

**MINUTES OF A MEETING OF THE EXECUTIVE
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 3 JANUARY 2008**

MEMBERS

* Cllr R J Tucker - Chairman

* Cllr P W Hitchins - Vice-Chairman

* Cllr N A Barnes

* Cllr H D Bastone

* Cllr B E Carson

* Cllr T J Hewitt

* Cllr D W May

* Cllr M F Saltern

* Denotes attendance

Also in attendance at the invitation of the Chairman:

Cllrs J H Baverstock, J I G Blackler, R F Croad, G J Fielden, F J Hawke, M J Hicks,
R M Lawrence, C M Pannell, J T Pennington and J W Squire.

Also in attendance but not participating:

Cllrs R J Carter, R D Gilbert, M J Howarth and R C Steer.

Officers in attendance:

All Agenda Items: Strategic Management Team

Item 7 (minute E.85/07 below refers) – Community Development Assistant;

Item 8 (minute E.86/07 below refers) – Head of Community Regeneration;

Items 8 and 9 (minutes E.86/07 and E.87/07 below refer) – Head of Planning and
Building Control;

Item 10 (minute E.88/07 below refers) – Head of Financial Services;

Item 11 (minute E.89/07 below refers) – Head of Business Development.

E.81/07 MINUTES

The minutes of the meeting of the Executive held on 6 December 2007 were confirmed as a correct record and signed by the Chairman subject to it being recorded that under minute reference E.78/07, the resolution be amended to read "*that the amendments to the Risk Management Strategy, as presented in the circulated report, be approved*".

E.82/07 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.85/07 below refers) – Cllr Baverstock;

Items 7 and 10 (minutes E.85/07 and E.88/07 below refer) – Cllr Pennington;

Items 8, 9, 10 and 12 (minutes E.86/07, E.87/07, E.88/07 and E.90/07 below refer) – Cllr Squire;

Items 8, 9, 10 and 12 (minutes E.86/07, E.87/07, E.88/07 and E.90/07 below refer) – Cllr Fielden;

Item 11 (minute E.89/07 below refers) – Cllrs Croad, Hawke, Hicks, Lawrence and Pannell;

Item 12 (minute E.90/07 below refers) – Cllr Blackler.

E.83/07 **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:-

Cllrs J I G Blackler and P W Hitchens declared a prejudicial interest in item 8: 'Sherford 106 Legal Agreement for Sherford New Community' (minute E.86/07 below refers) and both left the meeting during the discussion and vote on this item.

Cllr G J Fielden declared a personal interest in item 8: 'Sherford 106 Legal Agreement for Sherford New Community' (minute E.86/07 below refers) and remained in the meeting and took part in the discussion thereon.

E.84/07 **PUBLIC QUESTION TIME**

In accordance with Executive Procedure Rules, one question was received from a member of the public as follows:-

Question received from Susan Hannis:

"Why has the Council removed the sentence at 7.1 of the Affordable Housing DPD supporting innovative methods of housing provision, when this would positively enhance the Council's 'beacon status', would not delay submission, nor commit the Council to a model outside the current definition of affordable housing?"

In response, the Executive Member for Housing noted that the removed sentence was to be reshaped to align with the government's requirements in PPS3 and that it would appear in the document phrased as follows:-

"The Council will be open to approaches that deliver Affordable Housing through innovative means including self-build, co-housing, community land trusts and other initiatives."

E.85/07

REVIEW OF CORPORATE PRIORITIES

Consideration was given to a report on the outcome of the Member workshop held on 23 November 2007 which was arranged to informally review the Council's corporate priorities. When reviewing priorities, it was important to bear in mind that a major change in current direction may require organisational change, and time for existing commitments to expire. Moreover, it was noted that prior to making a final decision on the corporate priorities, the Council first needed to ascertain the level of funding available within the Local Area Agreement (LAA). The Council would influence the LAA to the best of its ability but it was important to remember that the Council was only one of many agencies which were part of the LAA. It was also noted that the Council would work in partnership with West Devon Borough Council and Teignbridge District Council to establish joint priorities and improve access to potential funding streams.

During discussion, a non-Executive Member, who was Member Champion for Children and Young People, appealed to Members to strongly consider supporting Youth Issues as a Priority. Whilst in agreement that youth was an important issue, the Leader wished to reiterate that a major change in current direction may require organisational change. However, it was felt that it would be useful if Officers were able to identify the various projects which were being carried out in relation to youth issues. It was also highlighted that Members were not intending to make a recommendation at present on any existing or potential priorities. Therefore, no potential issues were to be ruled out and each would be taken into consideration at the appropriate time.

