

**MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD
AT FOLLATON HOUSE, TOTNES ON THURSDAY 29 MARCH 2007**

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, Deputy Monitoring Officer and Member Support Services Manager;

For all items, excluding item 12: Strategic Director (Community) and Strategic Director (Resources);

For item 12 (see 96/06 below): Head of Personnel and Payroll

For item 13 (see 97/06 below): Land Charges Officer

For item 14 (see 98/06 below): Health and Safety Officer

90/06 **MINUTES**

The minutes of the meeting of the Council held on 8 February 2007 were confirmed as a correct record and signed by the Chairman.

91/06 **CHAIRMAN'S ANNOUNCEMENTS**

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

92/06

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 Tucker declared a prejudicial interest in item 8 (iv) by virtue of him being the appellant in the case referred to. He left the meeting during the response to this question.

Cllr Rosevear declared a personal interest in item 15 (k), the minutes of the Prosperity Policy Development Group from 15 March 2007, by virtue of his Chairmanship of the Modbury Tourist Information Centre.

93/06

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:

Can the leader tell us whether all our Challenge grants have been awarded for key worker housing, and for which occupations they were awarded and in which towns in the South Hams?

In response, the Leader acknowledged the intentions of the key worker scheme but pointed to its limited take up in the South Hams because of high house prices and a ceiling on the level of grant available of approximately £30,000 per applicant. In total, 10 units had been taken up through this scheme, 6 from Devon and Cornwall Housing Association and 4 from Sovereign Housing Association and had been used to accommodate 4 local authority employees, 3 health service employees and 3 teachers. The properties had been purchased in West Charleton, Newton Abbot, Totnes, Buckfastleigh, Dartmouth, Exeter, Torbay, Ivybridge and Dawlish but all were employed in the South Hams.

Cllr Boughton asked a supplementary question about whether the Council should pursue another round of Challenge grants. Despite its limited take up, the Leader agreed that it should.

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

It was recently announced in the press that South Hams was sending inspectors to bakeries in the South Hams. How much did this exercise cost?

The Executive Member for Community Affairs responded as this was within his portfolio. He advised Members that inspections had been carried out as part of a national campaign to reduce incidents of occupational asthma caused by flour dust. The inspections had taken up 22 hours of officer time at an approximate cost of £500.

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

Just before Christmas there was a staff 'bonding' session at Dartington Hall. Including staff time, how much did this cost?

In response, the Leader advised that such events were common practice in the public and private sector and promoted a team South Hams ethos. There had been a positive response from staff with 69% having said that the event had been beneficial and 79% stating that they had learned something new about the authority. The cost had been in officer time and for the production of videos used during the event.

Cllr Brazil questioned whether the Leader thought that the residents of the South Hams would consider this a priority given the budgetary pressures facing the Council. In response, the Leader felt that improved staff morale would lead to better service delivery.

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

What has been the cost to the council of the planning appeal at Bozomzeal farm?

The Leader advised that the Council received approximately 2,500 planning applications annually of which approximately 60 would go to appeal with the Council winning an estimated 70% of cases. The cost of this appeal had been approximately £30,000, which, it was noted, had not been as high as for other appeals.

Cllr Brazil asked a supplementary question about whether the £30,000 appeal costs could have been avoided had the applicant sought initial advice. The Leader advised that he was unaware of the specific details relating to this application.

(e) From Cllr Brazil to Cllr Steer, Executive Member for Housing:

During the last eight years, of all houses built in the South Hams, what has been the percentage of affordable houses built?

In response, Cllr Steer advised that the number of affordable housing completions as a percentage of the total number of houses completed for the period 1998/1999 to 2005/2006 had been 15.7%. In 2005 / 2006, 133 of the 235 houses completed in that year had been affordable, equating to 56.6%.

(f) From Cllr Brazil to Cllr May, Executive Member for the Clean Environment:

How many public loos have been closed in the last four years and how many are planned to be closed in the near future?

Cllr May advised that 5 public conveniences had been closed in the last 4 years, 3 transferred to other operators and a further 4 may be closed for operational reasons in the future. Regarding the 4 possible

closures, in 2 cases an alternative would be provided and there was a possible alternative for a third.

Cllr Brazil asked a supplementary question about the possible closure of the public conveniences in Fore Street, Kingsbridge, questioning how the proposal that the facilities in the new supermarket be used instead could work when the supermarket was closed. In response, Cllr May advised that this proposal depended on the outcome of the planning application for the new supermarket.

(g) From Cllr Brazil to Cllr Barnes, Executive Member for Access to the Council's Services:

In the business case for the call centre presented to the executive in 2003, the worse case scenario predicted revenue savings of £540,000 by the end of its second year of operation. Given that the actual savings are in the region of £160,000 is it fair to say the strategy has been a failure?

Cllr Barnes advised that the figure of £540,000 was not the target revenue saving at the end of year 2, but reflected the cost of staff redeployment into the Customer Services Team. The revenue savings of £160,000 reported in December 2006 were significantly better than the worst case scenario in the business case for the end of the second year of operation, which gave a deficit of £404, 309. In view of this, the venture had been a success. This had also been reflected in the recent Sounding Board survey which had shown improvements in customers' experience of contact with the Council.

