

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 25 SEPTEMBER 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

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

For all items: Strategic Management Team; and Member Support Services Manager;
Item 11 (minute 48/08 below refers): Head of Community Regeneration; Affordable
Housing Manager; and Planning and Affordable Housing Officer.

42/08 **MINUTES**

The minutes of the meeting of the Council held on 24 July 2008 were confirmed as a correct record and signed by the Chairman.

43/08 **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 R D Gilbert declared a personal interest in Item 13(c): 'Reports of Bodies: Scrutiny – 24 July 2008' (minute 50/08(c) below refers) by virtue of his wife's employment with Tone Leisure and remained in the meeting during the presentation and vote on these minutes;

Cllrs P H Cook and P Coulson declared prejudicial interests in Item 13(m): 'Reports of Bodies: Salcombe Harbour Board – 22 September 2008' (minute 50/08(m) below refers). Cllr Cook declared her interest by virtue of her husband renting a mooring at Salcombe Harbour. Cllr Coulson declared his interest by virtue of his renting of a mooring. Both Members proceeded to leave the meeting during consideration of these minutes;

Cllr B F Cane declared a prejudicial interest in Item 13(d): 'Reports of Bodies: Development Control Committee – 30 July 2008' (minute 50/08(d) below refers) by virtue of him being the applicant of a planning application considered at this meeting and left the meeting during consideration of these minutes.

44/08 **CHAIRMAN'S ANNOUNCEMENTS**

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

45/08 **QUESTIONS**

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

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

(i) At the Council Meeting on 8 May, Cllr Lawrence and I moved a Motion to 'facilitate a comprehensive trade waste recycling scheme as soon as possible.' During the debate, this was amended and approved to read: 'This Council wishes.....to take account of the aspirations of many members of the business community by offering to facilitate a comprehensive trade waste recycling scheme as soon as possible'. Would the Executive Member please say when he plans to implement the scheme?

In response, Cllr Hewitt stated that the Council had started a trade waste recycling scheme on 16 July 2008 in Totnes and South Brent. 288 existing customers were offered the service and 106 customers had elected to participate.

From October 2008, the service was to be offered to existing customers in the Ivybridge and Lee Mill area. 130 customers had been contacted and only seven had to date responded in a positive manner.

The Council strategy would be to focus on high density areas where the service was economically viable. The Council was implementing these arrangements utilising the exiting resource and still delivering the service to the rest of the district.

Cllr Hewitt felt it was useful to remind Members that unlike other commercial waste collection companies who could pick and choose who they dealt with, the Council could not. As a collecting authority, the Council was required to offer a service for the collection of commercial waste. By default, the Council was obliged to collect material from locations, many of these rural, that other companies did not wish to manage because there was little or no profit in these collections. This was somewhat frustrating the Council's ability to free up existing resources to absorb extra collections for the recycling service. The Council was obliged to ensure Trade Waste schemes of any description were not subsidised by the Ratepayers but 'paid for themselves'. This Council would need to invest a significant sum of cash to implement a fully resourced trade waste recycling service; which in doing so would be in direct competition with a large number of other companies and this would be reflected in the 'payback' on investment and ongoing running costs.

Until central government introduced some form of recycling regulation in this waste sector, as they had done in most others, it would be more difficult for Councils such as South Hams to offer a district wide service provision.

An analysis of the amount of competition within the area showed that there were thirty two recycling companies who operated between Plymouth and Exeter, with eleven of these operating within the South Hams.

In asking a supplementary question, Cllr Baldry made reference to the potential income opportunity deriving from recycling cardboard, of which plentiful amounts were currently going to landfill and questioned why the subject of trade waste was not currently shown on the Executive Forward Plan. In response, Cllr Hewitt acknowledged that the issue should be programmed onto the Forward Plan and highlighted that the Council was slowly progressing in this area. It was reiterated that the Council was competing with eleven other companies and needed to ensure that it was not left to provide a service simply to the non-viable very rural businesses, which would be expensive and require subsidy from South Hams residents. Cllr Hewitt stated that the Local Government Review had provided a further hindrance, by virtue of it preventing progression of the tri-waste issue.

From Cllr Baldry to Cllr Tucker, Leader of Council

(ii) It is a legal requirement for all householders to give the names and addresses of people in their household for the purpose of the Register of Electors. This information may then be sold by the Council in an edited register to commercial organisations. Many members of the public are not aware of this ability to sell the details they have been compelled to give the Council. In future, would the Council give wide publicity and stress that if they do not want their personal information made public, people should opt for the Edited Register?

