

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT  
FOLLATON HOUSE, TOTNES ON THURSDAY 27 MARCH 2008**

**MEMBERS**

\* Cllr R J Carter – Chairman

\* Cllr B F Cane – Vice-Chairman

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|-----------------------|------------------------|
| * 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 H Baverstock | * Cllr R M Lawrence    |
| ∅ Cllr J I G Blackler | ∅ Cllr I Longrigg      |
| * Cllr J Brazil       | * Cllr D W May         |
| * Cllr B E Carson     | * 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 M Stone         |
| * Cllr J D Hawkins    | * Cllr R J Tucker      |
| * Cllr T J Hewitt     | * Cllr R J Vint        |
| * Cllr M J Hicks      | * Cllr A Ward          |
| * Cllr P W Hitchins   | * Cllr J A Westacott   |

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

For all items: Chief Executive, Strategic Director (Community), Strategic Director (Operations), Deputy Monitoring Officer and Member Support Services Manager; Items 10 and 11 (Minutes 92/07 and 93/07 below refer) – Street Scene Manager; Item 12 (Minute 94/07 below refers) – Head of Improvement; Item 13 (Minute 95/07 below refers) – Economic Development Officer; and Item 15 (Minute 97/07 below refers) – Risk and Health and Safety Advisor.

86/07

**PREBENDARY JOHN GEORGE**

The Chairman referred to the recent death of Prebendary John George, who had served as Chaplain to four of the Chairmen of Council and as Assistant Chaplain to others. The Chairman proceeded to read a letter from Mrs Grace George sincerely thanking Members for their kind expressions of sympathy following the family bereavement.

As a mark of respect, Members observed a minute’s silence.

87/07 **MINUTES**

The minutes of both the special and budget meetings of the Council held on 7 February 2008 were confirmed as a correct record and signed by the Chairman.

88/07 **CHAIRMAN'S ANNOUNCEMENTS**

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

89/07 **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 B F Cane, B E Carson, P H Cook, R F Gilbert, D W May, R C Steer and R J Tucker declared a personal interest in Item 9(a) 'Notice of Motions' (Minute 91/07(a) refers) by virtue of their involvement in the agricultural industry and remained in the meeting and took part in the discussion and vote thereon. Cllr R M Lawrence declared a personal interest in the same item by virtue of his membership of the Devon Wildlife Trust and remained in the meeting and took part in the discussion and vote thereon.

Cllr J H Baverstock declared a prejudicial interest in Item 13 'Post Office Network Change Programme' (Minute 95/07 below refers) by virtue of him being a member of Postwatch and left the meeting during consideration of this item.

Cllr G Date declared a personal interest in Item 13: 'Post Office Network Change Programme' (Minute 95/07 below refers) by virtue of him being a Devon County Council representative and was not present during consideration of this item.

90/07 **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 Scrutiny Committee held on 21 February Martin Weiler, Devon and Cornwall Area Manager for the Environment Agency said that there were 350 incidents a year of fly tipping and that the number was increasing. Do you accept that the figure is a correct one for the South Hams? What research has been done to find causes for the increase in incidents?*

In response, Cllr Hewitt advised that the number of incidents quoted was correct and was increasing given that we had not reached the end of the financial year. The Council completed returns to the Environment Agency's website on software called Fly Capture. The data informed us on the type of waste and number of fly tips. The number of fly tips per annum had not generally increased and indeed the number quoted as 350 was within the normal number of fly tips expected within the district. The average for the last three years was 373 per annum.

Over the last three years, analysis showed that 65% of fly tips came from households and 35% from other sources. Of the household waste, only 6% related to black bag waste. In quantity terms, 96% of the waste fly tipped would fit into a small van or greater.

The Council had in place a Street Scene section and part of its duties was to investigate waste issues. During the last 12 months, 151 waste related issues had been investigated, 112 warning letters had been issued, 64 fixed penalty notices had been issued and 28 prosecutions had been made.

So far this year, the section had secured in excess of £5000 in fines with there still being some outstanding fines to be paid. For this financial year, the section had dealt with 641 waste related calls from members of the public.

Whilst ideally no fly-tipping at all would be the best outcome, the number was not getting any worse and it should be noted that DEFRA had written to the Council and classified performance on dealing with waste as being very effective, which was the highest grade a Council could obtain.