Cllr Brazil asked a supplementary question about why local residents he had spoken to were not so impressed with the Customer Services Team. Cllr Barnes advised that she would be happy to take up individual resident's concerns.

(h) From Cllr Brazil to Cllr Saltern, Executive Member for Community Affairs:

In the strategic plan talk we about improving access to local services. Can you list the practical support we have given to post offices and other rural shops in the past 4 years?

Cllr Saltern advised that the plan to which the question referred was the Performance Plan, which included the Council's corporate priorities. The fifth corporate priority as referred to in the plan was aimed at improving access to the Council's services. However, the Council did offer business rate relief to local shops with further discretionary relief available. Work was currently in progress to produce planning policy to reduce the loss of village shops, post offices and public houses. Additionally, the Council responded to a recent government consultation on the review of the Post Office network and the need to "rural-proof" any proposed closure.

Cllr Brazil asked a supplementary question about the actual level of assistance provided in view of the fact that only mandatory business rate relief at 50% was available and that the option to make Council

Tax payments through post offices had been removed. In response, Cllr Saltern advised that the Council had done many things to improve the situation and this required a partnership approach.

(i) From Cllr Brazil to Cllr Beer, Chairman of the Salcombe Harbour Board:

The six co-opted members of the newly formed Salcombe Harbour Board have prejudicial interests in many of the financial decisions the board has to take. Why did we not take legal advice about this situation?

In response, Cllr Beer advised that legal advice had been taken.

Cllr Brazil asked a supplementary question on why surprise had been expressed when dispensations had not been granted to those Board Members with prejudicial interests.

Cllr Beer advised that the report to Council seeking authority to revise the governance arrangements of the Board included the advice of the Monitoring Officer that all Board Members would be required to sign and abide by the Code of Conduct. This had been repeated as part of their induction day. Counsel opinion had been sought on the nature of their interests and whether dispensations could be granted. The answer provided was that this would be inappropriate. Cllr Beer expressed the view that the Code in its current form frustrated the work of the Board.

94/06

PRESENTATIONS BY EXECUTIVE PORTFOLIO HOLDERS

(a) Cllr John Tucker, Deputy Leader of the Council

Cllr Tucker made reference to:-

- (i) his lead role on the Executive for Property Services. Particular reference was made to the redevelopment of Totnes Southern Area, the repair and maintenance of the Leechwell Walls in Totnes and new public conveniences built at Steamer Quay and Torcross. Membership of the internal Asset Management Group enabled an overview to be kept on all capital projects;
- (ii) his responsibility on the Executive for Ivybridge and its hinterland parishes. This involved regular liaison with the town clerk, of which much of the recent focus had been on the Resource Centre project;
- (iii) his responsibility for the Economic Regeneration and the importance in this context of the Langage Energy Park project;

(b) Cllr Shonaugh Rankin – Executive Member for Financial Affairs

Cllr Rankin made reference to:-

- (i) her role in taking an overview of the Council's procurement and financial control processes. With regard to the latter, the procurement of the Civica Radius Financial System had brought about improvements to the financial reporting process;
- (ii) shared responsibility for the Revenues / Benefits Service and the introduction of new data image processing, workflow and council tax systems which had brought about service improvements. Customer satisfaction with this service was highlighted;
- (iii) her involvement in the transfer of the leisure service to Tone Leisure and the service improvements that had resulted. Her role was now to monitor performance of Tone Leisure against the contract.

Following Cllr Rankin's presentation there was the opportunity for questions when reference was made to whether the criteria for choosing between tenders extended beyond cost. Cllr Rankin advised that this would depend on the nature of the contract.

95/06

REVIEW OF THE COUNCIL'S POLITICAL STRUCTURE

Consideration was given to a report of the Political Structures Working Group which had undertaken a review of the current political structure, focusing particularly on:

- modernising the full Council meeting;
- Scrutiny and its role in audit and internal control issues;
- the role of the Business Boards; and
- the Development Control Committee.

During discussion, reference was made to:-

- (i) extending the existing provision for Members of the Development Control Committee to attend a minimum threshold of 80% of training events to all Members involved in the development control process, including ward Members involved in delegated decisions. Some Members expressed concern at the compulsory nature of this provision. Other Members recognised the importance of being trained in view of the nature of the decisions they would make. Members were advised that this was commonly used in other planning authorities and that every effort would be made to ensure that the training was convenient for Members, including the possibility of online training;

- (ii) the need to review the Scheme of Delegations if a ward Member was debarred from participating in a delegated decision, with the suggestion being made that a Member from an adjoining ward be consulted instead;
- (iii) the proposals to modernise the full Council meeting and introduce more opportunity for public participation;
- (iv) a Member's wish not to see the size of the Development Control Committee reduced. Members were advised that this would be looked at in more detail by the Political Structures Working Group before a firm recommendation was made to the Council.