In response, Cllr Tucker stated that there was a difference between the two registers. Firstly, the full register listed the names and addresses of everyone who was registered to vote. Whilst the Council held a copy, anyone could inspect it at the Council premises under supervision. The main purpose of the full register was to show who was able to vote in elections. Credit Reference Agencies were allowed by law to purchase the full register, but only to check names and addresses. It could also be used for law enforcement, but it was a criminal offence to supply or use copies for purposes other than those set down in law.

Secondly, the edited register was available for sale and could be used for any purpose, including marketing. The Council was required by statute to make this register available for sale.

The forms which were sent to every household clearly stated the use of the full and the edited registers. They stated that the edited register was available for general sale and could be used for any such purpose. It pointed out that if anyone wished to opt out of having their details on the edited register, then they should tick the box on the form. Further detailed guidance was publicised on the Council's website.

In light of a number of residents being unaware that personal information could be sold commercially, Cllr Baldry asked a supplementary question regarding whether the Council could further raise awareness. In response, Cllr Tucker advised that he was happy to discuss this matter with officers.

From Cllr Brazil to Cllr Tucker, Leader of Council

(iii) How much has SHDC spent on the Local Government Review including officer time and meetings (both internal and external)?

In response, Cllr Tucker advised that this question was dealt with in the report on the Local Government Review, which was due to be considered later in the agenda. In summary, the time and cost of responding to the Boundary Committee's recommendation had been minimised by staff and Members absorbing the additional workload within existing resources, which was to the credit of all involved. A key area of work required by the Boundary Committee had been publicity for the Boundary Committee's proposals and therefore additional costs relating to public consultation had been incurred. The review process was likely to continue until spring next year, but it was anticipated that additional publicity costs associated with the review would be approximately £20,000. This expenditure would be funded from the Strategic Issues Reserve.

Careful consideration of expenditure to date had taken place, and therefore additional resources over and above officer and Member time had been limited to the production of a leaflet at a cost of £3,000, which was circulated to all households with electoral information so that there was no additional postage cost. A poster, signs for Council vehicles and private car stickers had been produced at a cost of £4,500. To comply with the Boundary Committee's September deadline for public responses to their proposals, the Council also had to review its existing circulation contract for the autumn edition of the magazine. The one-off additional costs to change the circulation arrangements were an approximate £8,000.

Cllr Tucker believed that the additional publicity costs which the Council had incurred had been proportionate to the task set for us by the Boundary Committee, and involved relatively low sums of money compared to the expenditure by a number of other Councils involved in the proposed reorganisation.

In making reference to the costs and officer time incurred, and the fact that neither the district or county council had asked for this Review, Cllr Brazil queried whether there was any possibility that any costs could be recovered from Exeter City Council. In reply, Cllr Tucker advised that he doubted that this would be possible.

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

(iv) Under the new over-60's bus pass scheme, what is the procedure when a journey is taken partially outside the permitted time, and partially inside it? Can the passenger pay a partial fare...for example if he or she gets off halfway through his journey at 9.30am, and then gets on again to complete it?

In his response, Cllr Bastone informed that the statutory concessionary fares scheme clearly stated that only journeys which commenced after 9.30am were free to pass holders. In theory, a concessionary pass holder could commence a trip before 9.30am and pay for the first part of the trip. They could then get off the bus at 9.30am, re-board and complete their journey using their free concessionary pass.

In her supplementary question, Cllr O'Callaghan enquired whether the pending review could include serious consideration to extending the scheme to commence at 9.00am, as was the case in East Devon. In reply, Cllr Bastone advised that a review was due to commence in November, once the figures had been obtained from the bus companies. In light of the shortfall in government funding for the scheme, the current start time of 9.30am would remain for the foreseeable future.

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

(v) Why is the South Hams magazine still wrapped in plastic when inside the latest edition, we hear how well our recycling scheme is going and how we are reducing the amount of rubbish going to landfill? The wrapping is described as oxy-degradable polythene, but does not state whether it can go in the brown bin. Does it then have to go in the black bin?

In response, Cllr Bastone stated that the Government's decision to look at the way in which local government services were delivered in Devon impacted on every South Hams resident. It was decided that the magazine would be the most cost effective and efficient way of getting information to people and publicising a series of public meetings.

The Boundary Committee's timetable for a response to their report before 26 September 2008 meant the Council had to modify the existing production and circulation arrangements for the magazine. Delivery was originally planned for 22 September 2008, but was brought forward to 8 September 2008.

The usual delivery method was to use the Royal Mail Door to Door service to send an unwrapped magazine to the majority of South Hams households. This service was impractical for those South Hams postcode areas which overlap with another local authority area. In these areas, the Royal Mail Walksort delivery was used where the magazine was addressed and wrapped, with door to door being the preferred method of magazine delivery.

