

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD  
AT FOLLATON HOUSE, TOTNES ON THURSDAY 16 NOVEMBER 2006**

**MEMBERS**

\* Cllr B E Carson – Chairman

\* Cllr R J Carter – Vice-Chairman

- |                     |                       |
|---------------------|-----------------------|
| * Cllr N A Barnes   | ∅ Cllr J O'Connell    |
| ∅ Cllr H D Bastone  | * Cllr C M Pannell    |
| * Cllr J S Beer     | * Cllr J T Pennington |
| * Cllr B J Boughton | * Cllr M C Ramsay     |
| * Cllr J Brazil     | * Cllr S L Rankin     |
| * Cllr B F Cane     | * Cllr M A Roadknight |
| * Cllr P H Cook     | * Cllr G H W Rosevear |
| * Cllr R F Croad    | * Cllr G Rothwell     |
| * Cllr G Date       | * Cllr R Rowe         |
| * Cllr B C Evans    | * Cllr M F Saltern    |
| ∅ Cllr L A Facy     | * Cllr J W Squire     |
| ∅ Cllr S M Fairman  | * Cllr I P Steer      |
| * Cllr G J Fielden  | * Cllr M Stone        |
| ∅ Cllr R W Hallett  | * Cllr D W S Thorning |
| * Cllr V A Harvey   | * Cllr R J Tucker     |
| ∅ Cllr J D Hawkins  | * Cllr A R Vale       |
| * Cllr P W Hitchins | * Cllr A Ward         |
| * Cllr I Longrigg   | * Cllr J A Westacott  |
| * Cllr D W May      | * Cllr R O Yonge      |

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

For all items: Chief Executive, Strategic Director (Operations), Strategic Director (Resources), Monitoring Officer and Member Support Services Manager;  
Item 11 (see 64/06 below) – Licensing Manager.

**57/06 PRESENTATION**

The Chairman received a cheque for £2,732.50 from Janet Mitchell of the Devon Artist Network. This was from the proceeds of a charity auction which launched this year's 9 Days of Art and would be used to support local carers of people with Alzheimer's disease.

**58/06 MINUTES**

The minutes of the meeting of the Council held on 28 September 2006 were confirmed as a correct record and signed by the Chairman.

59/06 **CHAIRMAN'S ANNOUNCEMENTS**

The Council noted a list of the Chairman's recent engagements.

60/06 **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 Harvey, Hitchins, Rankin, Steer and Yonge all declared personal interests in item 12, "Future Direction of Tor Homes" (see minute 65/06 below) by virtue of their membership of the Board of Tor Homes. They remained in the meeting but abstained from the vote on this matter.

61/06 **QUESTIONS**

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

**(a) From Cllr Boughton to Cllr Yonge, Leader of the Council:-**

*Does the Leader welcome the renewable energy wind turbines and solar heating panels which are now appearing in DIY supermarkets and which are affordable to large numbers of private residents across the South Hams?*

In response, Cllr Yonge advised that he did welcome this but had concerns about the purchase and installation costs which, when combined, were approximately £3,000. He also referred to the required wind speed to generate electricity through wind turbines which would not always be prevalent in parts of the district.

Cllr Boughton asked a supplementary question regarding the Council's role in advising on planning implications and the availability of funding and whether targets would be set for domestic energy generation. In response, Cllr Yonge advised that he was uncertain of the level of planning advice given.

**(b) From Cllr Boughton to Cllr Yonge, Leader of the Council:-**

*Does he believe that planning permission should always be necessary for the installation of such devices, and will he consider reviewing our planning regulations and the capacity of the development control department to deal with the large number of applications?*

In response, Cllr Yonge advised that planning permission would be required for wind turbines and was likely to be required for solar heating panels also. It was possible, however, that a Local Development Order could be introduced in the future removing the requirement to obtain planning permission. The additional workload this could potentially result in on the Development Control Service would be monitored.

**(c) From Cllr Brazil to Cllr May, Executive Member for the Clean Environment**

*Following the shambles caused by the new rubbish collection rounds, what lessons have we learned?*

Cllr May advised that the roll out of phase 6 of the Household Waste Collection Service had involved a change of collection day for 92% of the 41,289 individual households from which waste was collected. Whilst a high percentage had not experienced any difficulties, there had been some teething problems in certain parts of the district. The main lesson learned had been the need to improve communications with the Operations Service.

Cllr Brazil asked a supplementary question regarding how communications would improve. In response, Cllr May advised that there were a number of systems of communication that had not proved to be as effective as first thought and these would be the focus of attention.

