

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 13 NOVEMBER 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 MBE

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

For all items: Strategic Management Team; Head of Environment Services; and
Member Support Services Manager.

51/08 MINUTES

The minutes of the meeting of the Council held on 25 September 2008 were confirmed as a correct record and signed by the Chairman.

52/08 URGENT BUSINESS

The Chairman advised that he had agreed for one urgent item to be raised at this meeting. The item related to the announcement earlier in the day that Post Office Ltd had been re-awarded the post office card account contract. Members welcomed this announcement and were advised that if the contract had been awarded to the rival company, a further 6,000 post offices nationwide would have faced closure.

53/08

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 H D Bastone declared a prejudicial interest in Item 11(i) 'Reports of Bodies – Executive: 6 November 2008' in part PPDG.12/08: Review of Car Park and Pannier Market Charges 2009/10 (Minute 58/08(i) below refers) by virtue of his employer operating a similar scheme to the Council in relation to reserved car parking spaces and left the meeting during the discussion and vote on this item. Cllr Bastone also declared a personal interest in the same item in parts PPDG.13/08: Review of Ferry Charges 2009/10 and PPDG.14/08: Review of Waste Charges by virtue of his use of the Dartmouth Lower Ferry and the trade waste service and remained in the meeting and took part in the discussion and vote thereon.

Cllrs P W Hitchins and J I G Blackler both declared a prejudicial interest in Item 8 'Questions' (Minute 55/08(iv) below refers) by virtue of their respective associations with the proposed Sherford development and left the meeting during consideration of this question. Cllr Hitchins also advised that whilst the question had been addressed to him for a response, Cllr Barnes, as the lead Executive Member for Development Control, would be providing a reply to the meeting.

Cllr B F Cane declared a prejudicial interest in Items 11(a) and 11(g) 'Reports of Bodies – Development Control Committee meetings held on 1 October 2008 and 29 October 2008' (Minutes 57/08(a) and (g) below refer) by virtue of those meetings considering planning applications for which he had declared a prejudicial interest. Cllr Cane proceeded to leave the meeting during consideration of these items.

Cllr B E Carson declared a prejudicial interest in Item 11(g) 'Reports of Bodies – Development Control Committee meeting held on 29 October 2008' (Minute 57/08(g) below refers) by virtue of him being the applicant for a planning application which had been determined at this meeting and left the meeting during consideration of this item.

Cllr F J Hawke declared a personal interest in Item 11(i) 'Reports of Bodies – Executive: 6 November 2008' in part PPDG.13/08: 'Review of Ferry Charges 2009/10' (Minute 58/08(i) below refers) by virtue of his use of the Dartmouth Lower Ferry and remained in the meeting and took part in the discussion and vote thereon.

54/08

CHAIRMAN'S ANNOUNCEMENTS

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

55/08

QUESTIONS

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

From Cllr Brazil to Cllr Hicks, Executive Member for Financial Affairs

- (i) *SHDC invested in an Icelandic Bank on the 22 September 2008. Are you aware of any local authorities that invested in Icelandic Banks on or after this date?*

In response, Cllr Hicks stated that the Council had deposited £1.25m with the Heritable Bank, registered and regulated by the UK Financial Services Authority (FSA) and owned by Landsbanki – an Icelandic bank. This deposit was made on 25 September 2008. At that time, the risk rating of Heritable was ‘A’ long-term and ‘F1’ short-term. This rating was within the deposit policy approved by this Council. The deposit referred to was short-term and the risk category was ‘low’.

Cllr Hicks also advised that twelve days later, Heritable was placed into administration by the FSA and he was aware that around 120 Councils had deposits with Icelandic banks. Whilst Cllr Hicks understood that some individual Councils had a number of deposits, he was not aware of the details of these transactions and therefore the dates on which any such deposits may have been made.

In asking a supplementary question, Cllr Brazil made reference to the parliamentary enquiry into this matter and queried whether the Council was intending to make representations. In response, Cllr Hicks informed that the Council was making representations via the Local Government Association and the Council would continue to lobby wherever possible to ensure that the deposit was reimbursed.

