

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 5 FEBRUARY 2009**

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 MBE

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

For all items: Strategic Management Team; Monitoring Officer; Member Support Services Manager and Communications Manager; and
Item 10 (Minute 76/08 below refers): Head of Financial Services.

70/08 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Cllr J W Squire be appointed Vice-Chairman for the duration of the meeting.

71/08 **MINUTES**

The minutes of the meeting of the Council held on 18 December 2008 were confirmed as a correct record and signed by the Chairman.

72/08 **DECLARATIONS OF INTEREST**

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

73/08 **CHAIRMAN'S ANNOUNCEMENTS**

The Council noted a list of civic engagements attended by the Chairman.

The Chairman wished to make particular reference to the success of the Women's Land Army & Timber Corps Reception held on Monday, 15 December 2008. In addition, the Chairman also highlighted the Chairman's cricket match on 11 January 2009, which saw the Chairman's All Stars line up against the Devon County cricket team, in an event which raised over £1,000 for Charity.

74/08 **URGENT BUSINESS**

The Chairman advised that he had agreed for one urgent item to be raised at this meeting, which related to an announcement from British Telecom (BT) officials on 4 February 2009. The officials had announced that it had been decided to accept the Council's objection to the removal of 3 of the 47 public telephone boxes identified for removal.

Members were informed that the three saved kiosks were located at: Ford, Kingsbridge; East Prawle; and Cornworthy. It was noted that retention of these three kiosks had followed a concerted effort by officers and the local parish councils to prevent their removal.

The Chairman proceeded to state that the original list of objections submitted by the Council in August 2008 contained good reasons for the retention of 35 of the 47 threatened kiosks in the South Hams. However, until now, BT had not offered any response to these objections. It was anticipated that further engagement with BT would be required to prevent the removal of the remaining 32 kiosks on the list of objections.

75/08 **QUESTIONS**

It was noted that no questions had been received in accordance with Council Procedure Rule 8.

76/08 **NOTICE OF MOTIONS**

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

By Cllrs Gilbert and Hicks

“Any applicant for planning consent requiring a contaminated land survey will only be required to undertake the survey subject to conditional planning approval.”

When invited to propose his motion, Cllr Gilbert stated that due to previously unknown circumstances, he regrettably wished to withdraw his motion. Since its submission, Cllr Gilbert had become aware of some factors which could directly impact upon the motion. These factors included some potential legal implications and the news that the Local Government Association and the Government were currently attempting to work towards reaching a satisfactory solution. As a consequence, it was considered appropriate to withdraw the motion at this time.

77/08

BUDGET 2009/10

A report was considered which set out the Executive’s formal proposals for the budget 2009/10, as had been agreed at its meeting on 22 January 2009 (E.102/08 refers).

The eight recommendations, as set out on yellow page 3 of the report (as presented to the meeting), were **PROPOSED** and **SECONDED**. The Leader of Council was invited to introduce the item and respond to questions.

In his introduction, the Leader made particular reference to:-

- (a) the current economic climate. The Leader highlighted the current credit crunch and global financial crisis, which had made the budget setting process even more difficult this year. With interest rates plummeting, this was also likely to have a significant impact on the income generated by the Council for the foreseeable future;
- (b) the derisory increase in formula grant awarded to the Council. To receive the minimal possible formula grant was felt to be extremely disappointing and the Leader felt that there was a trend whereby district councils appeared to be unfairly penalised. Furthermore, and in comparison to the other Devon districts, South Hams District Council was to receive the lowest Formula Grant per head for 2009/10 of just £65, which was significantly lower than the £101 awarded to Exeter City Council;
- (c) the intention to freeze car parking charges for 2009/10 and the implementation of the residents concessionary car parking scheme. It was hoped that both of these initiatives would help to support local residents and businesses alike during these difficult times;
- (d) the importance of the consultation process. The Leader emphasised the importance of the process and highlighted the role of the town and parish councils, the general public, the business communities, and the involvement of all Members through discussions at the Policy Development Groups and Scrutiny;

- (e) an appreciation of the potential risks associated with the proposed budget.

Members were then invited to ask the Leader of the Council questions on yellow pages 2 to 9 and the draft budget proposals.