**(d) From Cllr Brazil to Cllr Barnes, Executive Member for Access to Services**

*What was the average time local residents spent hanging on the phone when they were put through to the call centre, including the rubbish helpline, during October?*

Cllr Barnes advised that the average waiting time had been 4 minutes and 31 seconds compared to a normal average of 30 seconds. This was due to an increase in call volume and the complexity of individual calls.

**(e) From Cllr Brazil to Cllr Barnes, Executive Member for Access to Services**

*When residents were hanging on the phone, were they paying for this time?*

Cllr Barnes advised that the average cost per call had increased from 11p to 24p whilst awaiting connection during this busy period. However, information was available whilst the customer was on hold through an automated message.

Cllr Brazil asked a supplementary message regarding why residents should pay for the call when the Council was responsible for faults with the collection service. Cllr Barnes advised that the increased cost was not significant and there was no means by which the Council could offer a refund.

**(f) From Cllr Brazil to Cllr Barnes, Executive Member for Access to Services**

*In the call centre business plan, financial savings were predicted due to job cuts. How many jobs have been cut since the call centre opened?*

Cllr Barnes advised that the cost of 3 full time equivalent posts had been saved since the opening of the Customer Services Team in 2005.

Cllr Brazil asked a supplementary question regarding the need to use the Members' car park as an overflow facility if staffing numbers had reduced. The Chief Executive advised that this was simply due to increased use of the premises.

62/06

## **PRESENTATIONS BY EXECUTIVE PORTFOLIO HOLDERS**

### **(a) Cllr Rosemary Rowe, Executive Member for the Distinct Environment**

Cllr Rowe made reference to:-

- (i) the key themes within her area of responsibility, which included maintaining the quality of the district's environment, satisfaction with the public realm and achieving both sustainable development and recognition of the South Hams as the UK's premier green tourism destination;
- (ii) the Public Space Strategy, which was currently out for consultation;
- (iii) a review of the Marketing and Tourism Strategy which was being carried out in conjunction with Teignbridge District Council. Work on the production of a joint holiday guide between both Councils was also planned;
- (iv) funding for green tourism, from which new officers would be appointed as part of the initiative;
- (v) future pressures, which included the need to improve parks and play areas via section 106 Agreements and promoting energy efficiency initiatives in response to climate change.

Following Cllr Rowe's presentation there was an opportunity for questions when reference was made to:-

- (1) the opportunity to achieve savings through joint working on tourism with Teignbridge;
- (2) a Member's concern at the number of quangos established in response to climate change. Another Member referred to the positive work of a number of these groups.

**(b) Cllr Michael Saltern, Executive Member for Community Affairs**

Cllr Saltern made reference to:-

- (i) the specific roles and responsibilities within his portfolio. These included promoting the take up of benefits and the Council's community grants scheme;
- (ii) progress with Single Status and the roll out of new Personnel Policies;
- (iii) regular meetings with officers within his area of responsibility, including the Communications / Public Relations Team to check media enquiries and work on the quarterly Council magazine;
- (iv) the welcomed opportunity to have direct contact with staff via both the Staff Consultative Panel and the Joint Health and Safety Consultative Panel.

Following Cllr Saltern's presentation there was an opportunity for questions when reference was made to:-

- (1) the Healthy Lifestyles day held recently at the Council which had been well received;
- (2) costs arising from the Single Status exercise, which were not as yet available.

63/06

**NOTICE OF MOTION**

It was noted that 3 motions had been received in accordance with Council Procedure Rule 10.1.

**(a) By Cllrs Pennington and Cook:**

*"That in light of the forthcoming report on the financing of local government, South Hams District Council communicates with Sir Michael Lyons to express deep concern about the detrimental effect that a 1% Property Tax would have in an area like South Hams which has a low GDP, high property values and average wage levels well below the national average."*

Having been **PROPOSED** and **SECONDED**, the proposer of the motion referred to government discussions regarding changes to the system of local government taxation and the possibility that a property tax would be introduced. He referred to local house prices exceeding the national average, the converse of which was the case for average local income. The effect of a property tax would be felt particularly by those on fixed incomes and there was a need to relay such concerns to the government.

During discussion, reference was made to:-

- (i) it being more appropriate to tax income from property sales rather than their value;
- (ii) the need for a mature debate on how to replace Council Tax with the preferred option needing to relate to the ability to pay. A Member suggested that this could include an element of property tax but at a low level.

### RESOLVED

That in light of the forthcoming report on the financing of local government, South Hams District Council communicates with Sir Michael Lyons to express deep concern about the detrimental effect that a 1% Property Tax would have in an area like South Hams which has a low GDP, high property values and average wage levels well below the national average.