In stating that the Council's waste collection charges were amongst the highest nationwide, Cllr Baldry asked a supplementary question regarding whether charging was borne in mind when considering the impact of fly-tipping. In response, Cllr Hewitt advised of the difficulties the Council had in striking a balance between being one of the highest performing authorities for recycling nationwide, whilst incurring additional collection costs through the rural nature of the district and also taking into account the need to be safety conscious (e.g. by minimising the potential to incur manual handling injuries). In taking all these factors into account, Cllr Hewitt felt that the Council had struck the right balance.

### **From Cllr O'Callaghan to Cllr May, Executive Member for Financial Affairs**

*(ii) What measures have been taken to tackle the so-called "boy racers" who persistently drive recklessly up and down some council car parks, endangering their own safety and that of other drivers and pedestrians?*

In response, Cllr May made reference to a press statement released from the Council on 14 March 2008 which stated that: 'South Hams District Council was aware of the activities that had been occurring at the Quay car park and was working closely with the local constabulary to address the problem. The police were aware of their role to enforce issues arising from the misuse of the car park and, as such, the historic problem of youths frequently gathering at the site was being addressed by local law enforcement officers. By engaging with these young drivers over road safety issues, and by the use of Road Traffic legislation, the police and the Council were confident that the issues would be resolved in due course.'

Cllr May also advised that there were some isolated incidents in some car parks in the district. Where incidents had occurred, the Council liaised with the police who had the powers to deal with this public disorder, with most of the problems being late at night. The Council looked at options of changing the format of the car parks i.e. by introducing speed bumps. However, the conclusion was that this would not prevent the speeding from still taking place and the speed bumps would just be viewed as a challenge by the individuals who used the car parks for speeding. A further option for consideration was to close the car parks at night. However, it was thought that this would have some effect on the local population and economy of the towns. Officers would continue to monitor the situation and maintain a dialogue with the police.

In asking a supplementary question, Cllr O'Callaghan queried what specific actions were currently being undertaken to counter the issue. In response, Cllr May advised that he would enquire about the issue of speed limit signage in car parks. Furthermore, Cllr May stated that the Council primarily looked to the police for enforcement matters and he was aware that dialogue had been entered into between the two authorities.

### **From Cllr O'Callaghan to Cllr Hewitt, Executive Member for a Clean Environment**

*(iii) As the high season gets underway, what safeguards are in place to prevent further public confusion this year over when overnight car parking charges should apply?*

In response, Cllr Hewitt advised that there would be information located next to or on the pay and display machines which explained the conditions relating to using the car parks. These conditions would also include the level of charges and when the charges were to be made. The information would also show if overnight charges were in place and what the charge would be. A supervisor would also inspect the car parks to make sure the information was in place and correct.

Cllr O'Callaghan asked a supplementary question concerning whether the Council knew how much income had been wrongly collected as a result of the public confusion. In response, Cllr Hewitt informed that the levels of income were unknown but the public had been told to retain their tickets for a refund and the Council would take a fair and pragmatic view with regard to reimbursement. Cllr Hewitt gave assurances that the notices would now reflect the correct information. However, Cllr Hewitt advised Members to inform him if they were still deemed to be insufficient in clarity.

91/07

## NOTICE OF MOTIONS

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

### (a) By Cllrs Cane and Steer

*“2007 has become the worst year in modern times for outbreaks of bovine TB. There were approximately 4,000 new herd outbreaks in Great Britain and over 25,000 cattle slaughtered. Failure to tackle TB in cattle could cost the taxpayer £1.5 billion in just 5 years.*

*A cross party Government Committee report insists that a targeted cull of infected badgers in the worst affected areas is needed as part of a wide ranging package of measures.*

*Live stock and farming forms a major part in the economy of the South Hams which is one of the worst effected areas for TB and this Council requests that the strongest possible recommendation be made to the Environment Secretary, Hilary Benn, that this Council supports the cross party committee approach to a National problem.”*

Having been **PROPOSED** and **SECONDED**, the proposer of the motion made reference to the dramatic increase in cases of bovine TB nationwide and highlighted the detrimental impact that outbreaks had on both farmers and their cattle. Ideally, the proposer stated that he did not wish to see any losses to the badger population, but bovine TB was spreading at such a rate that measures to offset this trend needed to be taken. In supporting the motion, the seconder also referred to the slow and lingering deaths suffered by infected badgers and his wish for a collective cull to be undertaken in the worst affected areas only.