In discussion, the following points were raised:-

- (i) A number of Members highlighted that the intention for there to be no increase in Council Tax for 2009/10 would provide a significant boost to the residents of the South Hams;
- (ii) The proposal to finance an e-Newspaper from the Economic Development Reserve, and not from the General Fund, was welcomed;
- (iii) A Member reiterated his belief that it was incumbent on all authorities to do their level best to mitigate the current economic problems facing residents and wished to congratulate the Council on the proposed budget. In light of his request at the Executive meeting on 22 January 2009 (minute E.103/08 refers), the Member queried whether the County Council, Police Authority and the Fire and Rescue Service had responded to the plea to also retain their precepts at the 2008/09 levels. In response, the Leader advised that prior to the start of this meeting, no responses had been received from these authorities. The Member wished to express his dismay at the lack of any response and urged these authorities to acknowledge the grave difficulties being suffered by residents.

In also welcoming the intention to freeze Council Tax levels, a Member, who was also a Devon County Council (DCC) Member, highlighted that DCC was hoping to put into practice a less than 3% increase in Council Tax for 2009/10. The Member advised that this was despite DCC having seen a reduction in grant award in the last four years. Nonetheless, a Member still felt that DCC should review its current Budget proposals to take into account the current economic situation.

Following a request, the Leader confirmed that once each authority had finalised their Budget setting process, he would advise Members if any other South West authorities had also endorsed a freeze on Council Tax;

- (iv) A Member sought assurance that the minimum level of the General Reserve Balance would be maintained to at least £1.5 million. In reply, the Leader advised that he did not anticipate it falling beyond this level and he felt the adjustment from the previous level (of at least £2 million) was necessary in the current climate;
- (v) With regard to Beach and Water Safety, a Member confirmed that the buoys at Torcross were removed through the winter season for safekeeping and were placed back in the water in the spring.

It was then:

RESOLVED

That:-

1. there be no increase in Council Tax for 2009/10;
2. the following sums be included in the overall budget:

	£
Provision for inflation	500,000
Existing bids approved in previous years	15,000
External interest receivable	930,000
Reversal of Capital and Pension (FRS17) Charges	2,368,000
Net contributions to Reserves	1,014,200

3. savings of £493,550 be approved (as identified by the Corporate Management Team) which are already achieved or can be implemented by managers;
4. the achievement of an additional savings target by the Strategic Management Team from Shared Services and staff vacancy vetting of £50,000 (which was over and above the existing target of £50,000) be approved;
5. the following bids be approved:-

Bids:	£
Provision for recurring Bids financed from the General Fund:-	
- Members Sustainable Community Locality Budget	41,674
- Street Sweeping	46,000
- Community Grant Fund	10,000
Provision for e-Newspaper Bid (financed from the Economic Development Reserve)	10,000

6. the Council sets its total net expenditure for 2009/2010 at £10,395,924, subject to final confirmation of Government Grant. If the Government changes the Grant award, delegated authority be given to the Strategic Director (Resources) in consultation with the lead Executive Member for Financial Affairs, to make a corresponding amendment to the contributions to Reserves to bring the total net expenditure back to that agreed by the Executive;
7. the level of reserves, as set out within Appendix F of the presented Executive report, and the assessment of their adequacy and the robustness of budget estimates, be noted (Section 7). This is a requirement of Part 2 of the Local Government Act 2003;
8. the minimum level of the General Reserve Balance be maintained to at least £1.5 million.

78/08 **SETTING OF FEES FOR THE LOCAL LAND CHARGES SERVICE
2009/10**

The Chairman reminded those present that since the agenda had been published, this item had been withdrawn from the agenda.

79/08 **REPORTS OF BODIES**

RESOLVED

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

- | | |
|-----------------------------------|------------------|
| (a) Prosperity PDG | 9 December 2008 |
| (b) Development Control Committee | 10 December 2008 |
| (c) Personnel Panel | 11 December 2008 |
| (d) Environment PDG | 16 December 2008 |

EPDG.12/08: Draft Budget Proposals 2009/2010

With regard to the expenditure spent by the Council towards reducing its carbon footprint, it was confirmed that for 2009/10, £15,000 had been allocated from the revenue budget and £20,000 from the capital budget for this purpose.