In accordance with Council Procedure Rule 15.5 a recorded vote was requested. The result was as follows:-

Those in favour of the motion (31):	Cllrs N A Barnes, J S Beer, J Brazil, B F Cane, R J Carter, B E Carson, P H Cook, R F Croad, G Date, B C Evans, G J Fielden, V A Harvey, P W Hitchins, D W May, C M Pannell, J T Pennington, M C Ramsay, S L Rankin, G H W Rosevear, G Rothwell, R Rowe, M F Saltern, J W Squire, I P Steer, M Stone, D W S Thorning, R J Tucker, A R Vale, A Ward, J A Westacott, R O Yonge
Those against the motion (0):	
Abstentions (2):	Cllrs B J Boughton and M A Roadknight

(Cllr Longrigg had left the meeting prior to the vote on this item)

### (b) By Cllrs Pennington and Cook:

*"In view of the success of free bus travel for the over sixties, South Hams District Council requests Ruth Kelly, the Minister for Communities and Local Government, to ensure with the Chancellor of the Exchequer that in the forthcoming Revenue Support Grant that free bus travel is fully funded by Central Government as originally promised, as there is a shortfall in Government funding and in the case of South Hams District it equates to £160,000, the equivalent to an increase of 3 ½ % on Council Tax in an area of low wages, together with large numbers of retired people on fixed income."*

Having been **PROPOSED** and **SECONDED** the proposer of the motion sought Council's approval to vary the motion to remove the following wording "as there is a shortfall in Government funding and in the case of South Hams District it equates to £160,000, the equivalent to an increase of 3 ½ % on Council Tax in an area of low wages, together with large numbers of retired people on fixed income." Following Council's consent for this alteration, the proposer referred to discussions regarding future funding for the concessionary fares scheme and his concern at the lack of public transport services available in many parts of the district.

### **RESOLVED**

In view of the success of free bus travel for the over sixties, South Hams District Council requests Ruth Kelly, the Minister for Communities and Local Government, to ensure with the Chancellor of the Exchequer that in the forthcoming Revenue Support Grant that free bus travel is fully funded by Central Government as originally promised.

#### **(c) By Cllrs Pennington and Cook:**

*"South Hams District Council urges HM Government and John Prescott Deputy Prime Minister who chairs the Cabinet Committee which oversees post offices not to withdraw the social network subsidy after 2008, not to phase out the Post Office Card Account and to restore the availability of people to renew car tax and television licences at post offices which are essential to the social fabric of rural villages across the district of South Hams and other rural areas throughout the UK."*

Having been **PROPOSED** and **SECONDED**, the proposer of the motion referred to the importance of Post Offices to rural areas and the number that had been cut which caused particular problems to the elderly.

### **RESOLVED**

South Hams District Council urges HM Government and John Prescott Deputy Prime Minister who chairs the Cabinet Committee which oversees post offices not to withdraw the social network subsidy after 2008, not to phase out the Post Office Card Account and to restore the availability of people to renew car tax and television licences at post offices which are essential to the social fabric of rural villages across the district of South Hams and other rural areas throughout the UK.

64/06

#### **GAMBLING ACT 2005 – 'STATEMENT OF PRINCIPLES'**

Consideration was given to a report which set out the recommendations of the Licensing Committee in respect of the new powers to local authorities arising from the Gambling Act 2005.

During discussion, concern was expressed regarding the fees structure to be imposed and the impact this would have on smaller premises such as village halls. Members were advised that supplementary legislation was awaited that would clarify a number of issues, including the level of fees. It had been suggested that authorities with a CPA rating of excellent might be given power to set their own fees.

### **RESOLVED**

- (i) to nominate in writing the Local Safeguarding Children Board as the body competent to advise the authority about the protection of children from harm issues (Section 157(h) Gambling Act 2005);
- (ii) not to make a 'no casino' resolution at this meeting but to monitor the seventeen Local Authorities where additional casinos will be approved by the Secretary of State and for Members to be mindful that if in the future the Government allow any additional casinos this Council has the right to make a 'no casino' resolution at any time and the decision will take immediate effect (Section 166 Gambling Act 2005);
- (iii) to approve the proposed triennial 'Statement of Principles' (Policy) for the South Hams for the period 3/1/07 to 2/1/10 (as presented at Appendix 'A' of the report to the Council);
- (iv) to approve the changes to the Constitution, as detailed in paragraph 29 of the report to the Council, with delegated authority being granted to the Monitoring Officer, to make any other amendments to the Constitution arising from the Council's licensing responsibilities.

