference was made to:-

- (a) the need to give added emphasis to the Strategy. In emphasising the need to make more progress, a motion was **PROPOSED** and **SECONDED** as follows:

- 1. That four separate meetings (per Cluster area) be arranged with local Ward Members to discuss possible initiatives that could be prioritised in each local Cluster area; and*

2. *That Option 3 (namely that the Council could ‘take a more active role in promoting, leading and delivering change in the community. This might be achieved by a lead Officer / Officers and Members dedicating additional time to convening meetings, assessing opportunities and creating working groups / task and finish groups to deliver against the agenda’) be fully costed and presented to the draft 2020/21 Budget Setting Workshop on Thursday, 7 November 2019.*

Whilst the majority of Members were supportive of the motion, some Members held the contrary view that local town councils should be self-sufficient and undertake these activities for themselves. Nonetheless, when put to the vote, the motion was declared **CARRIED**;

- (b) Meetings that had already been held. Some local Ward Members informed that the formal meetings that had already taken place had been well received.

It was then:

RESOLVED

1. That four separate meetings (per Cluster area) be arranged with local Ward Members to discuss possible initiatives that could be prioritised in each local Cluster area; and
2. *That Option 3 (namely that the Council could ‘take a more active role in promoting, leading and delivering change in the community. This might be achieved by a lead Officer / Officers and Members dedicating additional time to convening meetings, assessing opportunities and creating working groups / task and finish groups to deliver against the agenda’) be fully costed and presented to the draft 2020/21 Budget Setting Workshop on Thursday, 7 November 2019.*

O&S.40/19 TASK AND FINISH GROUP UPDATES

(a) LEISURE REVIEW

During his update, the Group Chairman advised that:

- one meeting had already been held at which the Group had approved the Terms of Reference for the Review;
- the second Group meeting was to take place after this Panel meeting; and
- all Members (irrespective of being on the Group or not) were welcome to share their thoughts and experiences of the leisure service and attend future meetings of the Group to feed into this Review before the final recommendations were presented to the Panel meeting on 23 January 2020.

O&S.41/19 ANNUAL PANEL WORK PROGRAMME

During consideration of the latest version of the Panel's Annual Work Programme, the following additions, amendments and deletions were made:

- (a) The Panel acknowledged that it had earlier agreed a request for an agenda item titled: 'Guidance on Information Commissioner's Office (ICO) Procedure' to be presented to the next Panel meeting on 21 November 2019 and a 'Review of the Development Management Pre-Application Process' to be presented to the Panel meeting on 28 January 2020 (O&S.34/19 above refers);
- (b) Members also noted that the concluding report of the Locality Service Task and Finish Group would be presented to the Panel meeting on the afternoon of 23 January 2020 (Minute O&S.38/19 above refers).

O&S.42/19 EXCLUSION OF PUBLIC AND PRESS**RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

O&S.43/19 PAY AND DISPLAY MACHINE UPDATE

Consideration was given to an exempt report that provided an update to the Panel on actions taken and research undertaken into alternative providers.

In discussion, the Panel recognised that this was a positive update and good progress had been made. As a consequence, the Panel was supportive of the officer view in the report recommendation.

It was then:

RESOLVED

That the Panel support the officer view that the Council should continue its working relationship with Metric unless performance gives rise for concern, at which point officers will again evaluate alternative options.

(Meeting started at 10.00 am and concluded at 12.10 pm)

Chairman

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MINUTES OF A MEETING OF THE EXECUTIVE HELD AT FOLLATON HOUSE ON THURSDAY 31 OCTOBER 2019

Members in attendance: * Denotes attendance Ø Denotes apologies for absence			
*	Cllr K J Baldry	*	Cllr N A Hopwood
*	Cllr H D Bastone	Ø	Cllr D W May
*	Cllr J D Hawkins	*	Cllr J A Pearce

