

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 26 JUNE 2008**

MEMBERS

* Cllr B F Cane – Chairman

* Cllr M Stone – Vice-Chairman

* Cllr K J Baldry	* Cllr P W Hitchins
* Cllr N A Barnes	* Cllr M J Howarth
* Cllr H D Bastone	* Cllr C W Jones
* Cllr J H Baverstock	* Cllr L P Jones
* Cllr J I G Blackler	∅ Cllr R M Lawrence
* Cllr J Brazil	∅ Cllr I Longrigg
* Cllr B E Carson	* Cllr D W May
∅ Cllr R J Carter	* Cllr D M O'Callaghan
∅ Cllr P H Cook	* Cllr C M Pannell
* Cllr S E Cooper	* Cllr J T Pennington
* Cllr P Coulson	* Cllr S L Rankin
* Cllr R F Croad	* Cllr R Rowe
∅ Cllr G Date	* Cllr M F Saltern
* Cllr G J Fielden	* Cllr J W Squire
* Cllr R D Gilbert	* Cllr R C Steer
* Cllr F J Hawke	* Cllr R J Tucker
* Cllr J D Hawkins	* Cllr R J Vint
* Cllr T J Hewitt	* Cllr A Ward
* Cllr M J Hicks	* Cllr J A Westacott

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

For all items: Chief Executive, Strategic Director (Community), Strategic Director (Resources), Monitoring Officer and Member Support Services Manager;
Item 10 (minute 28/08 below refers): Head of Financial Services and Chief Accountant;

Item 11 (minute 29/08 below refers): Head of Community Regeneration.

23/08 **MINUTES**

The minutes of the annual meeting of the Council held on 8 May 2008 were confirmed as a correct record and signed by the Chairman.

24/08 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were made as follows:-

Cllr L P Jones declared a prejudicial interest in Item 15(b) 'Reports of Bodies: Community Policy Development Group – 22 May 2008 (minute 33/08(b) below refers) specifically in relation to minute CPDG.3/08: 'Public Space Strategy – Progress, Priorities and Funding' by virtue of her involvement with the Ivybridge Rotary Club and her Chairmanship of a local Ivybridge Youth Group;

Cllr J H Baverstock declared a personal interest in Item 9: 'Notice of Motion' (minute 27/08 below refers) by virtue of him being a member of Postwatch and remained in the meeting during the debate and vote on this item;

Cllr F J Hawke declared a prejudicial interest in Item 15(i): 'Reports of Bodies: Licensing Committee – 16 June 2008 (minute 33/08(i) below refers) by virtue of his ownership of a taxi company and left the meeting during the discussion and vote on this item.

25/08

CHAIRMAN'S ANNOUNCEMENTS

Prior to providing Council with a brief summary of his engagements since his election as Chairman, Cllr Cane wished to extend his congratulations to Cllr Westacott on her recent award of the MBE for services to the community of Totnes.

The Council proceeded to note a list of Civic Engagements attended by the Chairman.

26/08

QUESTIONS

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

From Cllr O'Callaghan to Cllr Hewitt, Executive Member for a Clean Environment

- i) *What is the consultation procedure when public toilets in the district are closed early – or closed down altogether – because of vandalism?*

In response, Cllr Hewitt stated that the closure of toilets due to lack of use, or for reducing cleaning budgets would be referred to the Executive. In addition, toilets could also be closed because of redevelopments, such as Leechwell Street in the Totnes Southern Area Project, which was also subject to a report to the Executive.

The majority of toilets were open all the time, and vandal damage and defects were reported to the Council on a 24/7 basis. The Council continually assessed vandalism and anti social behaviour reports to detect any persistent patterns and trends, with each attack and site being individually assessed.

Serious vandalism demanded immediate action, as the repair cost of one major attack could be several thousands of pounds and put the facility out of action for quite a while. When the level of vandalism / anti social behaviour became both serious and persistent, the Council had to consider reviewing the hours of opening of the toilets, to mitigate the risk of vandalism reoccurring.

