

**MINUTES OF A MEETING OF THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY, 16 JULY 2009**

**MEMBERS**

\* Cllr R J Tucker - Chairman

\* Cllr P W Hitchins - Vice-Chairman

\* Cllr H D Bastone

∅ Cllr B E Carson

\* Cllr J D Hawkins

\* Cllr M J Hicks

\* Cllr M J Howarth

\* Cllr M F Saltern

\* Denotes attendance

∅ Denotes apologies for absence

Also in attendance at the invitation of the Chairman:  
Cllrs K J Baldry, J H Baverstock, P Coulson, R M Lawrence, C M Pannell,  
J T Pennington and J W Squire

Also in attendance but not participating:  
Cllr R D Gilbert

Officers in attendance:

All Agenda Items: Chief Executive, Strategic Director (Community), Strategic  
Director (Resources) and Senior Member Support Officer;  
Items 3 and 16 (minutes E.17/09 and E.29/09 below refer): Head of Environment  
Services;  
Item 7 (minute E.20/09 below refers): Policy Implementation Officer;  
Item 9 (minute E.22/09 below refers): Head of Property Services;  
Item 15 (minute E.28/09 below refers): Head of Human Resources and Personnel  
Manager.

**E.15/09 MINUTES**

The minutes of the meeting of the Executive held on 28 May 2009 were confirmed as a correct record and signed by the Chairman.

**E.16/09 MEMBERS IN ATTENDANCE**

It was noted that the following Members were in attendance and participated during the discussion on the under-mentioned items:-

Item 7 (minute E.20/09 below refers) – Cllr Baverstock;  
Items 7, 8, 10 and 11 (minutes E.20/09, E.21/09, E.23/09 and E.24/09 below refer) – Cllr Pennington;  
Items 8, 9, 10, 15 and 16 (minutes E.21/09, E.22/09, E.23/09, E.28/09 and E.29/09 below refer) – Cllr Baldry;  
Items 9, 10, 13 and 15 (minutes E.22/09, E.23/09, E.26/09 and E.28/09 below refer) – Cllr Pannell;  
Items 9 and 12 (minutes E.22/09 and E.25/09 below refer) – Cllr Squire;  
Items 10, 12 and 15 (minutes E.23/09, E.25/09 and E.28/09 below refer) – Cllr Lawrence.

E.17/09      **URGENT BUSINESS**

The Chairman advised that he had agreed to one item of urgent business to be raised at the meeting. The item related to the Council issuing a license to the Dartmouth Regatta Committee to operate on Council controlled land and for the request that a suitable management plan to also be in place (minute E.14/09(a) refers). Those present were informed that the Council was now in receipt of a plan and was satisfied with its contents. However, written confirmation was still awaited from the Police and Highways Authority to confirm they were also satisfied with the plan. Subsequently, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED:-**

**RESOLVED**

That delegated authority be granted to the Head of Environment Services, in consultation with the Leader of Council, to issue a licence to the Dartmouth Regatta Committee, on receipt of confirmation from the Police and Highways Authority that they are satisfied with the management plan.

E.18/09      **DECLARATIONS OF INTEREST**

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

Prior to the discussion on item 3; 'Urgent Business' (minute E.17/09 above refers), Cllrs H D Bastone and J D Hawkins had both declared a personal interest by virtue of their involvement on the Dartmouth Regatta Committee and remained in the meeting and took part in the debate and vote thereon.

Cllr R M Lawrence declared a personal interest in item 15; 'Progress Towards Single Status' (minute E.28/09 below refers) by virtue of his membership of Unison and remained in the meeting and took part in the debate thereon.

E.19/09      **PUBLIC QUESTION TIME**

It was noted that no public questions had been received.

E.20/09      **SUSTAINABLE COMMUNITIES ACT – PROPOSALS FOR POSSIBLE SUBMISSION**

Consideration was given to a report which sought approval of the 11 most popular proposals, put forward by the Community Partnership Forum (CPF) and prioritised by the Council's Community Sounding Board, for submission to The Selector (LGA) for consideration under the Sustainable Communities Act. It was noted that the aim of the Act was to promote the sustainability of local communities by encouraging the economic, social and environmental well being of the area.

The report concluded in stating that the proposed submissions to the Selector panel encouraged a sustainable community within the South Hams as well as nationwide. The approval of all the proposals put forward by the CPF and the Council representatives would build confidence in this process and enable the seamless implementation of the Act in subsequent years.