Also in attendance and participating		
Item 7	E.50/19	Cllr Smerdon
Item 8	E.51/19	Cllrs Birch, Rowe, Brazil, Hodgson
Item 9	E.52/19	Cllr Hodgson
Item 10	E.53/19	Cllr Hodgson
Item 11	E.54/19	Cllr Hodgson

Also in attendance and not participating	
Cllrs Austen, Holway, Reeve, Abbot, Taylor, Long, Spencer, McKay, Sweett and Chown	

Officers in attendance and participating		
All items		Chief Executive, Deputy Chief Executive, s151 Officer and Specialist Democratic Services
Items 8 & 9	E.51/19 & E.52/19	Head of Place Making and JLP Team Manager
Item 10	E.53/19	Head of Environment Services Practice
Item 11	E.54/19	Director of Place and Enterprise

E.46/19 MINUTES

The minutes of the Executive meeting held on 19 September 2019 were confirmed as a true and correct record and signed off by the Chairman.

E.47/19 DECLARATIONS OF INTEREST

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

E.48/19 PUBLIC QUESTION TIME

It was noted that the following public questions had been received in accordance with the Executive Procedure Rules, for consideration at this meeting. The responses are set out in bold.

1. From Robert Vint:

"Is this Council aware of UNISON's "Divest from Carbon" campaign that aims to "help UNISON members understand the risk climate change poses to their savings" - and also of the warnings of the Governor of the Bank of England about the financial risks of investing in fossil fuel industries?"

The Council is aware of the Unison campaign and the advice from the Governor of the Bank of England. Our emerging Action Plan includes a theme on 'Individual and Collective Action' and it is envisaged that campaigns and advice such as those detailed above will be considered as part of this theme.

Supplementary Question:

Did this Council choose to join the Devon County Council pension scheme and does it have the power to leave?

South Hams District Council is a scheduled employer within the Local Government Pension Scheme as set out in Schedule 2 Part 1 of the Local Government Pension Scheme Regulations 2013. Under those regulations, Schedule 3 Part 2 sets out that the appropriate administering authority for a scheduled employer is the local government area of the administering authority in which the employer is situated, in this case Devon County Council. The Council does not have a choice over the Administering Authority (Devon County Council) and the Council does not have the power to leave the Administering Authority as a scheduled employer within the Local Government Pension Scheme.

2. From Guy Chapman

"Has a date been set for reviewing the Council's Procurement Policy to reduce the carbon footprint and environmental impact of purchases?"

A sustainable procurement policy has just been drafted and will be initially reviewed by the Climate Change and Biodiversity Member Working Group with a view to adoption by the Council in the coming months. A specific date has not yet been set.

3. From Jo Raeburn

Does SHDC support the LGA's request to the Government to create a joint national task force comprising local leaders and relevant government departments to determine funding, legislation and policy changes needed to deliver zero net carbon emissions by 2030? Will such proposed changes be recommended in your Climate Action Plan?

The Council recognises the challenges that the Climate Change Emergency creates and that funding, legislation and policy changes will be key in tackling those challenges. Therefore, in principle, the Council supports the proposal put forward by the LGA. A key part on the emerging action plan will relate to how the Council, and its partners, can influence and lobby to secure funding and appropriate changes in legislation and policy at a

national level.

Supplementary Question:

Does this Council have a record of recent changes in government funding, laws and planning policies that have undermined its powers to deliver renewable energy projects and sustainable housing?

The Council does not keep a specific record of changes. There are a broad range of factors that influence the Councils ability to deliver (or give permission and/or support to) renewable energy projects and sustainable housing. These include, for example, the overall financial settlement that the Council receives alongside specific changes to feed in tariffs and planning policy on wind turbines. The Council has to work within a legislative framework, however, the emerging Climate Change and Biodiversity Emergency Action Plan is likely to include proposals to lobby Government on changes to policy/legislation to support future actions.