In cases where the Council was trying to make long term changes to the service, it generally liaised with: Members; Town or Parish Councils; and Police Liaison meetings.

In advising that she was only made aware of the 6.30pm daily closure of the Kingsbridge Quay toilets when she attended a town council meeting, Cllr O'Callaghan queried, as a supplementary question, at what point local Members were involved in the consultation process.

In response, Cllr Hewitt advised that officers had incorrectly believed that the Quay toilets were cited in the Kingsbridge North Ward and had therefore consulted with the local Member for that area throughout the process. Whilst this was unfortunate, Cllr Hewitt assured Council that this matter would be overcome in the future and was at least satisfied that there was some consultation, prior to this change in opening times.

As an aside, Cllr Hewitt stated that the Quay toilets and surrounding area had suffered persistent vandal damage and anti social behaviour for the last few years. After Christmas 2007, it reached such a level, including arson attempts, that the Police were requesting that the toilets be closed in the evenings. The Council therefore arranged to close the toilets at 18.30 from early May 2008 as a response to the ongoing problems.

Over the past few weeks, the Council had been asked to extend the opening hours to 21.00hrs for the summer season. However, the member of staff closing the toilets was reluctant to go this late for his own personal safety and had explained that the toilets were often occupied by groups of youths and were sometimes being vandalised as early as 18.30. In view of the risk assessment, the Council was currently discussing with the town council, the option of a local pub providing toilet facilities after 18.30. Although currently an informal arrangement, this so far appeared to be working reasonably well.

The Quay toilets were included in the Capital Programme for a complete refurbishment during Autumn 2008, subject to approval by Members.

In terms of repair and maintenance costs, Cllr Hewitt advised that the total cost for all toilets, in terms of reactive and vandalism repairs amounted to £60,000. Costs for the Kingsbridge Quay and Recreation Ground toilets alone amounted to £7,000 (or 11.6% of the total expenditure). Furthermore, the repair and maintenance costs reflected the scale of damage, but did not take into account the levels of anti-social behaviour which occurred for example: the burning of toilet rolls, graffiti and blood and excrement being spread over walls.

Whilst anti-social behaviour did not tend to occur in all Council toilets, there were a number of 'hot-spots', usually in the towns. For the reasons outlined, the 18.30hrs closure rule in this case would continue to apply for the foreseeable future.

27/08

NOTICE OF MOTIONS

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

By Cllrs Tucker and Hitchins

“This Council deplores the Post Office Closure Programme, particularly its impact in the South Hams where nine post offices (15% of the total) are threatened by closure.

South Hams is a sparsely populated, rural area with very limited access to services generally and public transport in particular. Closure of any post office outlet has a material impact on the viability of the community it serves and negatively affects the wellbeing of its residents, especially the elderly, the infirmed and those without access to public transport.

In particular, the Council strongly objects to any closure proposal threatening the viability of a sole village shop.

Should closures occur, this Council would wish to see adequate provision for regular mobile services, in excess of current outreach proposals, which are unacceptably time limited and do not fit public transport timetables.”

Having been **PROPOSED** and **SECONDED**, the proposer of the motion made reference to his disquiet at the proposed closure programme. Whilst the Council was trying to devolve greater powers to town and parish councils under the neighbourhood empowerment agenda driven by central government, such a loss of local facilities would be in total contradiction to this aim. In many of the rural areas where closures were proposed, the population was mainly elderly, with there being almost no public transport provision to utilise. Therefore, the proposer stated the real detrimental impact of any closures to local residents.

The proposer also stated his concerns with regard to the proposed outreach services, with reference made to the security implications of transporting cash and the offer of £3 per hour for a venue to host the outreach service being considered to be unacceptable.

Finally, the proposer highlighted the efforts of both Devon County and South Hams District Council officers in their efforts to help retain local post offices.