An Executive Member, although also appreciating the importance of youth issues, was concerned with why specific consultation exercises were carried out with the youth and not with other community groups such as the elderly. In response, it was noted that it was important to engage with young people, as it had been found that they were less likely to react or respond to formal consultation. Therefore, a more interactive approach was taken. However, the Member felt that a more balanced approach to consultation should be sought.

RESOLVED

That the Executive have considered and commented on the informal Members Workshop (as outlined above).

E.86/07

SECTION 106 LEGAL AGREEMENT FOR SHERFORD NEW COMMUNITY

A report was considered which informed Members on the scope of the requirements which needed to be sought from the development of Sherford in the form of a Section 106 Agreement as identified by the Council with the assistance of Plymouth City Council, Devon County Council and a number of other stakeholders. Significant progress had been made to deliver a S.106 Agreement and following agreement to the direction of travel of the draft scoping document, it was expected that this could be considered in a timescale that would enable housing targets to be achieved.

During discussion, specific reference was made to:-

- a) a non-Executive Member's opinion that the developers should be required to pay the legal costs of preparing the S.106 Agreement and not just be 'expected' to pay as the report stipulated. In response it was noted that, in principle, the developers had agreed to pay but as the total cost had yet to be defined no formal agreement had been drawn up. However, the Member was not satisfied with this response and reiterated the importance of securing a legal obligation for the developer to pay the legal costs. Nevertheless, Officers highlighted that the Council had no enforcement powers on this issue and an agreement would need to be reached through negotiations;
- b) a non-Executive Member's concern regarding the impact on Brixton Parish Council during the transition period. In stressing this point, the Member stated that Brixton Parish Council was a small council to undertake such a transition. In response, it was noted that it was intended that revenue funding would be provided as part of the S106 agreement to support the increased pressure on Brixton Parish Council, as well as assistance being given by officers. Moreover, discussions about the future governance of Sherford had been taking place with the Devon Association of Parish Councils;
- c) the importance of utilising local materials as highlighted in the scoping requirements;
- d) a non-Executive Members' wish to discuss information which was deemed exempt under the Local Government Act 1972. It was therefore:-

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.

Officers and Members then proceeded to discuss in depth financial information. Once all Members were satisfied that they had no further questions in relation to the appendices, it was then:

RESOLVED

That the public and press be re-admitted.

It was then:-

RESOLVED

That:-

- a. negotiation of a satisfactory Section 106 Legal Agreement required to ensure that the development of Sherford New Community would provide appropriate and sustainable levels of services, facilities to meet the needs generated by the occupants and users of the new community and to mitigate impacts on the environment be confirmed;
- b. the direction of travel set out in the presented report be endorsed, and officers be authorised to negotiate with the applicants on the basis of the draft scoping document as attached in the appendix of the presented report;
- c. that standing orders be waived to enable the Council to purchase valuation advice for Sherford through Plymouth City Council's arrangement with a retained external advisor to be funded from the Local Plan Reserve.

E.87/07 UPDATE ON THE DEVELOPMENT CONTROL PROCESS REVIEW

Consideration was given to a report which provided an update on the process undertaken within the Development Control service in order to identify where savings and improvements in the service could be achieved. Investments in ICT were also identified to enable these savings and improvements to be realised. The time that would be saved within Development Control by discontinuing the production of the Letters of Representation was calculated as part of the process review and amounted to approximately £900 per year. When costs of printing and posting the letters were added, the cost of providing the Members' Bundle rose to approximately £2800 per year.

During discussion a non-Executive Member, although understanding of why publication of the Members' Bundles were to be discontinued, was concerned that Members would not have access to all the representations when determining a planning application. In response, it was noted that all letters of representation in relation to planning applications were available on the Council's website. Furthermore, hard copies could be obtained from the Development Control Service on request. The Chairman of the Development Control Committee also advised that applicants and objectors could send letters of representation direct to Members themselves.

RESOLVED

That:-

- a. the action plan for implementing the process review be noted;
- b. the production of the Members' Bundle be discontinued with effect from 13 February 2008 meeting of the Development Control Committee onwards.

E.88/07

REVENUE BUDGET MONITORING 2007/2008

Consideration was given to a report which enabled Members to monitor income and expenditure variations against the approved budget for 2007/2008. The Council faced significant budget pressures that had been identified in relation to Waste Management. To help minimise any net overspend, the Operations Services, together with other service managers, had been requested to reduce their expenditure by critically examining all budgets.