In discussion, the following points were raised:-

- (a) Whilst wishing to express sympathy with the farming community, an amendment to the motion was **PROPOSED** and **SECONDED**. The amendment sought to delete the second paragraph, as it was deemed factually incorrect. The proposer advised that he sought deletion of the paragraph in light of evidence he had ascertained on the report's findings from its overview published on the House of Commons website. The overriding conclusions were that culling alone was not a universal solution to the problem and in fact in the short term could make the spread of infections worse, unless it was over a very large area contained by hard boundaries. The proposer advised that his research had suggested that at no point did the report insist on a targeted cull.

In support of the amendment, some Members also highlighted the alternative measures to counter the spread of bovine TB, such as increased frequency of testing and improved communication with farmers. A Member also stated that there was no scientific evidence to suggest that culling would prevent the spread.

In advising of their lack of support for the amendment, other Members reiterated the detrimental impact of bovine TB on the farming industry. In addition, a Member advised Council that he had been led to believe from a national scientific source that the contents of paragraph 2 were accurate.

When being put to the vote, the amendment was declared **LOST**.

- (b) The views of a farmer who had previously been invited to attend a Council meeting were highlighted. A Member recalled that during his presentation, the farmer had stated the belief that the spread of bovine TB could be attributed to cleanliness;
- (c) A Member made reference to the increased stresses and strains on farmers arising from bovine TB. A Member advised that the upward trend in bovine TB cases was a contributing factor to the increased numbers of suicide incidents in the farming industry.

It was then:

### **RESOLVED**

2007 has become the worst year in modern times for outbreaks of bovine TB. There were approximately 4,000 new herd outbreaks in Great Britain and over 25,000 cattle slaughtered. Failure to tackle TB in cattle could cost the taxpayer £1.5 billion in just 5 years.

A cross party Government Committee report insists that a targeted cull of infected badgers in the worst affected areas is needed as part of a wide ranging package of measures.

Live stock and farming forms a major part in the economy of the South Hams which is one of the worst effected areas for TB and this Council requests that the strongest possible recommendation be made to the Environment Secretary, Hilary Benn, that this Council supports the cross party committee approach to a National problem.

92/07

## **REVIEW OF CAR PARK CHARGES**

Members considered a report which detailed representations made in respect of the Off Street Parking Places (Amendment) Order 2008 and approve a Revised Scheme for 2008.

The report concluded that the proposed charges had been set at a level that ensured consistency in the car park charging policy and helped offset the increase in Council Tax that was necessary to meet the projected budget deficit.

In discussion, the following points were raised:-

- (a) It was intended that the proposals for Parking Concessions for Residents would be presented back to Members for further consideration in July 2008;
- (b) Officers confirmed that the proposed increases in charging had been factored into the Budget for 2008/09;
- (c) To benefit local residents, a Member felt that there should be a low season pricing scheme for coastal car parks. In response, the lead Executive Member stated that such a proposed amendment could also be given consideration in July 2008.

## **RESOLVED**

That the Council:-

- i) note the representations made in respect of the 2008 Order and confirm the revised scheme as attached; and
- ii) instruct officers to confirm the Order accordingly and to publicise the confirmation in accordance with statutory requirements, with the Order to come into effect on 28 March 2008.

93/07

## **CIVIL PARKING ENFORCEMENT**

Members considered a report which sought approval for the acceptance of new powers for Civil Parking Enforcement on behalf of Devon County Council working in partnership with Teignbridge District and West Devon Borough Councils (Minute E.102/07 also refers).

During discussion, reference was made to:-

- (a) the Council, given the circumstances, reaching the best possible situation. In response, and on behalf of the Council, the Leader extended thanks to the lead Executive Member for his role in the Council being able to reach this position;
- (b) an additional police presence on the street. In light of this exercise constituting a cost saving to the police, a Member questioned whether this would result in an increased police presence on the street. In response, reference was made to the Council being able to increase the numbers of car parking officers, through the ability to replace officers who were currently on long-term sick leave. Furthermore, officers stated that former traffic wardens had now become Police Community Support Officers, which was also an added benefit to residents;
- (c) the recruitment process. In acknowledging the timetable as being very tight to recruit, the lead Executive Member stated that the South Hams, Teignbridge and West Devon areas had been operating with a deficit of four officers for a long time. Therefore, any appointments would constitute an improvement in the current level of allocated resource.