From Cllr Brazil to Cllr Hicks, Executive Member for Financial Affairs

- (ii) *Do we pay external consultants to advise us on the Council's investments?*

In response, Cllr Hicks advised that a company named ‘Sector’ (part of the Capita Group) was contracted to advise this Council, and many others, on investment strategy and risk ratings for counter parties. Cllr Hicks also stated that it seemed from recent disclosures that Government were aware of impending difficulties with Icelandic banks. If this was so, then Cllr Hicks stated that he would feel very let down by the fact that this information was not made available to all public bodies.

In his supplementary question, Cllr Brazil enquired whether the Council should request that ‘Sector’ return a proportion of the fees it received from the Council. In reply, Cllr Hicks advised that whilst the Council paid ‘Sector’ marginally over £7,000 per year, the company was in no way responsible for the deposited £1.25 million.

From Cllr Brazil to Cllr Hicks, Executive Member for Financial Affairs

(iii) What are the revenue implications if the £1.25 million is lost and will we be increasing car parking charges to cover the cost?

In response, Cllr Hicks advised that as Members would be aware, the Administrators had said that the bank's liabilities were broadly offset by its assets. This was regarded by the LGA as a positive situation and subject to further examination and decision. However, in the event that Heritable defaulted on the repayment to this Council, then the loss of interest at current market rates would be approximately between £40,000 and £50,000 per annum. The decision as to how the Council would make good this potential loss of income would be one for the Council to debate and decide as part of the budget process.

From Cllr Brazil to Cllr Barnes, Executive Member for Development Control

(iv) Given the haste in approving the planning application for the new development called 'Sherford', when can we expect building to start?

In her response, Cllr Barnes informed that the proposals for Sherford had not been formulated in haste and planning permission had not yet been granted. The project could only commence once the Council and its partners had resolved outstanding issues with the developer, and the Council was in a position to sign a Section 106 legal agreement and issue a consent. That point had not yet been reached, although negotiations continued. If the negotiations did not accord with the Development Control Committee's resolution earlier this year then Members would review the Council's position in due course.

Once planning permission had been granted, it would be in the hands of the developer to choose when they would commence building and no doubt the prevailing economic conditions would influence that decision.

Cllr Brazil asked in his supplementary question whether Cllr Barnes felt it was grossly unfair that the Council had to determine the planning application, yet the developer could decide when to build the houses depending upon market conditions. In reply, Cllr Barnes reiterated that there were still outstanding issues to be resolved before any planning permission was granted and stated that the Council could not change Planning Law.

From Cllr Ward to Cllr Tucker, Leader of Council

(v) Can the Leader give the Council an update on what is happening with the Totnes Rickshaw project and whether any progress has been made following the previous Council meeting?

In response, Cllr Tucker stated that the Council was coming to the view that, in general terms, the law, coupled with our commitment to protect the safety of passengers while providing a level playing field for all private hire and public transport operators, made it difficult for unusual forms of hired transport, such as the tuk-tuks, to be granted an operators licence. Informal discussions with the Department of Transport suggested that there was not an easy or quick solution to overcoming these difficulties.

(Note: Cllr Hewitt had tendered his apologies to the meeting and therefore Cllr Tucker provided responses to the following two questions).

From Cllr Ward to Cllr Hewitt, Executive Member for a Clean Environment

(vi) Given the recent news that a local recycling company is to open a recycling facility in Kingsbridge next year which sorts out and processes different sorts of plastics, and that plastics form a large part of the waste stream which this Council sends to landfill, how does the Council intend to take advantage of this new facility and the opportunity to work in partnership with local companies on local solutions for dealing with hard to process waste, thereby reducing the Council's costs and carbon footprint?

In response, Cllr Tucker stated that the Council welcomed this initiative and that it was good to hear that some companies did not foresee any issues in relation to the forecast of economic downturn and saw some potential in developing such a facility.

The Council did not have sole right to waste and it had never seen itself as the main provider of waste services. The Council was always happy when companies developed new and interesting solutions.

Cllr Tucker also wished to remind Members that the Council was already in a contractual arrangement with Severnside to manage the districts dry household recycling material and that this contract did not run out for some time. The services of this company had contributed to achieving a recycling rate of 56% and raising the Council to number two in the country.

Having said that however, the Council would certainly like to explore the potential of this new facility in separating plastic material from its mixed waste collections, be they domestic or trade waste. The Council had also encouraged this new company to come forward with any ideas they may wish to present to which this Council would consider them in the normal manner.

