

# **SOUTH HAMS JOINT DEVELOPMENT MANAGEMENT COMMITTEE AND OVERVIEW & SCRUTINY PANEL**



**Minutes** of a meeting of the **South Hams Joint Development Management Committee and Overview & Scrutiny Panel**  
held on  
**Thursday, 18th January, 2018 at 10.00 am** at the **Council Chamber - Follaton House**

Present: **Councillors:**

**Chairman** Cllr Saltern  
**Vice Chairman** Cllr Smerdon

Cllr Baldry	Cllr Blackler
Cllr Bramble	Cllr Brazil
Cllr Brown	Cllr Cane
Cllr Cuthbert	Cllr Foss
Cllr Green	Cllr Holway
Cllr May	Cllr Pearce
Cllr Pennington	Cllr Pringle
Cllr Rowe	Cllr Steer

**In attendance:**

Councillors:

Cllr Bastone	Cllr Hopwood
Cllr Tucker	Cllr Wingate
Cllr Wright	

Officers:

Head of Paid Service  
Group Manager – Commercial Services  
Group Manager – Customer First and Support Services  
Section 151 Officer  
Specialist Manager  
Commissioning Manager  
COP Lead – Development Management  
Specialist – Enforcement  
Specialist – Assets and Place Making

1. **Declarations of Interest**

OSDM.1/17

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting and these were recorded as follows:-

Cllr J P Green declared a Disclosable Pecuniary Interest in Item 5: 'Review of Fees and Charges for 2017/18' (Minute OSDM.2/17 below refers) specifically in relation to the proposed fee for Acupuncture, Tattooing, Ear-piercing and Electrolysis by virtue of his wife being an acupuncturist. In the event of this particular fee being debated, Cllr Green advised that he would then leave the meeting during the discussion and he abstained from the vote on the recommendation;

Cllr P C Smerdon declared a Personal Interest in Item 6: 'Budget Proposals Report 2018/19' (Minute OSDM.3/17 below refers) by virtue of being a Council representative and Trustee of the South Hams Community and Voluntary Service (CVS); and

Cllr K Pringle declared a Personal Interest in Item 6: 'Budget Proposals Report 2018/19' (Minute OSDM.3/16 below refers) by virtue of also being a Council representative of the South Hams CVS and remained in the meeting during the debate and vote on this agenda item.

2. **Review of Fees and Charges for 2018/19**

OSDM.2/17

The meeting considered a report that set out proposals for fees and charges for all services for 2018/19.

In discussion, reference was made to:-

- (a) play area inspections. Whilst some Members were of the view that an increase to £70 in the inspections service was significant, the point was made that the Public Spaces Working Group was supportive of the proposed increases;
- (b) increases in Planning Fees. The Meeting was advised that the 20% increase in Planning Fees (came into effect on 17 January 2018) would generate upwards of £120,000 in additional income for the Council;
- (c) 'Pay on Entry' charges for public conveniences. Members felt it would be beneficial to provide the Executive with a steer on the proposed charges and it was therefore **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that this charge '*should not exceed 20 pence*';
- (d) the transfer of public convenience ownership from the Council to a local town/parish council. A Member emphasised the importance of

any town or parish council who was considering such a transfer being made aware by the Council that they would be liable for Business Rates on this asset;

- (e) dinghy parking at Coronation Park. A Member questioned why officers were recommending no increase in the fees and charges being applied for dinghy parking at Coronation Park, whilst proposing that every other dinghy park incur an increase. In reply, officers advised that the fees and charges applied to Coronation Park had increased by 100% in 2017/18 to reflect the significant capital works that had been undertaken at that time. As a consequence, it was not considered appropriate for these to be increased again in 2018/19.

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 be approved;
2. the proposed Environmental Health Charges that are outside of the jurisdiction of the Licensing Committee be approved;
3. the proposed Fees and Charges for Development Management (as set out in Appendix C of the presented agenda report) be approved;
4. delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Dartmouth Lower Ferry Fees to take account of market conditions, including competitor charges;
5. it approves:
  - an overall percentage increase of 2% to car park charges and to delegate responsibility of implementing the increase to the Group Manager for Commercial Services, in consultation with the lead Executive Member, following consultation with representative bodies (including town and parish councils); and
  - the withdrawal of weekly parking tickets;
6. delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead

Executive Member, to set the Commercial Waste charges, once all the price modelling factors are known;

7. delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Public Conveniences 'Pay on Entry' charges (which should not exceed 20 pence), following completion of works and a review of appropriate charges; and
8. the changes to Boat Storage Charges (as set out in paragraph 3.7 of the presented agenda report) be approved.

### 3. **Budget Proposals Report 2018/19**

OSDM.3/17

Members considered a report that asked for consideration of the draft Budget proposals for 2018-19.

In introducing this agenda item, the Chairman highlighted the need for the Meeting to focus on making recommendations to the Executive on how the Council should close the projected Budget gap of £345,688.