In discussion, particular reference was made to:-

- (a) Members' welcoming this motion being presented to Council, following consideration of this matter by the Scrutiny Group;
- (b) the implications of closures to village shops. A number of Members' stated their concern that the loss of post offices in their Wards was likely to have a knock-on effect and directly result in the loss of the village shop facility. In addition, a Member stated his particular concern at the loss of the post office facility at Townstal, especially when considering the area had an approximate population of 3,000 residents and was recently ranked as the 16th most deprived area in Devon;
- (c) the belief that post offices should be considered as a service and not a budget. In addition, it was highlighted that some post offices were not generating a profit, due to central government removing a number of their services;
- (d) a proposed amendment to the motion. The following amendment which sought an addition to the third sentence of the motion was **PROPOSED** and **SECONDED**:

'Will reconsider the discretionary rate relief offered to rural businesses and ensure that local planning regulations do not support the change of use of rural shops and other rural businesses to residential.'

The proposer of the amendment supported its inclusion to demonstrate that the Council had the wish to protect rural services.

In appreciating the intention of the amendment, some Members advised that they could not support its inclusion. This lack of support was due to such businesses often being able to receive mandatory rate relief when they apply. Whilst in support of assisting those businesses which were financially struggling and welcoming them applying for relief, a Member felt that those businesses which were financially successful should not receive rate relief simply as a matter of course.

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

- (e) public transport provision. In reinforcing the point made by the proposer of the motion, a Member felt that dialogue should be opened up with the transport authorities to improve provision, particularly in rural areas. In supporting the motion, the Member also highlighted that such a closure programme would lead to an increased use of cars and be to the detriment of the government's climate change agenda to reduce the number of vehicular movements. This would place a further burden upon struggling residents, when considering the ever increasing cost of fuel;

- (f) affordable housing provision. The view was expressed that whilst the Council was rightly attempting to increase affordable housing provision in villages, such removal of facilities would affect the sustainability of rural communities.

It was then:

RESOLVED

That this Council deplores the Post Office Closure Programme, particularly its impact in the South Hams where nine post offices (15% of the total) are threatened by closure.

South Hams is a sparsely populated, rural area with very limited access to services generally and public transport in particular. Closure of any post office outlet has a material impact on the viability of the community it serves and negatively affects the wellbeing of its residents, especially the elderly, the infirm and those without access to public transport.

In particular, the Council strongly objects to any closure proposal threatening the viability of a sole village shop.

Should closures occur, this Council would wish to see adequate provision for regular mobile services, in excess of current outreach proposals, which are unacceptably time limited and do not fit public transport timetables.

28/08

STATEMENT OF ACCOUNTS: 2007/2008

Consideration was given to a report which provided a summary of net revenue and capital expenditure for Members consideration and sought approval of the Statement of Accounts for 2007/2008.

In discussion, the following points were raised:-

- (a) Officers confirmed that the bank reconciliation system which had been introduced during 2006/07 was now working satisfactorily;
- (b) With regard to debtors, it was noted that the estimated amount of grant claims for 2007/08 had been more accurate than the previous year, which helped to justify the approximate £1.5 million decrease for this year. Members were also informed that the Council was the top performing authority in Devon and Cornwall, in terms of collecting Council Tax. As a result, Members wished to commend both residents and officers on this performance level;
- (c) The Council was informed that the Revaluation Reserve was a technical accounting adjustment which reflected inflationary increases in the value of Council assets, which was required to be shown on the Balance Sheet;

- (d) In response to a question, officers advised that the income obtained from Employment Estates was prudently budgeted and unless there was a major economic downturn, they were confident that income would not be adversely affected;
- (e) On the subject of the £96,000 budget overspend in Development Control, Members were advised that this figure related to consultants' fees and compensatory and legal fees relating to planning matters;
- (f) Officers advised that they would provide specific answers to matters including the Housing Renovation Grant, the non-usable reserves sum and variances on the central services to the public and trade refuse figures to interested Members after the meeting;
- (g) A Member felt that the paper should have made reference to the potential implications of the current Local Government Review. The Member felt that in the event that the Council was to be merged, or subsumed, with other less affluent authorities, there was a real risk that South Hams Council Taxpayers could be subsidising other areas in Devon (e.g. through the need to remunerate pension funds);
- (h) Assurances were given by officers that the issue of a 9.00am start time for the Concessionary Bus Fares Scheme would be considered in the future;
- (i) In light of there being a number of technical accounting questions raised at the meeting, a Member felt it would be beneficial in the future, when considering such detailed issues, to have the Statement of Accounts presented to an alternative body of the Council in the first instance;
- (j) In respect of the levels of finance maintained in earmarked reserves, officers declared that monies did not remain in such reserves without reason and were to be utilised as and when opportunities arose.