4. From Susie Nicholls

"The incineration of grey bin waste is a major source of local carbon emissions. What policies are being considered in the Climate Action Plan for working with residents and retailers to reduce the overall volume and carbon footprint of waste at source and to increase reuse and repair of goods? "

The emerging action plan includes a theme on 'Waste and Resources' under which a range of initiatives will be considered including reducing waste at source. In addition the theme on 'Greening the economy' will influence this area. It is important to stress that the 'Devon Carbon Plan' being developed by the Net-zero Task force will lead on the strategic approach to waste challenges across the County. There is at present a 'call for evidence' which can be accessed through the following link <https://www.devonclimateemergency.org.uk/devon-carbon-plan/>.

E.49/19 EXECUTIVE FORWARD PLAN

Members were presented with the Executive Forward Plan setting out items on the agenda for Executive meetings for the next four months and noted its content without any comment.

E.50/19 BUDGET UPDATE REPORT FOR 2020/21 ONWARDS

Members were presented with a report that set out the current forecasted budget gap for 2020/21, and the further gap for 2021/22, and then the next five years. Changes to the Medium Term Financial Strategy since it was approved in September 2019 were set out within the report.

The Leader introduced the report. One Member noted that the

timetable for setting the budget may be affected by the Parliamentary Election. The Leader encouraged all Members to attend the forthcoming 2020/21 budget workshop on 7 November, 2019.

It was then **RESOLVED** that:

1. The forecast budget gap for 2020/21 of £0.25m and the position for future years be noted;
2. The current options identified and timescales for closing the budget gap in 2020/21, and in future years, to achieve long term financial sustainability, be noted; and
3. The results of the consultation exercise with Town and Parish Councils on the Council Tax Support Grant (set out in presented Appendix C) be considered, and Council be **RECOMMENDED** to withdraw the Council Tax Support Grant from Town and Parish Councils with effect from 1 April 2020 by 50% per annum over the next two years as part of the budget process, in order to allow time for Town and Parish Councils to plan for the reduction in their budget setting processes.

E.51/19

PLYMOUTH AND SOUTH WEST DEVON SUPPLEMENTARY PLANNING DOCUMENT

The Executive was presented with a report that sought approval to publish the Supplementary Planning Documents (SPD) for public consultation. The purpose of the SPD was to add further detail and guidance to the policies in the adopted Joint Local Plan (JLP). The SPD would be a material consideration when making decisions on planning applications in the JLP area.

The Leader introduced the report and explained that the Documents would be published for a six week consultation. Some Members expressed disappointment that a further session had not taken place to allow the membership the opportunity to discuss the Documents with officers. Members also commented that it would have been helpful to have a list of the proposed changes that had been made to the Documents following the Joint Workshop session held on 23 September, 2019. The Leader responded that a schedule of changes had been circulated and requested that it was circulated to all Members again. The Leader also advised that the Documents were being published for consultation and Members were able to respond to the consultation.

One Member was disappointed that the Council had accepted the Ministerial Statement that related to levels at which affordable housing, or a contribution to it, was required. The Leader and the JLP Team Manager both responded that the Inspector would not have accepted the Plan otherwise, and the importance of getting a Plan in place as soon as possible was emphasised.

A Member asked for assurance that responses to the consultation would be taken seriously. Finally, another Member, whilst admitting he had not read all of the Documents, was impressed with the content of what he had read.

It was then **RESOLVED** that:

1. Publication for consultation purposes, of the Plymouth and South West Devon Supplementary Planning Document and its two companion documents, the Developer Contribution Evidence Base and the Traditional Farm Buildings: Their adaptation and re-use (Barn Guide), be approved; and
2. Authority be delegated to the Director of Place and Enterprise in consultation with the Leader to make presentational and minor amendments to the SPD for consultation.

E.52/19

STATEMENT OF COMMUNITY INVOLVEMENT

Members were presented with a report that sought approval to consult on the draft Statement of Community Involvement (SCI). Approval had been granted by Plymouth City Council, and approval would also be sought from West Devon Borough Council. The purpose of the SCI was to establish protocol, process and objectives associated with consultations on planning matters. It met a statutory requirement of the Planning Regulations 2019.