In discussion, reference was made to:-

- (a) the Business Rate Pilot status funding. Members requested receipt of information outlining the terms of the bid and what was being proposed within these terms;
- (b) the unfairness of the Central Government funding provision. In expressing his deep frustrations at the unfairness in the Council's Settlement Funding Assessment, a Member **PROPOSED** the following motion:-

*'That the unfairness of Central Government Funding for Shire District Councils be brought to the attention of our local MPs, with them both being encouraged to ask a parliamentary question on this point during the weekly Prime Ministers Question Time.'*

This proposal was subsequently **SECONDED** and when being put to the vote was declared **CARRIED**.

- (c) the proposal to install Beach Huts. For future 2018/19 draft Budget Setting reports, it was agreed that reference within the title to 'North and South Sands' should be deleted;
- (d) any public conveniences transfer to a local town/parish council. A Member asked that it be recognised that town and larger parish councils often had greater capacity and resilience to be able to take on such additional responsibilities. In response, these disparities were acknowledged and assurances were given that, if approved, time had been built into the

Programme to enable for a detailed consultation exercise to be undertaken before any savings would be realised.

Specifically regarding those public conveniences highlighted in the presented agenda report at South Milton, the view was expressed that the National Trust (who generated significant income in this particular location) should take on responsibility for providing these facilities. Officers responded by giving an assurance that all interested third parties would be contacted as part of the consultation process in this regard;

- (e) the proposal to cease accepting cash and cheques at Council premises (excluding Car Parks). A lengthy discussion on this proposal ensued during which a number of Members expressed their concern that this would have a particular impact on elderly residents. Also, whilst reference was made to the ability to pay via Paypoint or the Post Office, this view was countered by some Members stating that villages such as South Brent no longer had a high street bank or Post Office facility.

At this point, the Chairman invited a show of hands on how many Members **did not support** the proposal to cease accepting cash and cheques at Council premises. In so doing, **exactly half (9 of the 18 Members in attendance) were unsupportive of this proposal.**

To reflect the general sense amongst the meeting, the Chairman proceeded to invite a show of hands on a proposal to **discontinue accepting cash and cheques at Council premises (excluding Car Parks), whilst still retaining a postal service (for receipt of cheques) at Follaton House.** In so doing, 13 of the 18 Members in attendance supported this proposal in principle.

- (f) partnership grant funding to the CVS. Some reservations were expressed over the impact of the proposed £20,000 reduction to the CVS and the following motion was **PROPOSED** and **SECONDED**:

*'That the partnership funding given to the CVS should be reduced by £10,000 for 2018/19.'*

In discussion, it was noted that the Council had delegated a Task and Finish Group to undertake a review into future partnership grant funding on its behalf and the proposed £20,000 reduction reflected its final recommendations. As a consequence, some Members questioned the merits of commissioning such a review if colleagues were not then willing to support its recommendations. Furthermore, officers confirmed that CVS representatives had been made aware of the Group recommendation and were already looking at revising their working arrangements to generate efficiencies.

When put to the vote, this motion was declared **LOST**, with the majority of Members **supportive of the proposed £20,000 reduction**;

- (g) a paper tabled by Cllr Pennington. At the discretion of the Chairman, Cllr Pennington tabled (and spoke to) a paper that he had produced that represented a number of potential additional savings that had not been included in the draft budget setting proposals presented at the Executive meeting on 7 December 2017 (Minute E.45/17 refers).

Having each been **PROPOSED** and **SECONDED** for re-inclusion in the Budget setting process, a debate ensued on each of the following proposals:

- *Charging for Food Advice*: Following some soft market testing, officers informed that the anticipated £5,000 saving would not be achievable. As a result, the meeting **did not support** this proposal;
- *Complete Waste Commissioning process by April 2019*: Since the procurement process would not be completed until the end of the 2018/19 Financial Year, it was acknowledged that it would be inappropriate to support this saving at this time and the meeting **did not support** this proposal;
- *Review offering sand bags free of charge*: The meeting was of the view that additional work was required on this proposal and it was therefore **not supported** at this current time;
- *Cancel South West Councils Annual Subscription*: Subject to clarity being sought over a potential significant redundancy liability, the meeting was **supportive** of this proposal;
- *Third Party Meeting Concessions*: Having been informed that this proposal had already been built into the identified savings, the meeting was **supportive** of this proposal;
- *Cease Community Re-investment Project*: Some Members highlighted the significant ongoing budget gap that the Council had to fill and it was **PROPOSED** and **SECONDED** that:

*'The total fund (amounting to £154,000) be removed from the Budget'*

In support of the motion, some Members highlighted that Section 106 monies could be used for similar purposes to this Fund and, without any capping limitations, town and parish councils did have the ability to increase their precepts to support local projects. In contrast, other Members were of the view that often smaller parishes were very reliant on this Fund as their only means of providing any infrastructure. In addition, a Member stated that the Fund had been primarily established to reflect the additional costs arising from new homes being developed.

When put to the vote, this proposal was declared **LOST**.

An alternative motion was then **PROPOSED** and **SECONDED** as follows:

*'That the fund be reduced to £75,000 for 2018/19.'*

In discussion, a number of Members felt that this proposal was a fair compromise and when put to the vote it was declared **CARRIED**.