The door to door service usually had to be booked up to 12 months in advance and no dates were available in late August / early September. To ensure residents received the LGR information in time, there was no choice but to deliver the entire magazine using the Walksort service, with delivery of the winter issue of the magazine reverting back to the usual service.

Given the timetable that the Council was presented with, it was decided that any wrapper used should at the least be capable of not leaving any significant lasting effect on the environment. The oxy-degradable polythene met that need as when it was placed in landfill it degraded down within approximately six months and the wrapper would be placed in the grey bin.

Furthermore, the Council did not wish to create confusion with the general public who supported our recycling scheme. The Council only accepted plastic drinks bottles in our existing collection scheme and it was often very difficult to tell the difference between wrapping that could or could not be recycled. Had the Council allowed a wrapper to be placed out for collection, it would have encouraged other wrapping which may not have been suitable.

In replying to a supplementary question from Cllr O'Callaghan, Cllr Bastone reiterated that the recently published magazine was unique due to the consultation period associated with the Local Government Review and delivery of the winter issue would revert back to the usual service.

46/08 **NOTICE OF MOTIONS**

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

47/08 **LOCAL GOVERNMENT REVIEW WORKING GROUP FEEDBACK ON THE RESPONSE SUBMITTED TO THE BOUNDARY COMMITTEE**

Consideration was given to a report which sought to update Council on the Local Government Review, in accordance with the resolution of the Council meeting on 24 July 2008 (minute 40/08 refers).

Prior to any discussion, the Leader advised that the cross party Review Group had worked well and had agreed a way forward. Members were informed that an Executive Summary of the Council's formal response to the Boundary Committee was tabled to the meeting for information.

In discussion, the following points were raised:-

- (a) It was confirmed that Exeter City Council and all seven district councils were united in their lack of support for the Unitary Devon proposal. Furthermore, all seven district councils and the county council were not supportive of the alternative proposal to create a unitary council for the extended Exeter area;
- (b) Some Members expressed their disquiet that the rules had changed during this Review whereby consideration could now be given to retaining the status quo, when it had previously been stated that this was not an option;
- (c) In respect of the Executive Summary, a Member expressed his disappointment that no mention was made to any ideas or suggestions regarding the format of the proposed Community Boards. In addition, the Member believed that increased emphasis and recognition should have been given in the Summary to the role of town and parish councillors.

RESOLVED

That the completed response to the Boundary Committee, and the actions undertaken to date, be noted.

48/08

ADOPTION OF AFFORDABLE HOUSING DEVELOPMENT PLAN DOCUMENT AND AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT

Consideration was given to a report which recommended that Council adopt the Affordable Housing Development Plan Document (AHDPD) and the Affordable Housing Supplementary Planning Document (AHSPD).

The report noted that the AHDPD set out the policies required to enable affordable housing to be brought forward. Its approval as 'sound' by the Inspector was a very significant milestone for the Council to have reached. The Inspector's report was binding and the Council was now obliged to adopt the plan.

The AHSPD set out more detailed guidance on how the policies would work in practice. The document had been revised to incorporate changes resulting from the AHDPD Inspector's report and comments received during the public consultation, and could be adopted alongside the AHDPD.

In presenting the report, the lead Executive Member for Housing wished to publicly thank officers for their hard work and efforts in reaching this important milestone. In particular, the Member wished to extend praise for the professionalism that officers had demonstrated during the intense Examination process.

During discussion, particular reference was made to:-

- a) the new community at Sherford. It was confirmed that the Regional Spatial Strategy was proposing an extra 500 dwellings to be delivered at the new community. A Member felt this to be unacceptable and that it would present further difficulties to the development;
- b) the current economic situation. Some Members made reference to the likely difficulties of delivering high affordable housing targets, particularly when considering the current economic downturn. Officers advised that the documents would provide a firm policy basis for negotiations in respect of viability and the concern was expressed that this could lead to further delays. It was noted that the Council may need to invest in external advice to ensure that it obtained the best possible outcome from such negotiations;

- c) the weight of the AHDPD and AHSPD. A Member stated that whilst he agreed with the sentiments of the documents, he believed that in reality, they did not carry much weight, as developers would strongly argue that sites were not viable to meet high affordable housing targets. As a consequence, the Member questioned whether the documents would actually lead to an increase in affordable housing delivery in the South Hams;
- d) the Code for Sustainable Homes. A Member was of the opinion that greater clarity should be given in the AHSPD to the Council striving to obtain a minimum Code for Sustainable Homes level 3 standard.

RESOLVED

1. That the Affordable Housing Development Plan Document be adopted in line with the Inspector's binding report; and
2. That the Affordable Housing Supplementary Planning Document be adopted.