RESOLVED

That:-

1. The Statement of Accounts for the financial year ended 31 March 2008 be approved;
2. A sum of £7,000 for the provision of litter bins and £12,000 for tree inspection are carried forward into the 2008/09 financial year from the surplus arising in 2007/08;
3. A transfer of £200,000 is made from the Council's accumulated surplus to the Strategic Issues Reserve in 2008/09;

4. Following the approval of the accounts, the Chairman of the Council shall sign and date the accounts on behalf of the Council, to represent the Council's approval.

29/08

DRAFT PLANNING OBLIGATIONS SPD

Consideration was given to a report which set out the content of the draft Planning Obligations Supplementary Planning Document (SPD) and sought agreement to its publication.

During discussion, particular reference was made to:-

- (a) the flexibility to utilise S106 monies. Officers confirmed that planning obligations would not be appropriate for all development and should only be sought when they met the government's requirements (as outlined in paragraph 8 of the presented report);
- (b) the consultation process. The Council was informed that it was proposed to undertake the consultation process in line with Government requirements and the Council's adopted Statement of Community Involvement;
- (c) pooling of contributions. This would generally take effect in the light of relevant Local Development Framework policies and proposals;
- (d) management fees. In response to a question, officers considered that the capping levels and management fees proposed in the SPD were fair and proportionate.

RESOLVED

That the draft Planning Obligations SPD be published for consultation purposes.

30/08

AMENDMENT TO COUNCIL'S CONSTITUTION

Consideration was given to a report which sought approval for amendments to the Council's Constitution and particularly the Scheme of Delegations to reflect the recent deletion of the Head of Corporate Services post.

RESOLVED

That:-

1. the powers delegated to the Head of Corporate Services be revoked and replaced by identical powers in the name of the Monitoring Officer; and

2. for the avoidance of doubt, all decisions and documents issued in the name of the Monitoring Officer between 31 May 2008 and 26 June 2008 be ratified and approved.

31/08

ANNUAL REPORT OF SCRUTINY AND THE POLICY DEVELOPMENT GROUP

Consideration was given to a report which reported to Members the working of Scrutiny and the Policy Development Groups (PDGs) during the 2007/2008 municipal year and to make recommendations for future work programmes and amend working methods where appropriate.

In discussion, the following points were raised:-

- (a) In welcoming the report being presented, a Member felt it exposed the fact that the PDGs were under utilised. In addition, the Member felt that there was scope for the PDGs to be functioning better, in order to utilise the vast array of skills held by Members. In response, officers emphasised the importance of Members taking a lead and ownership of the PDG agendas;
- (b) Whilst emphasising his belief that Scrutiny had been successful during the municipal year, the Vice-Chairman of the Group stated his concern that certain agencies and authorities had refused to attend meetings of the Group. Following on from a recent meeting of the Programming Panel where this matter had been raised in respect of the Highways Agency, it had been agreed that transport representative(s) from the Government Office South West be invited to attend a future meeting;

RESOLVED

That the work programmes of Scrutiny and the Policy Development Groups be noted.

32/08

APPOINTMENTS TO COUNCIL BODIES

Consideration was given to a report requesting an appointment to a Council Body as detailed in the report.

RESOLVED

That with immediate effect for the remainder of the 2008/09 municipal year, Cllr J I G Blackler be confirmed as Vice-Chairman of the Prosperity Policy Development Group.

