

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD  
AT FOLLATON HOUSE, TOTNES ON THURSDAY 23 JULY 2009**

**MEMBERS**

\* Cllr M Stone – Chairman

\* Cllr J H Baverstock – Vice-Chairman

* Cllr K J Baldry	* Cllr M J Howarth
* Cllr N A Barnes	* Cllr C W Jones
* Cllr H D Bastone	* Cllr L P Jones
* Cllr J I G Blackler	* Cllr R M Lawrence
* Cllr B F Cane	* 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
* Cllr P W Hitchins	

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Chief Executive, Strategic Director (Community), Strategic Director (Resources), Monitoring Officer and Member Support Services Manager.

**31/09 CHAIRMAN’S CHARITIES – CLLR CANE**

Since his charity events had now been concluded following his year in office, Cllr Cane was now in a position to announce the totals raised for his nominated charities during 2008/09.

In expressing his thanks to the many people who had assisted him and donated to his chosen charities: St Luke’s Hospice and the Dame Hannah Rogers School in Ivybridge, Cllr Cane announced that he had raised a total of £11,751.04.

**32/09 MINUTES**

The minutes of the meeting of the Council held on 25 June 2009 were confirmed as a correct record and signed by the Chairman.

33/09            **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:-

Cllrs H D Bastone and J D Hawkins both declared a personal interest in Item 11: 'Dartmouth Regatta – Amendment Order 2009' (Minute 38/09 below refers) by virtue of their respective involvement with the Dartmouth Regatta Committee and remained in the meeting and took part in the discussion and vote thereon.

34/09            **CHAIRMAN'S ANNOUNCEMENTS**

The Council noted a list of Civic Engagements attended by the Chairman.

The Chairman wished to make particular reference to the 'Flying the Flag' event, in recognition of the Help the Heroes charity and his recent attendance at the Devon Youth Games.

35/09            **QUESTIONS**

It was noted that four questions had been received in accordance with Council Procedure Rule 8.

**From Cllr Baldry to Cllr Hicks, Executive Member for Financial Affairs**

*i) The Council's decision to take part in the free swimming initiative for those over 60 is greatly welcomed. It is regretted however that those taking part in the scheme are restricted in the swimming sessions in which they may participate. In particular they are not allowed to use their passes for the times designated as 50+ swimming. When I asked for an explanation I was told that activities other than swimming took place at these times. This is untrue. Does the Executive Member agree that this restriction is wrong and against the spirit of the scheme which is to encourage improved fitness opportunities for the over 60's?*

In response, Cllr Hicks advised that he was glad that the Council's decision to support the over sixties free swim initiative was welcomed. What was not so welcome was the expected shortfall of the cost of this initiative, when compared to the level of Government Grant. The shortfall was likely to be significant and had already required the Council to approve a top up of £5,000 for the current year.

In common with most leisure centres, some business income was generated by offering dedicated use of individual facilities at certain times. For example, some of the 50+ sessions mentioned in the question (which were not free) had additional facilities such as badminton linked to them at a higher rate than swimming alone.

It was true that some councils allow free over 60s swimming to occur in 50+ swimming only sessions, but it seemed unfair to allow over 60s free swimming to use the 50+ swimming session, when this attracted a separate charge.

In conclusion, the Council was providing free swimming within the national framework of the scheme against a limited grant. It was proving to be very popular with take-up increasing every month. If the increase and popularity of free swimming was maintained for the rest of the year and in the second year of the programme, there will be additional capacity and funding issues for this Council to consider.

The Executive concluded that until the Council understood the full cost of the initiative compared to the Grant provided, there should be no change to the current approach.

Following the response, Cllr Baldry advised that he would welcome a review and hoped that the upward trend of take-up would continue.

### **From Cllr Lawrence to Cllr Hawkins, Executive Member for a Clean Environment**

*ii) Given the success of the resident's concessionary parking permits, especially its attractiveness for those wanting to park overnight, is the Council planning to review the scheme in the near future and widen it to make it available **without charge** for all residents and thereby help the economy of our local towns?*

In reply, Cllr Hawkins stated that he welcomed this question so early in the budget setting process and advised that he had also been a supporter of this scheme from its offset.

It was very important that the Council did all it could to ensure residents were able to access its car parks at a reasonable rate. It was also very important that the Council did all it could to ensure our towns and businesses were able to attract customers in these very difficult times.

Cllr Hawkins also highlighted that the pick up of the scheme had been surprisingly low - approximately over 3,000. As one of those 3,000 residents, Cllr Hawkins had found the scheme very useful and he had spoken to officers on how the scheme could be promoted better.

