

**MINUTES OF A MEETING OF THE EXECUTIVE
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 4 OCTOBER 2007**

MEMBERS

* Cllr R J Tucker - Chairman

* Cllr P W Hitchins - Vice-Chairman

* Cllr N A Barnes

∅ Cllr D W May

* Cllr H D Bastone

∅ Cllr S L Rankin

* Cllr B E Carson

* Cllr M F Saltern

* Denotes attendance

∅ Denotes apology for absence

Also in attendance at the invitation of the Chairman:

Cllrs K J Baldry, J Brazil, B F Cane, G J Fielden, C M Pannell and J T Pennington

Also in attendance but not participating:

Cllrs J H Baverstock, J I G Blackler, R D Gilbert, T J Hewitt, M J Hicks, R C Steer
and M Stone

Officers in attendance:

All Agenda Items: Strategic Management Team and Public Relations Officer;
Items 7 and 8 (Minutes E.50/07 and E.51/07 below refer) – Head of Planning and
Building Control and Consultant Manager Planning and Building Control;
Item 9 (Minute E.52/07 below refers) – Head of Business Development;
Items 10 and 11 (Minutes E.53/07 and E.54/07 below refer) – Head of Landscape
and Leisure;

Item 12 (Minute E.55/07 below refers) – Head of Financial Services;
Item 13 (Minute E.56/07 below refers) – Community Development Officer.

E.46/07 MINUTES

The minutes of the meeting of the Executive held on 6 September 2007 were confirmed as a correct record and signed by the Chairman.

E.47/07 MEMBERS IN ATTENDANCE

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

Items 7, 9, 10, 12 and 13 (minutes E.50/07, E.52/07, E.53/07, E.55/07 and E.56/07 below refer) – Cllr Pannell;
Items 7, 9, 12 and 13 (minutes E.50/07, E.52/07, E.55/07 and E.56/07 below refer) – Cllr Pennington;
Items 7, 10 and 13 (minutes E.50/07, E.53/07 and E.56/07 below refer) – Cllr Fielden;

Items 9 and 12 (minutes E.52/07 and E.55/07 below refer) – Cllr Brazil
Items 11 and 17(a) (minutes E.54/07 and E.60/07(a) below refer) – Cllr Baldry;
Item 11 (minute E.54/07 below refers) – Cllr Cane.

E.48/07 **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 B F Cane declared a personal interest in Item 11: 'Yealm Estuary Environmental Management Plan 2007-11' (Minute E.54/07 below refers) by virtue of him owning adjoining farmland to the Estuary and remained in the meeting and took part in the discussion thereon.

E.49/07 **PUBLIC QUESTION TIME**

In accordance with the Executive Procedure Rules, it was noted that two questions had been received from members of the public as follows:-

Question received from Mr Rogers:

"What form of consultation, in what time frame, is intended for the matter of preventing people from sitting on the plinth of the tree at the front of Totnes Market Square?"

In response, the Deputy Leader advised that there were no works currently planned around the tree in the Market Square. Should any works be proposed in the future - either specifically to the tree or as part of more comprehensive works within the Market Square - then these would be subject to public consultation.

Question received from Mr Burn:

"I understand that £15,000 was put into the budget at the beginning of the year for a Climate Change Officer, who was to be shared with Teignbridge DC, why has (s)he not yet been appointed?"

In response, the Deputy Leader advised that Mr Burn was correct. During spring 2007, the Council agreed a one-off sum of £15,000 to fund a shared Climate Change Officer post with Teignbridge for a year. If the post could be proved to be self-financing from cost savings which arose from reducing the Council's carbon footprint, it was suggested that the funding could be continued on a more permanent basis, subject to consideration of other budget pressures.

After the budget was agreed there were a number of changes at Teignbridge District Council which resulted in the proposal being put on hold. In the circumstances, the Council was currently using some of the budget to pay an Officer at Teignbridge to help us carry out some preliminary work to assess our carbon footprint.

Very recently informal discussions with officers at Teignbridge had indicated a renewed interest in our original proposal of a shared post to focus on carbon management within our two authorities. Both Councils would consider a proposal as part of their overall budget discussions later this year.

E.50/07 **USE OF PLANNING DELIVERY GRANT**

Members considered a report which sought agreement as to how the Planning Delivery Grant (PDG) for 2007/08 should be spent. The report stated that by spending the PDG as was recommended (Appendix 1 of the presented report refers) should fulfil the purpose of this Government initiative to improve efficiency (i.e. investment in Information Technology) and also meet growing demands on the service.