During discussion, the following points were made:-

- a) A Member expressed concern at the number of proposals which were being recommended for support. It was suggested that, more resources and emphasis could be placed upon a smaller number of proposals. In response, Members were reminded that the proposals had been prioritised by the Community Sounding Board, and therefore there was a sense that they were the most important proposals for local people;
- b) A non-Executive Member, who was also the Member Champion for Children and Young People expressed disappointment at the proposals as he felt that the Council had missed an opportunity to support the children and young people in the district. He then proceeded to make the following observations, which were addressed accordingly:-
  - that over 50% of the Community Sounding Board were aged between 35 and 64, with a further 25% being over the age of 65. It was noted that the make-up of the Sounding Board was demographically proportionate to the district;

- that generally, the community expressed concern over the behaviour of its youth in relation to issues such as alcohol related incidences, teenage pregnancies and the 'boy racer' label. However, the Act gave the opportunity for the community to forward ideas to the Government to help in these, and many other areas, affecting young people. He felt that the proposals, as they stood, did nothing to directly aid the young people of the South Hams. In response, it was noted that at the Community Partnership Forum event, which was held on 23 February 2009, a wide range of youth organisations had been invited, of which only two attended. In addition a number of proposals to support children and young people had been included in the initial proposals for consideration at the Community Partnership Forum. The opportunity to engage had been available, as were specific proposals which could have been promoted, but neither option was subsequently taken up. Furthermore, Members were reminded that there were a number of ways to influence Central Government, with specific reference being made to influencing party manifestos which were currently being drawn up for the pending general elections;
- the stress young people were currently experiencing in relation to employment, housing and affordability matters;
- free swimming facilities for the under 16's, which the Council had rejected due to lack of funding. The Member felt that Government should be approached to provide full funding for this initiative and, if possible, fully fund free use of sport and leisure facilities in general. In response, it was noted that the Council was continually lobbying Government through the Local Government Association and the Devon Councils collectively;
- concern over the recent number of serious road traffic accidents. The suggestion was made for the Government to finance the establishment of 'Young Driver Groups' where youngsters could be given guidance by a qualified mechanic on how to check the health of their vehicles, along with practical tips on driving techniques by an advanced driver;
- a proposal that Government finance the establishment of a group where young woman and girls could meet to discuss teenage motherhood and relate the considerable restrictions they may have experienced by having a young baby.

A further non-Executive Member supported the concerns over the lack of provision for children and young people, and expressed that this should be a high priority.

It was then:-

**RESOLVED**

That the 11 proposals prioritised by the local community, for consideration for national implication under the Sustainable Communities Act, be submitted.

E.21/09

**OUTCOME OF SHARED SERVICES WORKSHOP**

Those present were informed that the recent Joint Member Workshop with West Devon Borough Council (WDBC) had been found to be successful with a lot of positive feedback. It was noted that the objective was to improve outcomes for the two Councils, achieve efficiencies and generate savings.

Two very interesting presentations had been received on the current economic situation, which had demonstrated the unprecedented financial difficulties facing the Country and the probable impact on local government, with the second presentation noting the impressive Place Survey results for both Councils and outlined how closely aligned the issues were that needed addressing.

Priority areas had been identified and the next stage was then for the Leaders of both Councils to review the results from the four Member Workshops and identify those areas where they wish the Joint Management Team (JMT) to prepare business cases. It was anticipated that this would be completed by October 2009, for Members to consider emerging proposals as part of the preparations for the 2010/2011 Budget process.

During discussion, a non-Executive Member expressed concern that the workshop had been predominantly attended by WDBC Members. It had become apparent that all of WDBC Members had been invited and therefore it was questioned why this had not been the case for SHDC. In response it was noted that a previous workshop had been open to all Members but there had been little up take, however, all Members would be invited to future workshops.

**E.22/09 CAPITAL PROGRAMME MONITORING**

A report was considered which advised Members of progress to the approved proposed capital programme for 2008/09 and 2009/10 which was agreed by Council at its meeting of 24 July 2008 (minute 40/08 refers).