RESOLVED

That:-

- (i) Scrutiny's role in audit and internal control issues be removed and its terms of reference be revised as shown at appendix A of the report to the Council;
- (ii) an Audit Committee be established in accordance with paragraphs 13 – 17 and the terms of reference as shown at appendix B of the report to the Council;
- (iii) the Business Board (Operations) and Business Board (Leisure, Car Parks and Markets) be discontinued;
- (iv) the revised political structure be effective from the new Council in May 2007;
- (v) the current requirement for Members serving on the Development Control Committee to attend a minimum attendance threshold of 80% of training events held within a municipal year be extended to all Members wishing to be involved in the Development Control process;
- (vi) that the Monitoring Officer be authorised to make the necessary changes to the Constitution arising from the changes described in (i) to (v) above.

96/06

POST OF CHIEF EXECUTIVE

Consideration was given to a report which advised Members of the resignation of the Chief Executive in order to take up the same position at Slough Borough Council. The report outlined the various matters to be considered as a result.

During discussion, reference was made to:-

- (i) initial discussions by Members nominated to the Working Group that the Council wished to continue progressing at the same speed as now, that they would consider the best solution for the Council, but that no conclusions had been made as yet;
- (ii) attendance at Working Group meetings by Members not on the group. Members were advised that this would depend on the nature of the issue being discussed. For example, if the discussion was on confidential matters such as an interview or terms and conditions, it would be appropriate for Members on the Working Group only to be in attendance. For more general matters, attendance by non Working Group Members may be permissible but was a matter for the Working Group;
- (iii) the various options presented in the report and the preferences expressed by individual Members for a particular option. Members were advised that the process needed resolving in the first instance, including formal establishment of the Working Group. Thereafter, it would be a matter for the Group to thoroughly consider the options in greater detail, as outlined in the report, before reporting back to the Council;
- (iv) the option to appoint a serving Chief Executive of another authority to fulfil both roles on an interim basis. Members were advised that this option had not been proposed with a particular authority in mind and could relate to more than one authority.

RESOLVED

That:-

- (i) A Member Working Group be established in accordance with paragraphs 13 to 15 of the report presented to the Council;
- (ii) The terms of reference for this Group are as set out in paragraphs 16 to 17 of the report presented to the Council;
- (iii) The Member Working Group reports back to Council on 21 May 2007, or earlier, with a recommendation as to the course of action that the Council should take;
- (iv) Group Leaders be empowered to agree the composition of such a Working Group after 4 May 2007 so that any outstanding work can be progressed in advance of Annual Council.

97/06

SETTING OF FEES FOR THE LOCAL LAND CHARGES SERVICE 2007 / 2008

Consideration was given to a report which sought Members' approval for the setting of fees for the Local Land Charges service.

RESOLVED

That the preferred market sensitive fee levels, as set out in the report presented to the Council be approved.

98/06

RISK MANAGEMENT – ANNUAL REPORT

Members considered a report which provided information on risk management activities undertaken since April 2006.

RESOLVED

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

99/06

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 | 14 February 2007 |
| (b) | Development Control Committee | 14 March 2007 |
| (c) | Business Board (Leisure, Car Parks and Markets) | 21 February 2007 |
| (d) | Business Board (Operations) | 21 February 2007 |
| (e) | Scrutiny | 22 February 2007 |
| (f) | Council Tax Setting Panel | 27 February 2007 |
| (g) | Environment Policy Development Group | 6 March 2007 |
| (h) | Personnel Panel | 8 March 2007 |

(i) Executive

8 March 2007

E.109/06 – Information Access Policy**RESOLVED**

That the Information Access Policy as attached as the appendix to the report circulated to the Executive be approved and adopted, together with the fees and charges set out in paragraph 6 of the circulated report subject to a further review on actual costs.

E.111/06 – Street Naming – Naming an Unnamed Road in Stoke Gabriel**RESOLVED**

That the Scheme of Delegations be revised to enable street naming and number requests from residents and / or the Town / Parish Council to be agreed under the delegated authority of the Head of Corporate Services.

E.116/06 – Development Proposals at Kingsbridge**RESOLVED**

That subject to the achievement of satisfactory planning consent being granted:-

- (a) The financial contribution towards the establishment of alternative car parking provision, as set out in the presented report, be approved;
- (b) The Council takes the freehold of the alternative car parking site as set out in the report presented to the Executive; and
- (c) The area of land between Cookworthy Road Car Park and Fore Street Car Park, Kingsbridge, as set out in the presented report, is transferred to the developer or other nominated body for the purposed of creating a link to the town centre from the supermarket.

(j) Standards Committee
Development Group

8 March 2007

(k) Prosperity Policy
Development Group

15 March 2007

SH.44/06 – The Lease of Fundus

RESOLVED

That an exception be made to Standing Orders relating to Contracts in order to instruct Strutt and Parker, specialist surveyors and valuers, to commence negotiations with the Duchy of Cornwall on the basis of the proposed Heads of Terms of Agreement

(Meeting commenced at 2.00 pm and concluded at 4.35 pm).

Chairman