In introducing the report, the lead Executive Member **MOVED** an amendment whereby delegated responsibility be granted to the Strategic Director (Community), in consultation with the lead Executive Member, to spend the grant. This amendment was subsequently **SECONDED**.

In discussion, particular reference was made to:-

- (a) a tabled paper highlighting 2005/06 Audit Commission statistics for comparative local authorities. The Head of Planning and Building Control provided detail on these statistics to those in attendance. The comparative assessment indicated high case loads for Development Control officers and low staff costs. Officers concluded that the service was high performing, as shown by national indicators, and relatively cost effective. However, it was noted that capacity problems had created issues in meeting customer expectations. A Member expressed frustration that the information was collected inconsistently across local authorities which made it difficult to make comparisons and felt that representations should be made to the Audit Commission to standardise the statistics;

- (b) the wish for existing temporary contract posts to be made permanent. In light of some Members expressing this wish, the Head of Planning and Building Control summarised the case for the customer service assistants to become permanent. With regard to the Development Control Officer posts, the difficulty of allocating sufficient resources to meet demand was noted. However, the appointment of two posts would result in each officer having a caseload of approximately 170 cases per annum;
- (c) non-staffing related costs. In accepting that staff costs for development control were relatively low, a Member felt that other costs were comparatively high for other aspects of the wider planning service. It was anticipated that some costs within Development Control would continue to be addressed during the ongoing process review (Minute E.51/07 below refers);
- (d) the apparent lack of understanding of work pressures. In response to expressed concern, the Chairman of the Development Control Committee advised that this related to stakeholders outside of the Council, who were unaware of the pressures on the service. The Chairman felt it was the role of Members to highlight these pressures to their respective communities;
- (e) the transfer of work into the Customer Services Unit (CSU). A Member questioned why no work had been transferred into the CSU to date. In response, it was noted that it was felt appropriate to wait until the Revenue and Benefits service had been transferred before reviewing whether aspects of the development control service could be moved across. A number of non-Executive Members felt it would be a retrograde step to transfer the Customer Services Assistants into the CSU, as they worked so closely with the Development Control Officers;
- (f) strategic growth. Due to the levels of future strategic growth planned for the South Hams (e.g. Sherford and Langage), officers advised that a bid was being made to access external funding sources through a New Growth Point designation;
- (g) pre-application advice. Members welcomed the proposal to charge for pre-application advice on major schemes. A non-Executive Member expressed the view that with the aid of officer advice, significant profits were being made by landowners and developers and the suggestion of a £1,000 charge should therefore be increased further.

RESOLVED

1. That the Planning Delivery Grant for 2007/08 be spent within the forward planning and development control areas of planning; and
2. That the principle of the funding proposals (as detailed in the presented report) be agreed and delegated responsibility be granted to the Strategic Director (Community), in consultation with the lead Executive Member, to ensure the grant be spent on a best value for money basis to support planning services, taking account of any future outcomes from consideration of the 2008/09 budget, and opportunities that may be provided to offset pressures through successful external funding bids.

E.51/07 UPDATE ON THE DEVELOPMENT CONTROL PROCESS REVIEW

A report was considered which updated Members on the following issues:

- the process undertaken within Development Control in order to identify where savings and improvements in the service could be achieved;
- the investment in ICT necessary to enable these savings and improvements to be realised; and
- where improvements had already taken place and the implementation of the remaining identified improvements.

Members welcomed the comments of officers in advising that the staff within the service had embraced this review.

RESOLVED

That the progress made on the action plan for implementing the process review be noted.

E.52/07 CIVIL PARKING ENFORCEMENT

A report was considered which advised of the Police officially withdrawing traffic warden services on 1 April 2008. The report sought agreement, in principle, to a three district partnership of South Hams, West Devon and Teignbridge to work with Devon County Council to manage Civil Parking Enforcement (CPE) in the South Devon and Dartmoor area, as soon as was possible after the withdrawal date.

The proposals were seen to be a positive opportunity to work on a two-tiered partnership approach for a standardised parking service through shared services. In addition, the proposals offered an opportunity to ensure that authorities at district level would have a future role in helping to manage parking services within local communities throughout the South Devon and Dartmoor area.

During discussion, the following points were raised:-

- (a) It was noted that West Devon and Teignbridge had already, in principle, agreed to the proposals. In addition, a report was to be considered at Devon County Council in November 2007;
- (b) Some Members expressed their alarm at the short timescale proposed. In response, officers advised that there were indications that the Police may move the suggested withdrawal to a later date but that an update report would be presented back to the Executive in due course;
- (c) In supporting the proposals, a Member considered the partnership arrangement as an example of an improved working relationship between Devon County Council and the district councils;
- (d) In acknowledging that this was an in principle agreement, some Members stated a number of associated concerns with the presented report which included:
 - the gap in timescale, with the changes not realistically being completed by May 2008;
 - the lack of financial information and a lack of recognition as to where the IT capital and increased staffing costs were likely to derive from.