The Leader introduced the report and set out the background, and advised Members that the document would be a key document for Members and for Town and Parish Councils.

It was then **RESOLVED** that:

1. Publication of the Statement of Community Involvement, for consultation purposes, be approved; and
2. Authority be delegated to the Director of Place and Enterprise in consultation with the Leader to make presentational and minor amendments to the SPD prior to consultation.

E.53/19

CAR PARKING PERMITS

Members were presented with a report that recommended that the current parking permits issued by the Council were the subject of an in-depth and comprehensive review, with resulting recommendations being made to a future meeting of the Executive. The report further sought approval to cease the sale of permits for a temporary period, pending the outcome of the review.

The Lead Member for Environment introduced the report. All Members were encouraged to respond to the consultation.

It was then:

RESOLVED

That the sale of all new parking permits be ceased with immediate effect, pending a complete review of permits across the District.

E.54/19 LANGUAGE UPDATE REPORT

Members were presented with a report that reviewed the progress in refining the Council's service offering and suggested desired outcomes under each of the Council's six corporate themes, namely: Efficient and Effective Council, Communities, Enterprise, Environment and Home and Wellbeing.

The Deputy Leader introduced the report. Members were supportive of the proposals. One Member asked that the units retain an element of flexibility to ensure they could be adapted to support a range of businesses.

It was then:

RESOLVED that:

1. the recent positive progress towards Langage Energy Park becoming a thriving enterprise be noted; and
2. Council be **RECOMMENDED** to approve the use of up to £200,000 to fund the cost of extending the lease of the starter units from 21 years to 125 years, funded from the Business Rate Reserve.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.50/19 (3) AND E.54/19 (2), WHICH WERE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 19 DECEMBER 2019, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 11 NOVEMBER 2019 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 11.00 am)

Chairman

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
6 NOVEMBER 2019**

Members in attendance * Denotes attendance Ø Denotes apologies			
*	Cllr V Abbott	*	Cllr K Kemp
*	Cllr J Brazil Chairman	*	Cllr M Long
*	Cllr D Brown	*	Cllr G Pannell
*	Cllr R J Foss	*	Cllr K Pringle
Ø	Cllr J M Hodgson	Ø	Cllr R Rowe
*	Cllr T R Holway	*	Cllr B Taylor (am only)

Other Members also in attendance and participating:

Cllrs K Baldry, H Bastone and J A Pearce

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		HOP Development Management; Planning Senior Specialist; Planning Specialists; Deputy Monitoring Officer; and Specialist – Democratic Services
	2556/19/FUL	Strategic Planning Specialist

DM.33/19 MINUTES

The minutes of the meeting of the Committee held on 9 October 2019 were confirmed as a correct record and signed by the Chairman.

DM.34/19 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllrs T Holway declared a personal interest in application **3460/17/OPA: READVERTISEMENT** (Revised Plans Received) Outline application with some matters reserved for 7 self-build/custom build dwellings (five open market and two affordable self-build plots), by virtue of knowing the applicant and the neighbours. He remained in the meeting and took part in the vote thereon;

Cllr J Brazil declared a personal interest on behalf of all Members of the Committee in application **2821/19/FUL: New agricultural shed – Stanborough Farm, Moreleigh**, by virtue of the applicant being a fellow Member of the Council. They remained in the meeting and took part in the debate and vote thereon.

DM.35/19 PUBLIC PARTICIPATION

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.36/19 PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

a) 3460/17/OPA Lutterburn Farm, Lutterburn Street, Ugborough
Parish: Ugborough

Outline application with some matters reserved for 7 self build/custom build dwellings (five open market and 2 affordable self-build plots)

Case Officer Update: One late letter of representation from Under Town Residents Association stating that the applicant did not have consent to make alterations to their land

Speakers included: Objector – Mrs Joan Fletcher: Supporter – Mr Simon Baker: Parish Council representative – Cllr George Beable (statement read): Ward Member – Cllr Holway

Recommendation: Delegate to the HOP Lead Development Management in consultation with the Chairman to conditionally approve planning permission, subject to a section 106 legal obligation.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the HOP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made, delegated authority is given to the HOP Lead to refuse the application in the absence of an agreed s106 Agreement.