### **RESOLVED**

That the Council:-

- i) accepts the powers for Civil Parking Enforcement on behalf of Devon County Council on the basis that the full and actual set-up and running costs will be funded by Devon County Council;
- ii) implement the necessary operational changes required to operate Civil Parking Enforcement from 5 May 2008 to include completion of all necessary agreements and other steps to facilitate and implement the arrangements outlined in this report, including the Agency Agreement, the procurement of ICT systems on behalf of Teignbridge and West Devon, the modification of parking notices and procedures and the making of the necessary consolidating Off-Street Parking Places (Amendment) Order, the recruitment of staff and training and the provision of vehicles.

94/07

### **LOCAL GOVERNMENT REVIEW – TIMETABLE OF EVENTS AND ESTABLISHING A WORKING GROUP**

Members considered a report which provided an update on the timetable for the Boundary Committee review of Devon and which also sought to establish a Local Government Review Working Group.

The report concluded that the establishment of a Member Working Group was felt to be the most appropriate means to enable the Council to carry out the detailed work and analysis involved to meet the outlined Timetable for the Local Government Review.

In discussion, reference was made to:-

- (a) the principle of a South Devon and Dartmoor Unitary, as the Council's preferred option for submission to the Boundary Committee. An additional recommendation was **PROPOSED** and **SECONDED** to give outline support for this principle which it was felt would provide the Working Group, on behalf of the Council, with a clear direction of travel;
- (b) the need for greater definition of the South Devon and Dartmoor concept. In light of a Member expressing concern that South Devon and Dartmoor could be perceived as also including Torbay, the **PROPOSER** and **SECONDER** accepted the inclusion to their original amendment of the word '*rural*' to the South Devon and Dartmoor concept;
- (c) extending the boundaries of Plymouth City and Torbay Councils. Some Members advised of their strong opposition to any proposals for Plymouth City and Torbay extending their boundaries into the South Hams;
- (d) the very tight timetable proposed for the Review. It was noted that this meeting provided the Council with its first opportunity to formally establish a Working Group since the timetable for the Review had been outlined;
- (e) the savings already realised through enhanced partnership working. In stating his total opposition to this Review, a Member highlighted the cost and resource implications to the affected authorities. The Member also emphasised the positive outcomes which had already been realised through partnership working and the savings and efficiencies which had already been achieved. Whilst having no doubt that a Rural South Devon and Dartmoor concept could function effectively, the Member hoped that the creation of any smaller unitary councils in Devon would not lead to an increase in the need for senior management, and therefore counter the savings and efficiencies already realised. In response, officers stated that costs were not to be borne in mind at Stage One of the Review but it was considered of paramount importance to ensure a preferred concept was submitted before 11 April 2008 deadline;

- (f) the proposed membership of the Working Group. In light of also being a Devon County Council Member (which as an authority were likely to present alternative concepts), Cllr Brazil advised that he intended to abstain from the recommendation. Some Members proceeded to express concern that Cllr Brazil could not support the proposals, yet had been recommended to be a Member of the Working Group. In acknowledging these concerns, Cllr Brazil advised that he was happy to withdraw his nomination to the Working Group. Subsequently, Cllr Lawrence was nominated in place of Cllr Brazil.

### **RESOLVED**

That the Council:-

- 1) note the timetable for the Boundary Committee review of Devon;
- 2) establish a Local Government Review Working Group, in accordance with paragraphs 5 to 7 of the presented report, with the one exception in the membership being that Cllr Lawrence replaces Cllr Brazil;
- 3) delegates authority to this Group to consider and submit concepts for unitary government before 11 April 2008 (in accordance with Stage One of the Timetable);
- 4) gives its outline support to the principle of a Rural South Devon and Dartmoor Unitary as the Council's preferred option for submission to the Boundary Committee; and
- 5) requests that the Group provide regular updates to future Council meetings.