Whilst accepting these concerns, officers advised that the decriminalisation of the operation was a national decision, which resulted in the Police having no future role in the process. The District Councils were working together with Devon County Council to find a solution. Members felt it was a high risk strategy to opt out of the partnership and would be to the financial detriment of both the Council and its residents;

- (e) The comment was made that to increase the local management of the operation should be welcomed. Furthermore, it was noted that income generated from the scheme would be able to be utilised by the Council, as system operators.

RESOLVED

That an approach to Civil Parking Enforcement in partnership with West Devon and Teignbridge District Councils and Devon County Council be proceeded with, in principle, subject to further details on any outstanding matters and the financial arrangements.

E.53/07

ADOPTION OF SOUTH HAMS PUBLIC SPACE STRATEGY – ‘SPECIAL PLACES AND ACTIVE SPACES’

Members considered a report which ultimately sought agreement to the adoption of the revised South Hams Public Space Strategy and Action Plan following consideration by the Public Spaces Working Group and the Community Policy Development Group (minute CPDG.13/07 refers).

If adopted, it was noted that the strategy would guide public space management by the Council in work on Council land and in work with partners, which set out clear objectives and work priorities both on and off Council-owned land.

The report concluded that following a widespread consultation exercise, the South Hams Public Space Strategy had been reviewed and refined. In light of the response received and Member consideration, the Strategy had been updated and was now supplemented with an Action Plan which set out principal tasks for the Council and its partners in delivering public space management over the next five years.

During discussion, the following points were raised:-

- (a) A Member questioned how it was possible to improve sports facilities in an area where there was no land available to deliver such aspirations. In response, officers advised that the document was strategic and sought to attain a high standard of provision across the district. Officers also highlighted that the document identified a number of current deficiencies and whilst land or funding may not currently be available, any opportunities (e.g. should a willing landowner come forward or opportunities to access funding arose) could be lost if long standing proposals were removed from the document. Members were also informed that the sports agenda was likely to be added to the Local Area Agreement, which provided the chance for access to countywide funding. In accepting the point, a Member felt that to reflect long standing proposals which had proved impossible to implement, an increased focus on these projects should be added to the Action Plan;

- (b) The need for a consistent approach to public space throughout the district was highlighted. Some Members made reference to the variations in public space management and maintenance between town and parish councils in the South Hams. The view was expressed that it was currently unfair for some town and parish councils to be very pro-active and take on responsibility for parks and open spaces within their areas, whereas others were content for the district council to take the lead.

RESOLVED

1. That Members have considered the final Public Space Strategy document and Action Plan, along with any comments expressed by the Community Policy Development Group (minute CPDG.13/07 refers);
2. That Council be **RECOMMENDED** to adopt the Public Space Strategy and Action Plan.

E.54/07

YEALM ESTUARY ENVIRONMENTAL MANAGEMENT PLAN 2007-2012

The Executive considered a report which sought its approval for the revised Environmental Management Plan for the Yealm Estuary.

The special nature and environmental designations of the Yealm Estuary gave the Council a statutory responsibility to promote the sustainable environment management of the Estuary. The report advised that this could be achieved through the Management Plan and the partnership work of the Yealm Estuary Management Group.

During discussion, the following points were raised:-

- (a) It was noted that the management plan was not the sole responsibility of the Council and there was a need for a number of other key agencies (e.g. the Environment Agency) to also sign up to the partnership agenda;
- (b) Local Members expressed their deep concerns that the Sherford and Langage proposals would have a detrimental impact on the Estuary. It was requested that these concerns be reported back to the Yealm Management Group, via the Council's appointed representative on that body.

RESOLVED

That the revised Environmental Management Plan for the Yealm Estuary be adopted.

E.55/07 REVENUE BUDGET MONITORING 2007/2008

Members considered a report which enabled them to monitor income and expenditure variations against the approved budget for 2007/2008.

In conclusion, the report made reference to the significant budget pressures that had been identified in relation to Waste Management which the Council faced. To help minimise any net overspend, the Operations Service, together with all Heads of Service, had been requested to reduce their expenditure by critically examining all budgets.