33/08

REPORTS OF BODIES**RESOLVED**

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

- (a) Development Control Committee 21 May 2008

DC.1/08: Minutes

In accepting that the minutes of the meeting held on 23 April 2008 had already been signed by the Chairman as a correct record of that meeting, concern was expressed at the subtle change in wording with regard to the proposals being carbon neutral. Members felt that this apparent minor wording amendment potentially had major implications on the Sherford proposals being carbon neutral.

- (b) Community Policy Development Group 22 May 2008
 (c) Personnel Panel 28 May 2008
 (d) Standards Committee 28 May 2008

S.4/08: The New Process for Dealing with Complaints about Members**RESOLVED**

1. That the proposal for joint reciprocal carrying out of the review function for complaints against Members with Teignbridge District and West Devon Borough Councils be accepted and adopted;
2. That the Standards Committee be delegated the function of reviewing assessment decisions taken by the Standards Committees or sub-committees of Teignbridge District and West Devon Borough Councils;
3. That the Standards Committee be authorised to refer to Teignbridge District or West Devon Borough Council the function of reviewing assessment decisions taken by the South Hams Standards Assessment Sub-Committee;
4. That authority be granted to the Monitoring Officer to amend the Constitution to reflect these arrangements.

- (e) Executive 29 May 2008

E.6/08: Community Grant Fund Review

A Member wished to repeat his belief that the process was undemocratic and felt that the final decision on allocating monies should be taken by elected Members. In response, the Leader advised that local Members would continue to be engaged throughout the process of allocating Community Grant funding to projects.

E.7/08: Proposed Housing Capital Programme Expenditure 2008-09

As an update, it was noted that the monies had since been reimbursed by Devon County Council (DCC). In acknowledging that lessons would be learned in terms of improved communication between DCC and the Council, Members wished to extend their gratitude to those DCC Members who had been heavily involved in ensuring the original monies were reinstated.

E.8/08: Vitality of Ivybridge – Use of Section 106 Funding

A Member from the Ivybridge hinterland informed that the free parking scheme had been well received and it was his understanding that visitor numbers had increased to the town, since this initiative had been implemented.

E.14/08: Reports of Other Bodies: Community Policy Development Group – 22 May 2008

A Member expressed her disappointment that the Executive had not supported the recommendations of the Group in relation to the levels of funding towards public space works. In response, the Leader advised that the Capital Programme was currently being updated and was scheduled to be considered at the next meeting of Council on 24 July 2008.

(f) Salcombe Harbour Board 2 June 2008

SH.6/08: Harbour Bye-Laws**RESOLVED**

That Salcombe Harbour Byelaws 19, 42, 43 and 45 be amended as set out in paragraph 5 of the report presented to the Board.

SH.7/08: Replacement of Harbour Pontoons

RESOLVED

1. That the contract for the replacement of the Visitors' Pontoon during winter 2008/09 be awarded to Walcon;
2. That the replacement of the Batson Pontoons be advanced to financial year 2009/10;
3. That the Harbour Master, in consultation with the Chairman of the Salcombe Harbour Board and Lead Executive Member for the Harbour, invite tenders for the replacement of the Batson Pontoons during winter 2009/10.

(g) Audit Committee 10 June 2008

A.5/08: System of Internal Control and Annual Governance Statement for South Hams District Council 2007/08

RESOLVED

That the updated Annual Governance Statement be approved.

(h) Scrutiny 12 June 2008

SC.3/08 Post Office Network Change Programme

Members wished to pay tribute to both officers and Cllr Baverstock for their hard work and efforts in relation to this matter.

(i) Licensing Committee 16 June 2008

L.3/08: Hackney Carriages – Revised Table of Fares 2008/09

In acknowledging that the South Hams had one of the lowest taxi tariffs in Devon and Cornwall, a Member highlighted that the cost of such transport was still expensive, particularly in a rural area.

RESOLVED

- a) That in respect of hackney carriages operating within South Hams District Council, the maximum fare which may be charged should be set in accordance with the Table of Fares as appended to the Committee minutes; and

- b) That the Table of Fares be advertised and come into effect in accordance with the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

(Meeting commenced at 2.00 pm and concluded at 3.50 pm).

Chairman