49/08

AMENDMENT TO THE COUNCIL'S CONSTITUTION – STATEMENT OF ACCOUNTS

A report was considered which sought to amend the Scheme of Delegations in order that the authority's Statement of Accounts be presented for approval to the Audit Committee, rather than full Council.

In discussion, some Members advised of their lack of support for this proposal and were of the firm belief that approval of the Statement of Accounts should remain the function of full Council.

In reply, the Chairman of the Audit Committee advised that this proposal was in accordance with the practice of most other local authorities. Should this recommendation be agreed, it would be the wish of the Chairman for all Members to receive the relevant Audit Committee agenda each year and be invited to attend and take part during the debate. In addition, officers confirmed that this proposal would comply with relevant statutory requirements.

It was then:-

RESOLVED

That with immediate effect:-

1. The duty to approve the Council's Statement of Accounts become the responsibility of the Audit Committee instead of Full Council; and
2. The Head of Corporate Services be authorised to amend these bodies' respective terms of reference in Articles 4 and 10 and Part 3 of the Constitution accordingly.

50/08

REPORTS OF BODIES

RESOLVED

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

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| (a) | Prosperity Policy Development Group | 22 July 2008 |
| (b) | Standards Committee | 22 July 2008 |
| (c) | Scrutiny | 24 July 2008 |
| (d) | Development Control Committee | 30 July 2008 |
| (e) | Licensing Committee | 26 August 2008 |

L.6/08: To Determine an Application Received Under the Town Police Clauses Act 1847 and the Public Health Act 1875 to Licence a Motorised 'Tuk Tuk' as a Hackney Carriage

The Chairman of the Committee advised that the application had been refused due to it being in contradiction to the Council's existing Byelaws. In order to remove such Byelaws, Members were informed that the Council, if it so wished, could make an application to central Government. However, the recently published 'Communities in Control: Real People, Real Power' white paper was proposing for such powers to be delegated to local authorities in the future.

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| (f) | Development Control Committee | 3 September 2008 |
| (g) | Executive | 4 September 2008 |

E.43/08: Review of Members' ICT Provision

Although some Members stated that they did not support the compulsory disbanding of personal email accounts, the majority of Members made reference to new Government regulations in respect of email security and limiting access to confidential information, such as the Council's secure site. Furthermore, Members highlighted that to unify Members' email addresses would convey a more professional image and was an approach supported by Members when they were consulted.

RESOLVED

That the use of Members' own personal email accounts for Council business be discontinued by 31 December 2008 and replaced with a formal cllr.xxx@southhams.gov.uk address.

E.47/08: Concessionary Car Parking for Residents

A Member believed that the Executive's amended proposal would create unnecessary bureaucracy and had resulted in a failure to seize an opportunity to give something back to local residents, whilst boosting local trade at the same time.

For clarity, the Leader of Council advised that at the next meeting of the Executive, he would seek to make an amendment to the wording of resolution (f) of the minutes by replacing: '*Ivybridge Section 106 Agreement*' with the word: '*arrangement*' before they were agreed as a correct record of that meeting.

RESOLVED

1. That a charge of £10 per permit be agreed; and
2. That the scheme be introduced for a trial period of twelve months, subject to the necessary consultation and publicity process.

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| (h) | Personnel Panel | 4 September 2008 |
| (i) | Audit Committee | 9 September 2008 |
| (j) | Standards Committee | 9 September 2008 |
| (k) | Community PDG | 17 September 2008 |

CPDG.13/08: Housing Strategy – Performance Information

A Member wished for all Members to be kept aware of the three Beacon research projects in respect of Land Leasing, Second Homes and Community Land Trusts.

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| (l) | Scrutiny | 18 September 2008 |
| (m) | Salcombe Harbour Board | 22 September 2008 |

SH.25/08: 2009/10 Budget

RESOLVED

That the 2009/10 Budget (as detailed in the report presented to the Board) be approved.

SH.26/08: Structure of Harbour Dues

RESOLVED

1. That the resolution determined at the Council meeting on 24 July 2008 (minute 41/08(c) refers) in resolving recommendation SH.18/08 of the Salcombe Harbour Board meeting on 7 July 2008 be rescinded; and
2. That the category Tender be redefined as 'Tenders 3.65 metres and under with an engine not exceeding 6 shaft horsepower, registered to a parent vessel and properly marked T/T (name of parent craft)' be exempt from harbour dues: only one such Tender to be licensed per parent craft'.

SH.27/08: Review of Charges

RESOLVED

1. That the changes to the charging policy (as set out in paragraphs 5 to 7 of the report presented to the Board) be approved; and
2. That the proposed charges (as detailed in Annex A of the presented report) be approved for implementation from 1 April 2009.

(Meeting commenced at 2.00 pm and concluded at 3.35 pm).

Chairman