A Member wished to make the point that she felt rather embarrassed that evidence suggested that the South Hams had the highest carbon footprint per resident in Devon and the second highest footprint throughout the South West region.

(e) Scrutiny 17 December 2008

(f) Community PDG 6 January 2009

CPDG.27/08: Budget Proposals 2009/10

As was previously raised at the Group meeting, Members were assured that greater levels of budgetary detail would be made available in the future during the budget consultation process. It was intended that this would enable Members to scrutinise expenditure in the detail that they felt was currently lacking during the early stages of the consultation process.

(g) Executive 8 January 2009

E.92/08: Sustainable Communities Act – Proposed Implementation

In terms of being representative of local people, a Member questioned whether the requirements of the Sustainable Communities Act would be met through the already established Community Partnership Forum. In reply, officers advised that there had been minimal information and advice received from central Government to date on this issue and it was therefore intended to use the Forum as a pilot initiative. Furthermore, a large number of organisations were represented on the Forum. Members were also informed that feedback from the Forum would then in turn feed in to the Sounding Board, which would provide a representative sample of the population of the district. It was noted that the process would be reviewed annually.

E.96/08: Reports of Other Bodies

(b) Scrutiny – 17 December

SC.36/08: Review of New Procedures for Standards Investigations

RESOLVED

That:-

- i) the membership of the Standards Committee be increased by:
 - one more Parish or Town Councillor (3 in total)
 - one more Independent Member (3 in total) whose term of office should be staggered to provide continuity
- ii) the Monitoring Officer be authorised to take all necessary steps to advertise for suitably qualified persons of good standing for appointment to these positions by Council.

(h) Standards Committee 12 January 2009

(i) Development Control Committee 14 January 2009

DC.49/08: Site Inspections:**(b) Reports of the Site Inspection Group held on 5 January 2009****(iii) (34/1838/08/F) Erection of a two storey dwelling with a single storey annex to the side and detached garage – Land north of Kiln Cross at SX865633, Kiln Road, Marldon, Paignton**

In light of an administrative oversight leading to the publication of a second site notice for this planning application, the local Member felt that the application should be reconsidered by the Development Control Committee. In response, the Chairman of the Committee acknowledged the oversight, but felt that the application had been refused largely for design reasons at the meeting. If a new application was submitted with a more appropriate design, the Chairman could see no reason why it could not be approved under the delegated authority of both him and the local Member.

DC.50/08: Planning Applications

In respect of application 57/2235/08/F (resubmission of 57/1484/08/F for erection of Office Development with change of use from A4 to A2/B1(a) – The Woodpecker, South Brent TQ10 9ES), a local Member highlighted that the granting of conditional approval was dependant upon the agreement of the Highways Agency. The Chairman of the Committee gave assurances that once the Highways Agency findings were received, officers would consult with the local Members.

(j) Scrutiny

15 January 2009

SC.42/08: Budget Proposals 2009/2010

It was confirmed that the government was not intending to claw back the under spend on concessionary bus fares. As a consequence, some Members stated that it was the unanimous view of the Scrutiny Group that the matter of imposing an earlier start time (from 9.30am to 9.00am) be reviewed and fully costed, before being presented back to Members for consideration. A Member felt that such information was readily available and the matter could be reconsidered imminently. In response, officers advised that the authorities in the Devon wide scheme had taken the view that the scheme should be administered in accordance with statutory guidance. Moreover, officers also referred to the pending court challenges of the bus companies and the difficulties in providing full costings before the end of the 2008/09 financial year.

(k) Executive

22 January 2009

E.102/08: Draft Budget Proposals 2009/10

In respect of the new bid B4 Sustainable Community Locality Budget, the Leader assured those present that all aspects of the scheme would be in place (including legal guidance) to ensure that Members were able to utilise this fund from 1 April 2009.

(l) Salcombe Harbour Board

26 January 2009

SH.43/08: Conservancy Duties – Maintenance Dredging**RESOLVED**

1. That Maintenance Dredging be conducted using the Water Agitation / Injection method; and
2. That up to £70,000 be allocated from reserves to conduct maintenance dredging and the associated environmental monitoring.

(Meeting commenced at 2.00 pm and concluded at 3.15 pm).

 Chairman