Cllr Hawkins assured those present that the scheme would take place, and already had, as part of the review of car parking charges to be decided over the autumn and winter. However, the Council was facing a particularly tough budget round ahead and careful consideration would have to be given to any proposal that may result in costs to the Council Taxpayer.

In asking his supplementary question, Cllr Lawrence also expressed his disappointment at the levels of uptake of the scheme and asked Cllr Hawkins if he was aware of the schemes at Rochdale and Trafford councils whereby a free car parking scheme after 3.00pm had resulted in a 20% increase in trade to each local economy. In reply, Cllr Hawkins informed that he was unaware of these specific schemes but advised that such aspects would be considered during the review.

### **From Cllr Lawrence to Cllr Tucker, Leader of Council**

*iii) What credibility can be given to the Prince's Foundation's recommendations for Modbury given that their workshop on June 16th was augmented at the last minute by at least 5 members of a local anti-development protest group who outnumbered the elected representatives present and apparently removed all the proposed development sites that had been suggested?*

In reply, Cllr Tucker informed that the Prince's Foundation responded to the situation they found at Modbury on the day of the Enquiry by Design workshop, by inviting the protestors to nominate three representatives (not five) to join the event that day. This was a fair and reasonable way to respond to the situation and only three representatives from the protestors attended the workshop event.

The Foundation would give due consideration to all points of view expressed and would apply their own principles to frame their recommendations to Council. It was anticipated that their report would be robust, well balanced and a significant factor in helping to guide the Council in site choices deemed acceptable for development.

Cllr Lawrence responded that the Prince's Foundation had done well to diffuse a heated occasion at Modbury. In his supplementary question, Cllr Lawrence proceeded to seek assurances that much needed affordable housing would still be provided for Modbury, regardless of the wishes of the protestors seeking only such development on infill sites. In response, Cllr Tucker advised that the Core Strategy made provision for the allocation of 50 new dwellings and suitable sites would need to be found to enable development.

### **From Cllr O'Callaghan to Cllr Bastone, Executive Member for Community Affairs**

*iv) There appears to be a lot of confusion over what's happening with the time restrictions on the use of concessionary bus passes. After representations from bus users, Stagecoach has altered its starting time for free travel from 9.30am to 9am. However First Bus hasn't, and says it's up to local councils to make the decision. Could we have some clarification on the situation for councillors and residents, and why is there no consistency across the district?*

In response, Cllr Bastone stated that there was a 9.00am start time to the national bus concession on weekday mornings on Stagecoach Devon services operating in the South Hams area. This was a voluntary extension by Stagecoach Devon as part of an agreement between the Devon Concessionary Bus Travel Partnership covering the financial years 2008/09, 2009/10 and 2010/11. Currently, this extension did not apply to other operators in the South Hams area, for whom the start time remained at 9.30am.

Cllr O'Callaghan asked a supplementary question regarding the need to improve publicity to enhance awareness of the scheme and also queried its cost to the Council. In reply, Cllr Bastone referred to the zero increase in Council Tax for 2009/10 being to the benefit of all residents and emphasised that since the scheme had been implemented, the net cost to the Council had been £303,000.

Furthermore, the balance between the costs of the national scheme and the funding received from central government had been different for each council within the Partnership in the first year of the scheme. The longer term forecast was that the annual increase due in funding would be lower than the rate of increase in the cost of the scheme. Exeter City Council had reported a huge shortfall against funding, in excess of £1.6 million per year, and was therefore not in a position to fund a discretionary extension to the valid times outside of the statutory minimum.

Cllr Bastone also highlighted that the Partnership recently agreed a fixed sum financial settlement with Stagecoach in respect of the costs of concessionary travel for the period 2008/09 to 2010/11. Stagecoach was the major operator in the joint area, though it was a minor operator in South Hams. The purpose of the settlement was to protect the partner authorities from a further, uncontrolled escalation in costs, while at the same time, giving Stagecoach a predictable income stream over the three year period. The negotiations leading to the settlement covered a range of technical and financial issues and it naturally took some time to agree a package of proposals which was acceptable to all parties.

Finally, it was noted that the Partnership resolved to offer the national concession at the statutory times from the start on 1 April 2008, but to review it once the costs of the scheme were known. Both the costs of the scheme and the time restriction were discussed by the Partnership after the end of the first year in May 2009. There was no decision to change the scheme at that meeting, however it was resolved to discuss the time restriction again at the next meeting on 31 July 2009.