65/06

### **FUTURE DIRECTION OF TOR HOMES**

Consideration was given to a report which outlined the implications for the Council of the proposed changes arising from Tor Homes' decision to join the Devon and Cornwall Housing Group.

### **RESOLVED**

That:-

- (i) no objection in principle be made to the proposed changes to the group structure of Tor Homes;

- (ii) authority is delegated to the Strategic Director (Community), in consultation with the Head of Legal Services, to ensure that the details of the agreement between Devon & Cornwall Housing Trust and Tor Homes will have no significant adverse impact on the Council's interests.

66/06

**APPOINTMENT TO OUTSIDE BODY: SOUTH HAMS AND TEIGNBRIDGE DISTRICT COUNCIL'S SHARED SERVICE JOINT STEERING GROUP**

Consideration was given to a report which sought to appoint 2 Members to serve on a Joint Steering Group between Teignbridge and South Hams District Councils to further Shared Service proposals.

**RESOLVED**

That:-

- (i) the Leader of the Council and Leader of the Opposition be appointed to serve on the Shared Service Joint Steering Group (JSG);
- (ii) the role and responsibility of the JSG be approved as set out in paragraph 2 of the report presented to the Council; and
- (iii) delegated powers are granted to the Chief Executive and Strategic Director (Resources) in consultation with the relevant Members on the JSG as set out in paragraph 3 of the report presented to the Council.

67/06

**SOUTH HAMS SUSTAINABLE COMMUNITY STRATEGY 2006 – 2011**

Consideration was given to a report that presented the revised South Hams Sustainable Community Strategy and sought approval for its adoption for the period 2006 to 2011.

**RESOLVED**

That:-

- (i) the South Hams Sustainable Community Strategy 2006 – 2011 be adopted;
- (ii) authority be delegated to the Strategic Director (Community) to make any appropriate textual amendments required to finalise the document prior to publication.

68/06

**ACCESS TO INFORMATION PROCEDURE RULES**

Members considered a report on the implementation of 3 statutory instruments relating to the rights of the public and councillors to access Council information. The Council's Constitution needed revising in light of the new legislation.

Members were advised that the changes were required to enable the rules on exempt information to be kept in step with Freedom of Information legislation. It was the Monitoring Officer's responsibility to advise on the right of Members to access information relating to Council bodies of which they were not a member on a "need to know" basis. In addition, it was also the Monitoring Officer's responsibility to determine locally what information was and was not in the public interest.

**RESOLVED**

That:-

- (i) the Access to Information Procedure Rules be revised to ensure compliance with the Local Government (Access to Information) (Variation) Order 2006, the Relevant Authorities (Standards Committee) (Amendment) Regulations 2006, and Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006; and
- (ii) the Monitoring Officer be authorised to make the necessary textual amendments to the Constitution.

69/06

**REPORTS OF BODIES****RESOLVED**

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

- (a) Executive 12 October 2006

**BBL.4/06: Review of Charges – Outdoor Recreation 2007 / 2008****RESOLVED**

That the level of charging for 2007 / 2008 be increased by 3%.

**BBL.5/06: Review of Car Park and Pannier Market Charges 2007 / 2008**

**RESOLVED**

That:-

- (i) the increase in Pay and Display charges with other initiatives for 2007/08 be option 6 (as detailed in the report presented to the Executive), subject to the inclusion of charging £1 for parking between the hours of 1800 and 0800 and the withdrawal of the non fee paying car parks aspect (as detailed in the presented report to the Executive);
- (ii) all other chargeable services with Car and Boat Parking together with Pannier Markets should be raised by 3%;
- (iii) the revised charges in the District of South Hams (Off Street Parking Places) (Amendments) Order 2007 be advertised in accordance with the statutory requirements, with any representations received being reported to a future meeting of the Council.

**BBD.4/06: Budget Considerations 2007 / 2008 – Operations Team and Dartmouth Lower Ferry**

**RESOLVED**

That:-

- (i) the increase in Lower Ferry charges and Trade Waste charges for 2007/2008 be set in accordance with those presented in the report to the Board;
- (ii) the increase in Household Waste Collection charges (for which a charge can be levied) for 2007/2008 be set in accordance with those presented in the report to the Board.

- (b) Executive 19 October 2006
- (c) Licensing Committee 16 October 2006
- (d) Development Control Committee 18 October 2006

(e) Salcombe Harbour Board 24 October 2006

**SH.18/06: Review of Charges for 2007 / 2008**

**RESOLVED**

That the proposed charges in Annex A of the report circulated to the Board be approved for implementation from April 2007

(f) Scrutiny 26 October 2006

(Meeting commenced at 2.00 pm and concluded at 4.45 pm).

---

Chairman