During discussion, the Ward Member advised that he was representing the views of the local residents who were concerned about flooding and, whilst the drainage engineers had advised that the proposed flood alleviation scheme was acceptable, the residents had to undergo the stress of waiting to see if the scheme would work. Other Members noted that the proposed conditions attached to the approval would require flood mitigation work to be undertaken prior to commencement of the development. Members discussed the more technical aspects of the flood mitigation measures. Some Members accepted that the proposal, having previously been approved, did not present reasons for refusal. On taking the vote however, a majority of Members did not vote to approve the application, although Members were not minded to refuse the application either and it was clear that further information in respect of the flood alleviation scheme would assist them in coming to a view.

Committee Decision: Deferral, for further information on if and when the flood alleviation scheme can be implemented and information on the depth of flood waters.

b) 3011/19/FUL The Shippen, Cowsberry Farm, Burraton

Parish: Ermington

Demolition of existing barn following Class Q approval and construction of new dwelling

Case Officer Update: The case officer corrected two inaccuracies within the Principle of Development section of the report in that reference to three barns and a car port were incorrect.

Speakers included: Supporter – Mrs Amanda Burden: local Ward Member - Cllr Holway

Recommendation: Refusal

Committee Decision: Refusal

c) 2101/19/FUL Lantern Lodge Hotel, Grand View Road, Hope Cove

Parish: South Huish

Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc.) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of managers accommodation and 5 residential apartments (resubmission of 2066/18/FUL)

Prior to the presentation on this application, the Chairman advised that a site inspection had been requested by one of the local Ward Members. It was **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**, that the application be deferred for a site inspection.

d) 1676/19/HHO Summerleaze, Drake Road, Salcombe

Parish: Salcombe

Householder application for proposed roof extension and alterations to front, side and rear (Resubmission of 2098/18/HHO)

Case Officer Update: None

Speakers included: Objector – Mr Rob Wheeler: Supporter – Mr Murray Ross: Town Council representative – Cllr Mike Fice: Ward Members – Cllrs Long and Pearce

Recommendation: Conditional Approval

During discussion, concerns were raised over the impact of the proposal on the neighbouring property, Myrana. Members were also advised that the suggested Kilowatt per annum figures quoted for the solar panels on the neighbouring property differed significantly from the actual figures, and therefore there was a negative impact in terms of renewable energy and the development would not be sustainable. Having attended the site inspection, a number of Members had concerns over the design of the building, particularly the 'butterfly' roof, and noted that the proposal would be out of character with the existing street scene, contrary to policies within the Salcombe Neighbourhood Plan.

Committee Decision: Refusal

Reasons:

1. The proposal will result in overlooking and loss of sunlight and daylight to Myrana, resulting in a detrimental impact on amenity, contrary to the provisions of policy DEV1 (1) Protecting health and amenity of the Plymouth and South West Devon Joint Local Plan.
2. The proposal by reason of its design will result in the introduction of an incongruent feature within the townscape in the form of the butterfly roof and by reason of its scale, bulk, massing and forward projection will result in an overbearing impact on the surrounding townscape, contrary to the provisions of DEV10 (1) Delivering high quality housing and DEV20 (2 & 4) Place shaping and the quality of the built environment, DEV25 (2 and (8 i, ii, iii) Nationally protected landscapes of the Plymouth and South West Devon Joint Local Plan, policies SALCENV1 (a) and SALCB1 (1, 3a & b) of the Salcombe Neighbourhood Plan and the guidance of the National Planning Policy Framework (NPPF) contained within, but not limited to, paragraphs 124-132, 170 and 172.
3. The proposal by reason of its design, scale, bulk, massing and forward projection will overshadow the neighbouring property, Myrana, resulting in a loss of solar gain to the building and shading of solar PV panels, without it having been demonstrated that such losses have been offset within the proposal contrary to the provisions of policy DEV32 (3 & 4) Delivering low carbon development of the Plymouth and South West Devon Joint Local Plan.

e) 2556/19/FUL**Land adjacent to Bowden Hill, Yealmpton****Parish: Yealmpton**

Proposed new single storey dwelling with internal double garage and associated landscaping

Case Officer Update: Additional condition should be included – to secure details of any retaining walls or structures prior to them being built.

