

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 28 SEPTEMBER 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 (Community), Strategic Director (Resources), Monitoring Officer and Member Support Services Manager;
Item 11 (see 53/06 below) – Economic Development Officer and European Research Officer;

Item 12 (see 54/06 below) – Acting Strategic Director (Operations)

44/06 PRESENTATION

The Chairman presented a cheque for £800 to Tessa Tattersall and Pat Worsey from the National Trust. This was from the proceeds of the Chairman's day spent at Greenway, Galmpton.

45/06 MINUTES

The minutes of the meeting of the Council held on 20 July 2006 were confirmed as a correct record and signed by the Chairman.

46/06 URGENT BUSINESS

The Chairman announced that there were two items of urgent business.

The first item was the appointment of a Member to serve on the Governance Board of the South Devon Healthcare Trust. This was considered urgent in view of need to make the appointment prior to the next Council meeting and would be considered at item 7 (see minute 49/06 below).

The second item was the minutes of the meeting of Scrutiny held on 21 September 2006. This was considered urgent in view of the need for the Council to adopt the Statement of Internal Control by 30 September 2006, for which Scrutiny had recommended approval. This would be considered at item 14, Reports of Bodies (see minute 56/06 below).

47/06 CHAIRMAN'S ANNOUNCEMENTS

The Council noted a list of the Chairman's recent engagements. The Chairman referred to the recent Bridal Fair held at Follaton House which had raised £1900 for his nominated charity, the Alzheimer's Society and Research Trust.

48/06 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:-

Cllr B C Evans declared a personal interest in the motion at item 10 (ii) (see minute 52/06 below) by virtue of him being a bee-keeper. He took part in the discussion and vote on this item.

Cllrs R O Yonge, R J Tucker and B F Cane declared personal interests in the motion at item 10 (ii) (see minute 52/06 below) by virtue of them being farmers. They all took part in the discussion and vote on this item.

Cllrs D W May and M F Saltern declared personal interests in item 11, Application for Financial Assistance for the Erme Court Centre, Ivybridge (see minute 53/06 below), by virtue of their membership of the Ivybridge Regeneration Group. Both took part in the discussion and vote on this item.

Cllrs R F Croad and L A Facy declared personal interests in item 11, Application for Financial Assistance for the Erme Court Centre, Ivybridge (see minute 53/06 below), by virtue of them representing wards in Ivybridge. Both took part in the discussion and vote on this item.

49/06

APPOINTMENT OF A MEMBER TO SERVE ON THE GOVERNANCE BOARD OF THE SOUTH DEVON HEALTHCARE TRUST

RESOLVED

That Cllr R J Tucker be appointed to serve on the Governance Board of the South Devon Healthcare Trust.

50/06

QUESTIONS

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

(a) From Cllr Boughton to Cllr Steer, Executive Member for Housing:-

Rapid building progress is being made on Dartmouth's St Barnabas Centre, which will open next year and provide 12 single accommodation units for local homeless people. Can you update us about the parallel Elwell project in Totnes and tell us if funding has been requested from the monies raised from 2nd home council tax and ring fenced by Devon County for housing disadvantaged sections of the community?

In response, Cllr Steer referred to the importance of all the main towns in the district having a project like St Barnabas and expressed disappointment that government policy favoured dispersed housing with floating support. Cllr Steer also expressed disappointment that funding from Council Tax on second homes would not be available for this project despite this being raised at a Supporting People meeting. Despite this, it was hoped that the Elwell project would still progress.

(b) From Cllr Hawkins to Cllr Barnes, Executive Member for Corporate Services

For the past 12 months I have been asking this Council to ensure that all is in place for Seymour Drive (Dartmouth) to be adopted by Devon County Council.

This road and housing area was completed many years ago, yet adoption has not been made. I understand that all is now in place between ourselves and South West Water, but are awaiting our Legal section to finalise its adoption.

Can I please ask the Executive Member to give us a time span for completion.

In response, Cllr Barnes advised that completion would be before the end of the calendar year.

(c) From Cllr Brazil to Cllr Yonge, Leader of the Council

Can the Leader tell us how much money the Council gives in discretionary business rate relief including any central government grant?

Cllr Yonge advised that for the year ending March 2006, £125,575.23 had been paid in business rate relief.

(d) From Cllr Brazil to Cllr Yonge, Leader of the Council

Does the Leader think it right that Members are prevented from seeing a list of those who benefit from this source of tax payer's money?

In response, Cllr Yonge advised that he did not think Members should have access to this information.

Cllr Brazil asked a supplementary question on why the Leader did not think that it was appropriate for Members to have access to this information. In response, Cllr Yonge advised that some information on the payment of business rate relief was available to Members, but it would be illegal to produce information which included personal circumstances relating to individual recipients.