In making reference to the difficulties in recycling plastics and the need to take advantage of such an opportunity, Cllr Ward asked a supplementary question querying why the Council was not testing the market to gauge whether any recycling companies in the South Hams were willing to take on a joint venture. In response, Cllr Tucker stated that Cllr Hewitt and the lead officers would look at all potential opportunities to further improve the recycling service.

From Cllr Lawrence to Cllr Hewitt, Executive Member for a Clean Environment

(vii) All car parking permits issued by the Council are quoted as VAT inclusive. Why is it that the new "Residents Permit" is being advertised at £10 plus VAT rather than the £10 agreed by Executive and Council in September?

In response, Cllr Tucker advised that the officer reporting the charge of £10 did make the point that it was net of VAT. However, there was no desire by the Executive to invoice the VAT in a way that would see residents paying more than the stated £10. Cllr Tucker stressed that the permit would cost £10.

From Cllr Lawrence to Cllr Tucker, Leader of Council

(viii) Our excellent Electoral Services Team are currently compiling the 2009 Electoral Register. What safeguards are there to prevent second home owners registering for a vote in the South Hams as well as registering for a vote in their main place of residence?

In response, Cllr Tucker stated that it was possible to be registered to vote at a second home if both properties were considered to be substantive residences. He further stated that persons registered to vote in two electoral areas were entitled to vote in respect of local elections in both areas but in only one constituency for Parliamentary elections.

There was a mechanism within the legislation whereby objections could be made through a formal process and a quasi judicial type hearing arranged by the Electoral Registration Officer.

In light of the increased use of postal votes, Cllr Lawrence felt that this could be an increasing problem and questioned what safeguards were in place to ensure residents were not voting in more than one place during parliamentary elections. In reply, Cllr Tucker advised that, although the emphasis was on the resident to supply the correct information and certain areas were data protected, the Council did everything possible within the law to prevent this issue from occurring.

56/08

NOTICE OF MOTIONS

It was noted that no motions had been received in accordance with Council Procedure Rule 10.1.

57/08

APPOINTMENTS TO COUNCIL AND OUTSIDE BODIES

Consideration was given to a report which sought to make appointments to Council and Outside Bodies.

RESOLVED

That with immediate effect for the remainder of the 2008/09 municipal year:-

1. Cllr S E Cooper's membership of both the Council and Outside Bodies remain as agreed at the Annual Council meeting on 8 May 2008 (minute numbers 10/08 and 12/08 refer);
2. The list of outside bodies be updated to include the South Hams Children's Trust Locality Planning and Implementation Partnership (CTLPIP); and
3. Cllr J H Baverstock be appointed as the Council's representative on the CTLPIP and that for the purposes of Members' Allowances, attendance at meetings of this body be regarded as an approved duty.

58/08

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 | 1 October 2008 |
| (b) | Executive | 2 October 2008 |

E.60/08: Proposed Deed of Ratification – Land at Fore Street Car Park, Kingsbridge**RESOLVED**

That the Scheme of Delegation be amended in order that delegated authority be given to the Head of Property Services to effect minor freehold disposals of land not required for operational purposes up to £25,000 in value to the owners of adjacent or nearby property or Statutory Undertakers.

- | | | |
|-----|---------------|----------------|
| (c) | Community PDG | 8 October 2008 |
|-----|---------------|----------------|

CPDG.19/08 BT Payphone Removal Programme

In acknowledging that the consultation deadline of 1 November 2008 had now expired, a Member questioned whether there was still an opportunity for town and parish councils to make representations to BT. In reply, officers advised that they would contact BT to obtain an answer.

(d) Scrutiny 16 October 2008

SC.22/08 Global Financial Solution

A Member requested that representations be made to the Chancellor of the Exchequer to question why information relating to the imminent financial solution was not conveyed sooner. Furthermore, another Member also queried why 'Sector' had not made the Council aware of the issue at an earlier time.

The lead Executive Member for Financial Affairs reported that a review was ongoing and such aspects would be included in this evaluation. Members were also reminded that a review report was to be presented to the Scrutiny Group at its 17 December 2008 meeting.

In terms of the progress on the review of the independent companies who provided such advice to local authorities, officers advised that it had been established that both 'Sector' and 'Butlers' had given similar advice on local authority investments. In addition to these two companies, officers had only been able to find one other very small company who also provided such information.