Speakers included: Objector – Mr Ron Cole: Supporter – Mr Mark Evans: Parish Council representative – Cllr Alan Cooper: Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions

Standard 3 year time limit

Development to be carried out in accordance with plans

Program of archaeological works to be undertaken (pre commencement)

Landscaping (in interests of visual amenity, ecology and neighbours)

Removal of PD rights

Drainage – foul sewerage

Drainage – surface water

Tamar EMS

Adherence with recommendations in ecologist report

Garage to be retained for motor vehicles

Materials

Low carbon to include details of air source heat pump

Unsuspected land contamination

Details of any retaining walls/structures prior to them being built

f) 2821/19/FUL**Stanborough Farm, Moreleigh****Parish: Halwell & Moreleigh**

New agricultural shed

Case Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

Time limit

Approved Plans

Materials

Drainage

DM.37/19 PLANNING APPEALS UPDATE

Members noted the list of appeals as outlined in the presented agenda report.

The Head of Development Management provided further details on specific recent appeal decisions, and the Case Officer provided further detail of the dismissed appeal decision that was listed.

DM.38/19 PLANNING PERFORMANCE INDICATORS

Members noted the Performance Indicators as outlined in the presented agenda report.

The Head of Development Management responded to questions of clarity.

(Meeting commenced at 11.00am and concluded at 3.35pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 6 November 2019

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3460/17/OPA	Lutterburn Farm, Lutterburn Street, Ugborough	Conditional Approval	Cllrs Brazil, Pannell, Abbott and Foss (4)	Cllrs Kemp, Long, Brown, Holway and Pringle (5)	Cllr Taylor (1)	Cllrs Hodgson and Rowe (2)
3460/17/OPA	Lutterburn Farm, Lutterburn Street, Ugborough	Deferral	Cllrs Brazil, Pannell, Abbott, Foss, Kemp, Long, Brown, Holway, Pringle and Taylor (10)	(0)	(0)	Cllrs Hodgson and Rowe (2)
3011/19/FUL	The Shippen, Cowsberry Farm, Burraton	Refusal	Cllrs Brazil, Pannell, Foss, Kemp, Long, Pringle and Taylor (7)	Cllrs Holway, Abbott and Brown (3)	(0)	Cllrs Hodgson and Rowe (2)
2101/19/FUL	Lantern Lodge Hotel, Grand View Road, Hope Cove	Defer for site inspection	Cllrs Long, Pannell, Kemp and Brown (4)	Cllrs Brazil, Holway and Pringle (3)	Cllrs Abbott and Foss (2)	Cllrs Hodgson, Rowe and Taylor (3)
1676/19/HHO	Summerleaze, Drake Road, Salcombe	Refusal	Cllrs Holway, Foss, Abbott, Pannell, Long, Kemp, Pringle and Brown (8)	(0)	Cllr Brazil (1)	Cllrs Hodgson, Rowe and Taylor (3)
2556/19/FUL	Land adjacent to Bowden Hill, Yealmpton	Conditional Approval	Cllrs Brazil, Holway, Foss, Abbott, Pannell, Pringle and Brown (7)	Cllrs Long and Kemp (2)	(0)	Cllrs Hodgson, Rowe and Taylor (3)
2821/19/FUL	Stanborough Farm, Moreleigh	Conditional Approval	Cllrs Holway, Foss, Pannell, Abbott, Brown, Brazil, Kemp, Long and Pringle (9)	(0)	(0)	Cllrs Hodgson, Rowe and Taylor (3)

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