51/06

PRESENTATIONS BY EXECUTIVE PORTFOLIO HOLDERS**(a) Cllr Richard Yonge, Leader of the Council**

Cllr Yonge made reference to:-

- (i) the need for the Leader to have an overview of activities and issues. This was achieved through regular briefings with the Chief Executive and Strategic Management Team members, informal meetings of the Executive, attendance at Scrutiny and Policy Development Group meetings and general reading;
- (ii) the role of the Leader in the budget setting process and the importance of starting this early;
- (iii) performance management and the responsibility of individual Members of the Executive for performance indicators within their respective portfolios;
- (iv) membership of bodies on internal matters such as the staff forum, Health and Safety forum and Personnel Panel;
- (v) representation of the Council on external bodies such as the Devon Districts' Forum, Local Government Association and Regional Assembly.

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

- (1) the value of the informal meetings held between the leaders of the political groups;
- (2) regular meetings between district and county councillors. The Leader acknowledged the improved working relations between the two councils;
- (3) the Council's continued membership of the South West Regional Assembly. The Leader advised that he had written to Eric Pickles, Conservative Shadow Secretary for Local Government expressing support for the policy of abolishing the Regional Assemblies. However, there was a need to ensure that scrutiny of the Regional Development Agencies continued. In addition, the role of the Regional Assembly on forward planning and housing issues was underlined and there was a need to influence both from within.

(b) Cllr Isabelle Steer, Executive Member for Housing

Cllr Steer made reference to:-

- (i) her work on progressing the affordable housing priority which involved working with the Community Policy Development Group in particular, as well as meeting with housing associations, developers and other stakeholders. The creation of a new officer team would enable new solutions to be sought;
- (ii) membership of the Devon Strategic Housing Partnership which facilitated joint council working on issues such as choice based lettings and gypsy and traveller initiatives;
- (iii) her involvement with the Supporting People project. Whilst the funding situation had improved, there was some disappointment with the preferred method of service delivery such as floating support;
- (iv) the importance of engaging the public on major development projects such as Totnes Southern Area.

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

- (1) a Member's concern at the drive for efficiency savings and the impact this could have on services such as Development Control. In response, Cllr Steer advised that efficiency savings were about identifying new ways of working that achieved the same outcomes with reduced inputs;
- (2) the role of section 106 agreements in ensuring that new affordable housing remained affordable following subsequent disposal. A Member referred to the work of

South Shropshire District Council on this. Cllr Steer undertook to look into this further.

52/06

NOTICE OF MOTION

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

(a) By Cllrs Longrigg and Vale:

In this 21st century, should men or women be sweeping and clearing litter from our streets, when there are proficient mechanical means to execute this work effectively?

This Council should examine the options for upgrading from yesterday's methods and budget for the latest technological developments more quickly.

Having been **PROPOSED** and **SECONDED**, the proposer of the motion referred to the Council's decision to reduce the budget for street cleaning and the concerns expressed by some parishes regarding the subsequent level of cleanliness. Reference was also made to the use of mechanised sweepers on a trial basis which had brought impressive results and the need for the Council to look further at modern methods of street cleaning.

During discussion, reference was made to:-

- (i) a Member's concern at the use of oil driven machinery and the need to consider other alternatives;
- (ii) problems caused by parked cars which would negate the impact of mechanised sweepers in some areas;
- (iii) the importance of educating residents and visitors regarding litter disposal and taking appropriate enforcement action;
- (iv) a Member's view that responsibility for street cleanliness could be devolved to parishes which would encourage local communities to dispose of litter more responsibly;
- (v) clarification that the Council would not need to invest in new street sweeping machinery, but increase the revenue budget for extended use of its existing mechanised sweepers.

RESOLVED

In this 21st century, should men or women be sweeping and clearing litter from our streets, when there are proficient mechanical means to execute this work effectively?

This Council should examine the options for upgrading from yesterday's methods and budget for the latest technological developments more quickly.

(b) By Cllrs Ward and Brazil:

This Council responds to the current DEFRA consultation on proposals for managing the coexistence of GM, conventional and organic crops, launched on July 20 2006.

This council expresses concern that the proposed measures offer inadequate protection to:

- *The environment;*
- *Organic producers;*
- *The local agricultural community;*
- *Beekeepers; and*
- *The general public*

and agrees to write to Defra and the Secretary of State for Environment, Food and Rural Affairs, David Milliband, outlining the Councils concerns.

Having been **PROPOSED** and **SECONDED** the proposer of the motion sought Council's approval to vary the wording slightly. Following Council's approval, the proposer referred to the absence of a market for genetically modified (GM) products within the UK, experience from other countries which highlighted contamination problems following attempts at coexistence and the potentially damaging impact on local wildlife and biodiversity.

The seconder of the motion referred to the 0.9% contamination level permitted by the government, the proposal for relatively small distances between crops, limited liability in the event of contamination and the secrecy surrounding where GM crops would be grown.