36/09

**NOTICE OF MOTIONS**

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

37/09

**LOCAL GOVERNMENT REVIEW – VERBAL UPDATE**

The Leader provided an update to those present on the latest situation concerning the Local Government Review, during which he highlighted:-

- the failure of the Boundary Committee to make its recommendations to the Secretary of State on 15 July 2009. It was noted that this had followed the outcome of the Judicial Review in relation to the local government review in Suffolk. At this stage, it was unknown whether the Boundary Committee would appeal this decision;
- his personal view that the Review would now be allowed to fade out during the run up to the next General Election. Nonetheless, the Devon district councils were maintaining the pressure on the government, to ensure it remains fully aware of the issues. It was also hoped that the Council Leaders would meet the Minister during September 2009 and the majority of local MPs also continued to work on behalf of the councils;
- that there had been an apparent shift in the emphasis of the county council, who now appeared to be looking at the Integrated Devon approach as the most appropriate model.

38/09

**DARTMOUTH REGATTA – AMENDMENT ORDER 2009**

Members considered a report which advised of the representations made in respect of the District of South Hams (Off-street Parking Places)(Dartmouth Regatta)(Amendment) Order 2009 and sought approval to a Revised Scheme for 2009.

It was then:

**RESOLVED**

1. That the fact that there had been no representations made in respect of the 2009 Order be noted and the revised scheme be confirmed; and
2. That officers be instructed to confirm the Order accordingly and publicise the confirmation in accordance with statutory requirements, with the Order to come into effect on 26 August 2009.

39/09

**APPOINTMENT OF INDEPENDENT MEMBER TO THE STANDARDS COMMITTEE**

A report was considered which sought approval to appoint a third Independent Member to the Standards Committee.

For absolute clarity, Members were advised that the representative recommended for appointment was not a former Member of Council.

**RESOLVED**

That independent representative Mr John O'Connell be appointed to serve on the Standards Committee as a co-opted Member for a period of four years from the effective date of 1 September 2009.

40/09

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

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

- (a) Standards Committee 16 June 2009

**S.10/09: Report of Investigating Officer: Complaint SH03/180608**

A Member expressed his concern at the length of time taken to process complaints, which he felt was unsatisfactory and led to undue stress for those Members who were the subject of a complaint. The Monitoring Officer accepted this view and stated her wish that the process be streamlined. Moreover, since the procedure was no longer in its infancy, it was hoped that the average time taken could now be reduced.

- (b) Development Control Committee 17 June 2009

- (c) Audit Committee 23 June 2009(am)

**A.04/09: Audit Commission Fee Letter 2009/10**

The Chairman made reference to the retention of the 5% discount fee for 2009/10, which compared favourably to other local authorities in Devon.

**A.06/09: System of Internal Control and Annual Governance Statement 2008/09 for South Hams District Council**

**RESOLVED**

That the Annual Governance Statement be approved.

- (d) Audit Committee 23 June 2009(pm)

**A.11/09: Statement of Accounts 2008/2009**

In respect of the income reduction from car parks, a Member noted that the poor weather during the 2008 summer season had again been attributed as the key explanatory factor and emphasised the need to encourage car park use to increase the footfall into local town centres. A Member replied that the issue of car parking was due to be considered at the Prosperity Policy Development Group meeting on 4 August 2009.

The Chairman also stressed the need to revisit the proportion of employee contributions into the pension fund.

Following a debate on the risk of significant costs associated with progression of the proposal for the new community at Sherford, it was concluded that this matter would be most appropriately considered at the all Member Briefing on Friday, 31 July 2009.

**RESOLVED**

1. That a sum of £53,600 be carried forward into the 2009/10 financial year (as outlined in paragraphs 9 and 10 of the presented report); and
2. That transfers of £80,000 to the Economic Initiatives Reserve and £173,000 to the Strategic Issues Reserve be made from the Council's accumulated surplus.

(e) Personnel Panel 29 June 2009

**PP.8/09: Review and Update of Personnel Policies and Procedures****RESOLVED**

That the Scheme of Delegations be amended in order that the Head of Human Resources be given delegated authority to make minor amendments to these policies, which may arise from referred to job or committee title changes e.g. due to shared services and management teams, restructures, or similar changes.

(f) Environment PDG 1 July 2009

(g) Scrutiny 2 July 2009

**SC.05/09: Call-In Procedure**

**RESOLVED**

That Scrutiny Procedure Rule 18 Part (a) 'Call-In' be amended to replace the words 'monitored annually', with the words 'monitored regularly.'

**SC.06/09: Crime and Disorder (Overview and Scrutiny) Regulations 2009**

**RESOLVED**

That the Terms of Reference in the Constitution (Part 2, Article 6 refers) be amended to enable the Scrutiny Group to discharge the functions of a Crime and Disorder Overview and Scrutiny Committee.

(Meeting commenced at 2.00 pm and concluded at 3.00 pm).

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Chairman