

**MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE  
HELD AT THE GUILDHALL, DARTMOUTH ON TUESDAY, 1 APRIL 2008**

**MEMBERS**

\* Cllr R J Tucker - Chairman

\* Cllr P W Hitchins - Vice-Chairman

∅ Cllr N A Barnes

\* Cllr H D Bastone

\* Cllr B E Carson

\* Cllr T J Hewitt

\* Cllr D W May

\* Cllr M F Saltern

\* Denotes attendance

∅ Denotes apology for absence

Also in attendance at the invitation of the Chairman:  
Cllrs J D Hawkins and J W Squire

Also in attendance but not participating:  
Cllrs K J Baldry, R D Gilbert, F J Hawke and M J Hicks

Officers in attendance:

All Agenda Items: Strategic Director (Community); Senior Engineer, Solicitor and  
Risk and Health and Safety Advisor

**E.114/07 MINUTES**

The minutes of the meeting of the Executive held on 6 March 2008 were confirmed as a correct record and signed by the Chairman.

**E.115/07 MEMBERS IN ATTENDANCE**

It was noted that the following Members were in attendance and participated during the discussion on the under-mentioned item:-

Item 7 (minute E.118/07 below refers) – Cllrs Hawkins and Squire.

**E.116/07 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:-

Cllr H D Bastone declared a personal interest in Item 10: 'Castle Cove, Dartmouth' (minute E.118/07 below refers) by virtue of him being a local Ward Member and remained in the meeting and took part in the discussion but abstained on the vote on this item.

## E.117/07 PUBLIC QUESTION TIME

In accordance with the Executive Procedure Rules, it was noted that one question had been received from a member of the public as follows:-

### Question received from Mr Brian Boughton:

*“Can the Chairman comment on the importance of the Quirk report in matters relating to Asset Transfers to and from local authorities?”*

In response, the Chairman advised that in principle the transfer of Council assets to community groups was supported by the Quirk report. However, any decision to transfer required the Council to satisfy itself that the community group had the capacity to manage the asset and any ongoing liabilities, in particular where there was a potential Health and Safety implication. In essence, the Council needed to take a balanced assessment of the risk.

In asking a supplementary question, Mr Boughton queried whether the Chairman was prepared to give any advice to local community groups in Dartmouth with regard to a possible transfer of Castle Cove and the role of the town council. In response, the Chairman felt that the town council and community groups both had a role to play. It was noted that the issue was ongoing and the Council would carefully consider all aspects of the Quirk report, with its Asset Strategy being updated accordingly.

## E.118/07 CASTLE COVE, DARTMOUTH

Following the Scrutiny meeting of 20 March 2007, at which Members considered the process by which the Executive had come to its decision on ‘Castle Cove, Dartmouth’ (minutes E.105/07 and SC.51/07 refer), the matter was subsequently referred back to this special meeting of the Executive for reconsideration.

Prior to the commencement of this meeting, some Members had attended a site visit of Castle Cove to view the area. Several Members commented that this had been invaluable and had allowed for an evaluation of the issues within the Cove.

During discussion, particular reference was made to:-

- a) the belief that a decision on the matter should be deferred to a future Executive meeting. A recommendation was **PROPOSED** and **SECONDED** which sought to defer making a decision on the issue to a future Executive meeting. It was felt that this recommendation would allow for clarity to be gained upon some of the outstanding issues which had become apparent.

Whilst acknowledging the importance of this issue to Dartmouth (which was reflected in the number of attendees at the meeting) and wishing to support community groups wherever possible, it was felt to be critical to ensure a firm conclusion was obtained from the Council's insurers before a decision was taken;

- b) the insurance company. Officers clarified that the insurance company had been invited by the Council to visit the site, but to date had yet to confirm their attendance. To guarantee that the insurers had everything possible to take into account, Members stated the importance of advising of the proposed engineering solution, and any other alternatives which were available, to re-instate the path to the bathing platform;
- c) the comments of a local Member. In emphasising the importance and beauty of Castle Cove to the community, the Member requested that the Executive keep the issue as a high priority. Whilst acknowledging the difficulties associated with the insurance, the Member stated his wish for every possible alternative to be investigated to ensure the area was re-opened. In response, the Chairman assured those present that the Executive would reach a decision on the matter as soon as was practically possible;
- d) the involvement of Scrutiny. On behalf of Scrutiny, a non-Executive Member considered that the Group had acted correctly in invoking the call-in and felt that the decision could now be taken with all the information available. Whilst welcoming the involvement of Scrutiny, some Members referred to paragraph 9 of the Executive report (as presented to Members). The paragraph made reference to the ability for the decision to be reconsidered, should the findings of the cliff stability review identify any major issues which would influence cost. In hindsight, it was felt that this should have been emphasised in the recommendation of the report. As a consequence, Members requested that in the future, greater clarity be included in report recommendations.

### **RESOLVED**

That a decision on a contribution towards the re-instatement of the path to Castle Cove bathing platform be deferred to a future Executive meeting, in order to allow for outstanding issues to be resolved.

**(NOTE: THIS DECISION WILL BECOME EFFECTIVE FROM 5.00PM ON 10 APRIL 2008 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

(Meeting commenced at 11.00 am and concluded at 11.20 am).

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Chairman