During discussion, specific reference was made to:-

- a) investment income. A non-Executive Member noted concern over recent changes in interest rates. However, officers assured the Member that investments had been secured at a fixed rate and they were confident that a return would be seen over the forthcoming years;
- b) redundancy payments. Following a query it was confirmed that once a post had been made redundant, it could not be reinstated. Moreover, the Personnel Panel scrutinised all potential redundancies to ensure that they were in the best interest of the Council and its employees;
- c) the high level of sickness in the Housing Benefits team. Following a query it was noted that there was not one specific reason for the high level of sickness experienced, however it was confirmed that this issue had been addressed and the section was now fully staffed;

- d) unbudgeted costs for the use of specialist legal advice to defend planning appeals. Members were informed that there was not the in-house capacity or resources available to deal with such a specialised area of planning law. However, through the Shared Services initiative legal was being considered and potential specialist areas between the three Councils were to be looked at. It was also felt that due to Gershon savings, in some cases it was more financially beneficial to obtain external assistance on specific subjects which would be utilised infrequently, rather than employing someone into such a post;
- e) waste management. A non-Executive Member commented on the lack of notification for the change in waste collection days over the Christmas period. Officers noted that although the change had been advertised on the Council's website and in local newspapers, there had been an oversight whereby the town and parish clerks had not been notified. In apologising for this, assurance was given that notification would be sent to all towns and parish councils on conclusion of this meeting.

RESOLVED

That the forecast and expenditure variations for the 2007/2008 financial year be noted.

E.89/07

REVIEW OF CAR PARK AND PANNIER MARKET CHARGES 2008/2009

A report was considered which set out potential areas for increasing charges for Car and Boat Parking which should generate in total an additional 4% income for 2008/2009. At the Prosperity Policy Development Group (PPDG) meeting held on 25 October 2007 a Member suggested a residential car parking concessions scheme (minute PPDG.08/07 refers) which was identified as option C within the circulated report.

In presenting the report, the Executive Member with responsibility for car parking issues, expressed concern that although option C was an attractive proposal, it was a financial risk. It was important to address how costs would be recovered and to note that once the concessionary permits had been issued, it would be difficult to reverse the situation if proved unsuccessful. In putting these concerns across, the Executive Member stated that he was not attempting to hinder the proposal but he felt that more investigation and research was required to gain an impact assessment of the financial implications prior to making a final decision. Moreover, the implications arising from the potential civil parking enforcement were yet to be ascertained and therefore any impact this would have on the off-street parking regime would need to be sought.

The Chairman of the PPDG reiterated the comments of the PPDG meeting of 25 October 2007 (minute PPDG.08/07 refers) whereby the Group was supportive of the proposal. However, he understood the need for further work on the proposal to be carried out to work up a complete and comprehensive package. Moreover, the Member also commented on the idea of a South Hams Residents Card which would benefit the residents in terms of discounts on certain attractions in the area.

During discussion the non-Executive Member who had put forward the original proposal addressed the Executive to make a case in support of the proposal. It was felt that the proposal would offer a saving to the Council and benefit both its residents and the local economy in the towns and parishes. He also noted that if the Executive was not minded to support the proposal at present, then it could delay a decision subject to further investigation.

In considering all three proposals for car parking charges, as presented in the circulated report, the Executive expressed in principle support to option C. Although, Members reiterated that there was not enough information available to make an informed decision and therefore it was felt that option A would be the most practical at present. However, an addition to the recommendation was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**. It was therefore:-

RESOLVED

That:-

- a. the proposed increase in Pay and Display charges for 2008/2009 be option A as identified in the circulated report and be consulted upon;
- b. all other chargeable services within Car and Boat Parking, together with Pannier Markets, be in line with the detail contained within the presented report;
- c. the viability of adopting a residents 'free car parking' scheme be considered in the future.

E.90/07 **PROPOSED PROPERTY DISPOSAL – CREACOMBE COTTAGE,
YEALMPTON**

A report was considered which sought approval for the disposal of a Council owned property asset. By disposing of the property the Council would secure a capital receipt, remove a significant ongoing liability and avoid expenditure in relation to the demolition of the property.

Due to a non-Executive Member's concern that recent changes in emerging planning policies may not have been fully considered when making the recommendation to dispose of the property, the following amendment to the recommendation was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED:-**

RESOLVED

That the disposal of Creacombe Cottage on the terms as set out in the presented report be approved subject to officer confirmation, in consultation with the Deputy Leader of Council, that emerging planning policies had been considered when making the recommendation.

(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00 PM ON MONDAY 14 JANUARY 2007 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 12.20 pm).

Chairman