During discussion, specific reference was made to:-

- a) concern over safety at the Quay Car Park, Kingsbridge, particularly in relation to vehicles manoeuvring. A Member wished to note this issue as it had been raised by Kingsbridge Town Council at a recent meeting. However, it was noted that a scheme was being considered to address these concerns;
- b) the works at the Fish Quay in Dartmouth. A Member queried whether an electrical point was to be installed at the Fish Quay for use by the fishing vessels. In response, it was noted that provision for access to electricity had been installed and subsequently the Council was in negotiations with the fishermen to ascertain who would manage and pay for the facility;
- c) the replacement pontoon for the passenger ferry at Kingswear. A Member expressed his delight that this had been completed, but questioned why the Council had provided provision for a roof yet one had not been installed. In response, it was thought that the roof was the responsibility of the operators, however this point would be clarified;
- d) the Ivybridge Leisure Centre swimming pool. A Member expressed disappointment over the ongoing issues in relation to the Ivybridge swimming pool. Concern was noted in relation to allowing a 'volunteer' to undertake a sketch design of a pool based on the £1million allocated funding. To alleviate Member concern, Officers advised that the 'volunteer' was an accredited professional architect;
- e) sports facilities for the District's parishes. A non-Executive Member expressed concern at the perceived lack of facilities available to the parishes and, where facilities were available, the lack of maintenance funding available. In response, Members were informed that the next Capital Programme was being developed where proposed projects were being considered for progression in the light of the likely future capital resources available. Moreover, a further non-Executive Member suggested the opportunity for Parish Councils to develop and fund play facilities, although the importance of being fair across the District was emphasised.

## **RESOLVED**

That the progress made to date on the implementation of the approved capital programme be welcomed.

E.23/09

### **REVENUE BUDGET MONITORING 2009/10**

Consideration was given to a report which enabled Members to monitor the income and expenditure variations against the approved budget for 2009/10. In presenting the report, the Executive Member for Financial Affairs felt that this was an encouraging report, however, it was important to avoid complacency, especially in light of the current economic climate.

During discussion, the following points were made:-

- a) A non-Executive Member highlighted the decrease in the number of planning applications which had been received by the Council and questioned how this would impact on the service. In response, it was advised that although the total number had decreased, the number of major applications being processed were placing the service under great pressure;
- b) In relation to the funds available in the Community Grants reserve, a non-Executive Member advised that, on seeing the available funds, she contacted the Community Grant administration officers only to be advised that there was currently only £3,000 available. In response, Officers explained that the funding shown in the papers did not yet include the commitments arising from the most recent grant assessment round. Despite increasing the finding available, the Council had received a high quantity of grant applications which had been supported. Funding had therefore been earmarked for the agreed projects, resulting in much of the funding initially identified as being committed. However, securing the grant was dependant on the applicants gaining partnership funding. In cases where match funding proved not possible, the funding could be released for alternative projects later in the year. Members were therefore advised to inform officers if they were aware of any possible projects so that officers had knowledge of emerging proposals.

## **RESOLVED**

That the forecast income and expenditure variations for the 2009/10 financial year be noted.

**E.24/09 WRITE OFF REPORT**

Members considered a report that detailed the individual debts for all revenue streams, up to the value of £3,000, written off by the Head of Financial Services under delegated authority, and for those debts in excess of £3,000 for which permission to write off was sought.

The report concluded by reassuring Members that every effort was made to collect all debt owing to the Council, and that the decision to write off any amount was not taken lightly.

**RESOLVED**

1. That in accordance with Financial Regulations, the write-off of individual debts totalling £108,874.37, together with £7,967.46 of Non Domestic Rate Debt which is collected on behalf of the Government as detailed in Tables 1 and 2 of the presented report, be noted;
2. That the write off of individual debts in excess of £3,000, as detailed in Table 3 of the presented report, be approved.

**E.25/09 EXEMPTION TO STANDING ORDERS RELATING TO CONTRACTS AND FINANCIAL INSTRUCTIONS**

The Executive was presented with a report which informed Members of the exemption(s) to the Standing Orders Relating to Contracts and Financial Instructions since the previous Executive meeting, in accordance with the procedure approved by Council (Minutes 70/07 and 49/07 also refer).

In conclusion, the report informed that the process for providing officers with approval for exemptions to the Standing Orders Relating to Contracts and Financial Instructions, in certain circumstances, provided more flexibility and the ability to react promptly to situations that arise. It was also a more efficient and less bureaucratic approach than that previously in place.

In relation to the affordable housing delivery mechanisms for Sherford, Officers advised that consultants were being brought in to assist the Council in its understanding and assessment of this major application. The purpose of this was to ensure the proposed overage provision was appropriate, especially in light of the current economic climate.

**RESOLVED**

That the exemptions to the Standing Orders Relating to Contracts and Financial Instructions (attached at Appendices A and B of the presented report) be noted.

E.26/09 **REPORTS OF OTHER BODIES**

**RESOLVED**

That the following be received and that any recommendations contained therein be approved:

**a) Community Policy Development Group – 27 May 2009**

**CPDG.03/09 Sustainable Community Strategy Action Plan Update**

**RESOLVED**

That the revised Sustainable Community Strategy Action Plan 2009-11 be noted.