(e) Prosperity PDG 22 October 2008

(f) Environment PDG 23 October 2008

EPDG.8/08 Carbon Management Programme

In expressing his scepticism with regard to climate change, a Member queried whether any information was available in respect of the cost of the exercise. The EPDG Chairman advised that she would provide a response to the Member in due course.

(g) Development Control Committee 29 October 2008

(h) Salcombe Harbour Board 3 November 2008

(i) Executive 6 November 2008

E.66/08: RDPE 2007 to 2013 – Community Led Development (Programme Delivery)

RESOLVED

1. That up to two district Councillors be appointed to serve on each LAG and that the Leader and Deputy Leader be given delegated authority to secure appropriate nominations; and
2. That the list of outside bodies be updated to include the South Devon Coastal and Greater Dartmoor Action Groups and that, for the purpose of Members Allowances, attendance at meetings of these bodies by Council representatives be regarded as an approved duty.

E.71/08: Budget Proposals 2009/10 – Review of Charges

RESOLVED

That the proposed fees and charges (as set out in the presented agenda report to the meeting) be approved.

E.74/08: Reports of Other Bodies

(c) Prosperity PDG – 23 October 2008

PPDG.11/08: Review of Charges – Outdoor Recreation 2009/10

RESOLVED

That the level of charging for 2009/2010 Outdoor Recreation facilities be increased by approximately 4% (as set out in appendix A of the presented agenda report), subject to the provision of the maintenance expenses being provided.

PPDG.12/08: Review of Car Park and Pannier Market Charges 2009/10

Before moving a motion to support the recommendations of the Executive in relation to car park and pannier market charges, the Leader advised that he wished to move an amended part 1 (as below) to that presented in the Executive minutes.

The Leader advised that he was moving a different recommendation to that of the Executive as he believed that there was a need to look at the charging structure in the context of the whole budget setting process. This motion was subsequently seconded.

Whilst expressing the view that this motion was more favourable than the initial recommendation, a Member nonetheless moved an amendment (which was subsequently seconded) to part 1 of the recommendation, which sought to freeze the level of car parking charges for 2009/10 at the same level as at 2008/09. In urging Council support of this amendment, the Member felt that in the current economic climate, local independent traders were suffering enough and the Council should do everything possible to support these businesses. Furthermore, other Members highlighted that indications suggested that Teignbridge District Council was considering freezing its car parking charges and proceeded to make reference to the direct links between car parking charges and Corporate Priority 2 'creating the conditions for the growth and maintenance of quality economic activity.' A Member believed that the apparent downturn in car parking income in recent years was not solely attributed to the poor weather during the peak summer periods, but rather that people could no longer afford to use Council car parks.

Other Members advised that they did not support the amendment at this time. These Members felt that it would be pertinent for the Council to keep its options open and refrain from making a decision until the pre-budget Statement was made by the Government. In these difficult economic times, the majority of Members felt that prior to reaching any decision, the Council would need to look at everything comprehensively and make decisions as well informed as was practically possible in order to strike an all round Budget setting balance. Members also highlighted that the Concessionary Parking Scheme, recently approved by the Council, would benefit both local residents and local businesses.

When put to the vote, the amendment was declared lost.

It was then:-

RESOLVED

1. That in view of the impending Government pre budget statement on 24 November 2008, the Council delay consideration of this item and await a more complete picture;
2. That the proposed increase in Reserved Parking Permits be that of presented Option 2: 'to realign the reserved space charge in Mayors Avenue, Shadycombe and Victoria Street to equal the pay and display income (an average charge of £1106 per annum)'; and
3. That all other chargeable services within Car and Boat Parking, together with Pannier Markets, should be in line with the detail contained within the presented agenda report.

PPDG.13/08: Review of Ferry Charges 2009/10

RESOLVED

That all charges for the Dartmouth Lower Ferry be raised by the rate of inflation, 4%, with the exception of the car/van return ticket, which would stay at £6, and the foot passenger charges for adults and children, which would remain at £1 and 50p respectively.

PPDG.14/08: Review of Waste Charges

RESOLVED

1. That the charges for Trade Waste services for 2009/2010 be adopted (as set out in appendix A to the presented report);
2. That the charges for Household Waste services for 2009/2010 be adopted (as set out in appendix B to the presented report).

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

Chairman