95/07

### **POST OFFICE NETWORK CHANGE PROGRAMME**

Members considered a report which drew their attention to the current Post Office Network Change Programme (PONCP) that threatened the district with a number of compulsory post office closures. The review was part of a national programme of closures that affected both urban and rural parts of the county.

During discussion, the following points were raised:-

- (a) In stating his belief that post offices were no longer there to serve the public, a Member emphasised that all closures should be resisted in the South Hams. Post offices were considered to be essential in rural areas and the Member informed that it was not necessarily the smallest branches which would close, but those operating at the greatest financial loss. To attain the criteria whereby no resident would live within more than a three mile radius of a post office, the Member warned that many residents would only receive an Outreach Service for a few hours per week. In echoing these comments, another Member highlighted the likely impact on village shops and the view that post offices should be considered as service providers, as opposed to businesses;
- (b) A Member questioned the levels of local stakeholder engagement (as referred to in paragraph 11 of the presented report). In response, officers advised that there had been a meeting held on 25 February 2008 which was led by Devon County Council. Whilst post office representatives were in attendance, communication tended to be one-way and there was no feedback given to local authorities.

### **RESOLVED**

That the Council makes appropriate representations to Post Office Limited (POL) during the period of public consultation where it considers a proposed Post Office closure to be unsatisfactory or inappropriate.

96/07

### **SALCOMBE HARBOUR BOARD – APPOINTMENT OF A CO-OPTED BOARD MEMBER**

Following the recommendations of the Appointments Panel, Members considered a report which sought approval for the appointment of a Co-opted Member to the Salcombe Harbour Board.

### **RESOLVED**

That Mr Peter Waring be appointed to the Salcombe Harbour Board as a Co-opted Member for the period to the date of the Annual Council meeting in May 2010.

97/07

### **RISK MANAGEMENT – ANNUAL REPORT**

Members considered a report which provided information on risk management activities undertaken since April 2007.

During discussion, particular reference was made to:-

- (a) the Sherford Risk Workshop. It was agreed that officers would advise the Group Leaders of the outcomes of this Risk Workshop;

- (b) the corporate responsibilities of Members. A Member stated that he had requested that officers arrange for a Member training session on corporate responsibilities (e.g. manslaughter) to be arranged and take place imminently;
- (c) risk assessments in committee reports. In light of recent experience, Members emphasised the importance of officers producing comprehensive risk assessments in committee reports.

### **RESOLVED**

That the Council is satisfied with the progress made on risk management.

98/07

## **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 13 February 2008
- (b) Community Policy Development Group 13 March 2008

### **CPDG.23/07: Affordable Housing Review and Update**

The Chairman of the Group urged the support of the Executive to adopt the recommendations at its 10 April 2008 meeting. In particular, the Chairman welcomed consideration being given to additional funding being made available to meet the Council's number one priority to deliver affordable housing.

- (c) Standards Committee 11 February 2008
- (d) Scrutiny 21 February 2008
- (e) Council Tax Setting Panel 26 February 2008
- (f) Personnel Panel 6 March 2008
- (g) Executive 6 March 2008

**E.103/07: Totnes Southern Area – Procurement of Final Phase**

A local Member sought assurances that the local community and architects would be involved in the design stages. In response, the Leader declared his full support to their involvement and stated his commitment to work with both stakeholders and the town council.

**E.104/07: Kingswear Passenger Ferry Pontoon Replacement**

The Leader reminded Council that an exemption to standing orders was sought to ensure that the works could be completed in line with estimates. It was noted that this waiving of standing orders was subject to costs coming within budget and being reviewed by external advisors.

**RESOLVED**

- (a) That the Kingswear Passenger Ferry pontoon and link bridge be replaced as set out in the presented report and that £275,000 be allocated from the Council's capital resources for that purpose; and
- (b) That an exemption to standing orders be made in respect of tendering the ancillary works required in order that these can be undertaken by the pontoon and bridge manufacturer (subject to overall costs coming within the total budget of £275,000).

**E.108/07: Disabled Facilities Grants (DFG) Budget**

**RESOLVED**

That the proposed budget of £143,000 for Disabled Facilities Grants for 2008/09 be approved.

(Meeting commenced at 2.00 pm and concluded at 4.05 pm).

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Chairman