**CPDG.04/09 Review of Corporate Housing Services**

**RESOLVED**

1. that the outcome of the recent Corporate Housing Services Review is found to be satisfactory;
2. that the proposed timetable for the adoption of the Housing Strategy in late 2009 be approved.

**CPDG.05/09 Housing Advice Services update**

**RESOLVED**

That the report be noted and Members are satisfied with the progress being made by the service.

**CPDG.06/09 Choice Based Lettings**

**RESOLVED**

1. That the Devon Home Choice Allocations Policy be adopted and that it should replace the current allocations policy on the implementation of the Devon Home Choice Scheme within the South Hams;

2. That delegated authority be given to the Strategic Director (Community), in consultation with the Executive Member for Housing, to agree minor amendments to the Policy.

#### **CPDG.07/09 Tenants Incentive Scheme**

##### **RESOLVED**

1. That the Tenants Incentive Scheme be approved together with an allocation of £35,000 from the Housing Investment Programme Budget;
2. That responsibility for the operation of the initiative be delegated to the Affordable Housing Manager, in consultation with the Head of Community Regeneration and the Lead Executive Member for Housing.

#### **CPDG.08/09 Prioritisation of Applicants for Shared Ownership**

##### **RESOLVED**

That the Shared Ownership Prioritisation Policy be adopted.

#### **b) Environment Policy Development Group – 1 July 2009**

##### **EPDG.3/09 Shoreline Management Plan II**

##### **RESOLVED**

1. That the Council confirm to the South Devon and Dorset Coastal Advisory Group, by 24 July 2009, that it accepts the proposals set out in the Shoreline Management Plan II; and
2. That objection be expressed to the increasing burden the Environment Agency is placing upon the Council to respond to coastal protection and erosion management, without the appropriate level of financial support at a time when funding to local authorities is reducing, with comments to such effect being sent to the Environment Agency, DEFRA and the LGA.

#### **EPDG.4/09 Biodiversity: Addressing Biodiversity Duty**

##### **RESOLVED**

1. That the draft Biodiversity Plan be approved;
2. The role of Championing Biodiversity issues be incorporated into the remit of the Green Team; and
3. The financial and operational implications of addressing high priority actions (as identified in the presented plan to the Group) be considered.

#### **EPDG.5/09 Landscape and Leisure Service Review**

##### **RESOLVED**

That the following key observations from the Group be noted:-

- a. the importance of generating income where appropriate and leveraging in external funding;
- b. the promotion of local involvement in the improvement in quality of public spaces, however this should not be seen as a budget saving initiative; and,
- c. that although the service was predominately discretionary in its nature, the community placed great value and emphasis upon it and, therefore, it was of great importance to the Council.

#### **EPDG.6/09 Development Control Service Review**

##### **RESOLVED**

That the following key observations from the Group be noted:-

1. the need for improved training / advice for Town and Parish Councils on planning decisions; and
2. the need for improved monitoring of enforcement issues.

**E.27/09 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 items of business as the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Schedule 12A to the Act is involved.

**E.28/09 PROGRESS TOWARDS SINGLE STATUS**

Consideration was given to an exempt report which provided Members with a progress update on the Single Status project.

**RESOLVED**

1. That the recommendation of the Personnel Panel (as set out in paragraph 9.1 of the presented exempt report) be endorsed in that the Council acknowledges that it has not been possible to reach an agreement with the trade unions on an acceptable and affordable new pay and grading structure and that no further progress can be made.
2. That given the underlying financial and political considerations highlighted in paragraphs 2 and 3 (to the presented exempt report), it is not possible to recommend a way forward at this time and that the Council will open discussions with the trade unions to consider alternative ways of achieving a fair, equitable and affordable new pay and grading structure.
3. That the recommendation of the Personnel Panel as set out in paragraph 9.1 (of the presented exempt report) be noted for discussions to continue with Tone Leisure to negotiate an amendment to the Business Transfer Agreement in return for a one-off financial consideration.

E.29/09      **PARK AND RIDE DARTMOUTH 2010**

Consideration was given to an exempt report on the outcome of the tendered submissions for the Park and Ride service.

**RESOLVED**

1. That the five year contract starting in 2010 for the operation of the Park and Ride service at Dartmouth be awarded to First Devon and Cornwall Limited;
2. That written agreement for the use of section 106 funding for the Park and Ride service (for the purpose as laid out in the presented report) be secured. Should this not materialise, then the charge for the use of the Park and Ride service should be increased to cover any shortfall in the budget.

**(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00PM ON 27 JULY 2009, UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

(Meeting commenced at 10.00 am and concluded at 12.30 pm).

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Chairman