- *Complete Waste Commissioning process by April 2019*. Since the process would not be completed until the end of the 2018/19 Financial Year, it was acknowledged that it would be inappropriate to support this saving at this time and the meeting **did not support** this proposal;
- *Cease funding for Partnership Manager Position at the Local Enterprise Partnership (LEP)*. The meeting was **supportive** of this proposal;
- *Cease funding for South Devon Green Infrastructure Partnership*. Members were advised that the Partnership may have already

- ceased. However, in the event of it still bring an active Partnership, the meeting was **supportive** of this proposal;
- *Cease funding for a Reserve Partnership.* The meeting was **supportive** of the principle of this proposal, subject to further information being obtained; and
  - *Charging for Food Hygiene Rating Scheme Revisits:* Having been informed that this proposal had already been built into the identified savings, the meeting was **supportive** of this proposal.

- (h) the Business Rates Pilot status for 2018/19. To reflect the fact that the Council would have received a pooling gain (in the region of £100,000), it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

*“£100,000 from extra Business Rates be used towards closing the 2018/19 Budget gap.”*

With regard to the remaining monies to be received, the overwhelming majority of Members wished for this to be invested in the South Hams, with the intention of providing an ongoing income stream;

- (i) the unallocated 2017/18 New Homes Bonus Funding. It was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

*“The £93,784 remaining unallocated New Homes Bonus funding be used towards closing the 2018/19 Budget gap.”*

In addition to this recommendation, it was also **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

*“£500,000 of New Homes Bonus Funding is used to balance the 2018/19 Revenue Budget.”*

- (j) impact upon the base Budget. The Section 151 Officer felt it worthwhile to highlight to the meeting that a number of the significant savings that had been recommended by the meeting to date were one-off (and not recurring) sums. As a result, it was noted that Members would be faced with similarly difficult decisions next year in order to bridge the anticipated 2019/20 Budget gap;
- (k) a proposed increase in Council Tax for 2018/19 of £5 per Band D household. Whilst again regrettable, the meeting was of the view that it had no choice other than to increase Council Tax for 2018/19 by £5 per Band D household and a motion was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** to that effect;
- (l) the 2018/19 Capital Programme Budget Proposals for 2018/19. It was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

*“The 2018/19 Capital Programme Budget Proposals be approved and financed in accordance with paragraph 8.2 of the presented agenda report.”*

It was then:

## **RECOMMENDED**

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

1. the views of the Joint Meeting (as detailed in the minutes above) be taken into account during the 2018/19 Budget Setting process; and
2. the unfairness of Central Government Funding for Shire District Councils be brought to the attention of our local MPs, with them both being encouraged to ask a parliamentary question on this point during the weekly Prime Ministers' Question Time session.

#### **4. Planning Enforcement Service Review**

OSDM.4/17

Members considered a report that sought to recommend the adoption of a Local Enforcement Plan and a Planning Enforcement Member Engagement Protocol. In addition, the report also sought Member endorsement of a series of proposed actions.

In discussion, the following points were raised:-

- (a) It was confirmed that, whilst Enforcement Cases were not normally published on the Council website, the authority did have a duty to maintain and publish an up to date Enforcement Register;
- (b) A number of Members expressed positive feedback over the recent Enforcement drop-in sessions that had been held with local Ward Members. In addition, those Members who had yet to sign up to a session with the Enforcement Specialist were actively encouraged to do so;
- (c) In light of there being some very minor numerical and typographical errors identified (e.g. Section 2.7 of the Protocol referred to the incorrect paragraph), it was suggested that Delegated Authority be given to the Community Of Practice Lead, in consultation with the lead Executive Member for Customer First, to make any necessary minor amendments prior to the Plan, Protocol and Actions being finally adopted;
- (d) A number of Members welcomed production of these documents and, in expressing deep frustrations at the extent of rule flouting that was taking place in the South Hams, hoped that the Enforcement Officers would be able to use these as a real statement of intent to send out a message that the Council was not a pushover;
- (e) In recognising the importance of the Legal Community Of Practice to the service, officers confirmed that there was frequent dialogue between both areas and these draft documents (and targets) had been endorsed by legal officers prior to their publication;
- (f) Whilst accepting that there was resource (and cost) implications, a Member did nonetheless lament the lack of any plan checking to ensure that developments were being built in accordance with the approved plans;



- (g) It was confirmed to the Meeting that some of the anticipated additional income that would be generated by the increase in Planning Fees would be used to increase the resilience within the Planning Enforcement service.

It was then:

**RECOMMENDED**

That the Joint Committee **RECOMMEND** that the Executive:-

1. adopt the Local Enforcement Plan (as outlined at Appendix 1 of the presented agenda report);
2. adopt the Planning Engagement Member Engagement Protocol (as outlined at Appendix 2 of the presented agenda report);
3. endorse the proposed Actions (as set out in Section 4 of the presented agenda report); and
4. delegate authority to the Community Of Practice Lead Development Management, in consultation with the lead Executive Member for Customer First, to make any minor amendments to the Plan, Protocol and Actions prior to their adoption.

The Meeting concluded at 1.10 pm

**Signed by:**

**Chairman**

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