During discussion, reference was made to:-

- (i) a Member's concern that experimenting with GM crops had commenced and support for this motion was too late;
- (ii) the origin of the GM crops debate which was due to environmental concerns about the use of pesticides on conventional crops. There was a need to consider how GM technology could bring benefits such as the ability to cultivate crops in more extreme climates;
- (iii) the concern of a Member at the lack of information available on the impact of GM crops such as in relation to bee colonies.

RESOLVED

This Council responds to the current DEFRA consultation on proposals for managing the coexistence of GM,

conventional and organic crops, launched on July 20 2006.

This council fears that the proposed measures offer inadequate protection to:

- The environment;
- Farmers;
- The local economy;
- Beekeepers; and
- The general public

and agrees to write to Defra and the Secretary of State for Environment, Food and Rural Affairs, David Milliband, outlining the Councils concerns.

53/06

APPLICATION FOR FINANCIAL ASSISTANCE FOR THE ERME COURT CENTRE, IVYBRIDGE

Consideration was given to a report which set out a request from Ivybridge Town Council on behalf of the Erme Court Steering Group for a further capital grant of up to £290,000 to support the Erme Court Centre project. It was noted that this would be in addition to the £230,000 previously agreed by the Council in September 2005 (minute 43/05 refers).

During discussion the following points were raised:-

- (i) Members were advised that the request for additional funding was as a result of a reduction in the availability of some capital funding streams and an increase in build costs. However, the revised plans, which reduced the overall project cost, included an increase in the number of employment units from 11 to 16 which supported the Council's second priority;
- (ii) A ward Member for Ivybridge expressed his appreciation to Ivybridge Town Council, particularly the Town Clerk and the Council's Economic Development service for their efforts on this project;
- (iii) Members were advised that whilst the original funding package relied on a sizeable contribution from European Objective 2 funding, there had been no firm commitment from the Government Office for the South West at any stage that this would be forthcoming;
- (iv) A Member queried the availability of funding to furnish the performance space included in the plans;
- (v) A Member's desire to see Ivybridge Town Council share its experiences on this project with others minded to develop similar projects.

RESOLVED

That a further contribution of up to £290,000 be agreed pending confirmation of the contribution from other funding sources and a satisfactory appraisal of a revised Business Plan. Any such contribution to be subject to the conditions set out in the report presented to the Council.

54/06

SALCOMBE HARBOUR AUTHORITY – APPOINTMENT OF BOARD MEMBERS

Consideration was given to a report which contained the nominations of the interview panel on the Members and co-opted Members to serve on the reconstituted Salcombe Harbour Board following recent interviews.

RESOLVED

That:

- (i) the following are appointed to the Salcombe Harbour Board as co-opted members:

Mr M O'Brien	}	For the period to the date of the Annual Council meeting in May 2009
Mr T Bass	}	

Mr J Barrett	}	For the period to the date of the Annual Council meeting in May 2010
Mr H Marriage	}	
Mr K Harling	}	
Mr R Gilbert	}	

- (ii) the following Members are appointed to the Salcombe Harbour Board as Council nominees for the remainder of the 2006 / 2007 municipal year :

Cllr S L Rankin
Cllr J S Beer
Cllr J Brazil
Cllr R J Carter; and

- (iii) Cllr J S Beer is appointed as Chairman of the Salcombe Harbour Board.

55/06

ADDITIONS / AMENDMENTS TO THE CONSTITUTION

Consideration was given to a report which sought approval for a number of revisions to be made to the Constitution.

RESOLVED

That:-

1. the Scheme of Delegations be revised in accordance with recommendations listed at appendix A of the report presented to the Council;
2. an addition be made to the Responsibility for Functions giving authority to the Executive to make Compulsory Purchase Orders;
3. Article 16 of the Constitution be revised to clarify and make more explicit the process under which the Full Council and Executive may suspend Procedure Rules relating to contracts and that the Monitoring Officer be authorised to perfect the textual amendment within the Constitution to give effect to the Resolution.

56/06

REPORTS OF BODIES**RESOLVED**

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

- | | | |
|-----|-------------------------------------|-------------------|
| (a) | Development Control Committee | 12 July 2006 |
| (b) | Development Control Committee | 6 September 2006 |
| (c) | Standards Committee | 13 July 2006 |
| (d) | Prosperity Policy Development Group | 19 July 2006 |
| (e) | Executive | 27 July 2006 |
| (f) | Executive | 7 September 2006 |
| (g) | Scrutiny | 10 August 2006 |
| (h) | Scrutiny | 21 September 2006 |

SC.29/06 – Statement of Internal Control for South Hams District Council**RESOLVED**

That the Statement of Internal Control be

approved.

- (i) Salcombe Harbour Board 5 September 2006

Members expressed their appreciation to Cllr Beer for his work as Chairman of the Salcombe Harbour Board.

- (j) Business Board (Operations) 13 September 2006

- (k) Business Board (Leisure Car Park and Markets) 13 September 2006

- (l) Community Policy Development Group 14 September 2006

- (m) Environment Policy Development Group 14 September 2006

(Meeting commenced at 2.00 pm and concluded at 5.00 pm).

Chairman