In discussion, reference was made to:-

- (a) the reduction in car parks income. Whilst a Member advised that this could be attributed to a downturn in visitor numbers during the tourist season, the point was also raised that the Council should not be overly reliant upon its car parks to supplement its income. A non-Executive Member also expressed the view that the charges may have reached their saturation point and as a consequence, usage was declining amongst both residents and visitors;
- (b) the additional income generated in staff savings. For clarity, officers advised that the income was a net total after taking into account the employment of agency and consultancy staff. In response to concern raised regarding the possible impact on other staff and the performance of the Council through these staff savings, a Member stated that the saving was often generated through the time lag between a staff leaver and a new recruit starting;
- (c) the reduction in income from housing benefits. It was noted that due to high levels of staff sickness, an increased number of errors had occurred which had directly resulted in the loss of government subsidy. In response to a question, officers informed that they had recognised the need to reduce these errors by employing some temporary staff and re-allocating duties but the levels of expertise required was such that there was still a loss of grant;
- (d) the additional investment income. In response to a question, officers advised that the previous budgetary decision to pay the outstanding debt to the pension fund in one lump sum had resulted in savings to the Council of over £200,000 per year. Officers agreed to provide a detailed breakdown on this information to an interested Member;

- (e) the significant increase in waste management expenditure. Whilst not wishing to underplay the seriousness of the overspend and stressing the importance of resolving the issue as soon as was practically possible, the Chairman advised that this was a monitoring report and he wished for detailed discussion on this matter to take place at the Environment Policy Development Group (EPDG) meeting on 31 October 2007. Nonetheless, the Chairman did advise that due to an enforced change to the membership of the Executive, he was intending that the newly appointed Member be given specific responsibility to take the lead on this issue. A non-Executive Member stated the belief that a Working Group should be set up. In response, the Chairman advised that the EPDG was to look at the issue and once the new Executive Member was in position, he would be making regular progress updates via the Members Bulletin and frequent contact would be made with the Leader of the minority groups.

RESOLVED

That the forecast income and expenditure variations for 2007/2008 financial year be noted;

E.56/07

MONITORING OF SERVICE LEVEL AGREEMENTS: SOUTH HAMS COUNCIL FOR VOLUNTARY SERVICE INCLUDING THE SOUTH HAMS VOLUNTEER CENTRE AND SOUTH HAMS CITIZENS ADVICE BUREAU

A report was considered which reviewed the 2006/07 operation of the Service Level Agreement between South Hams Council for Voluntary Service (CVS) and its core funders, South Hams District Council (SHDC), Devon County Council (DCC) and Devon Primary Care Trust (PCT), which included the operation of the new Volunteer Centre project. Under the terms of the SLA (minute E.175/01 refers), approval was also sought to roll forward the current 3-year SLA for a further year, thereby covering the period to 2010/11.

The report also reviewed the 2006/07 operation of the SLA between South Hams Citizens Advice Bureau (CAB) and its core funders, SHDC and DCC.

The security and funding provided by the SLA to the CVS and CAB helped to ensure that the organisations could develop and make a sustained contribution to the voluntary and community sector groups, community life and to the most vulnerable and/or isolated individuals in the South Hams.

Members made reference to the excellent service provided by these agencies. It was felt that the services provided excellent value for money and the Council needed to show its continued support to these agencies.

RESOLVED

- (i) That the progress report on the operation of the SLA with the CVS, including the delivery of the Volunteer Centre, be noted;
- (ii) That the rolling forward by one year of the SLA funding for the CVS (to cover the year commencing 1 April 2010) be approved;
- (iii) That the progress report on the operation of the SLA with the CAB be noted; and
- (iv) That the SLA funding for the CAB (to cover the period 1 April 2008 to 31 March 2009) be approved.

E.57/07 PURCHASE OF AIR QUALITY MONITORING EQUIPMENT – LANGAGE ENERGY CENTRE

Members considered a report which sought approval to waive standing orders to purchase the air quality monitoring equipment from the Council's existing provider, without going out to tender.

The report highlighted numerous operational benefits to the Council which justified purchasing the new equipment from the existing supplier.

RESOLVED

That Financial Instructions be waived for the procurement of the Air Quality Monitoring Equipment.

E.58/07 BATSON SLIPWAY PONTOON

Members considered a report which informed them of the action taken by the Chief Executive, in consultation with the Leader, to use urgent powers within the Scheme of Delegation to suspend Standing orders relating to Contracts in awarding an extension of a contract to carry out works in respect of Batson Slipway Pontoon (SHB.31/07 also refers).

Members were assured that the urgent powers of the Chief Executive were not taken lightly. However, in view of the marine construction contractor being already on site for other works, it was felt appropriate to advance this project in order to make a significant saving.

RESOLVED

That the authorised urgent action undertaken in respect of the suspension of standing orders in awarding the Batson Slipway Pontoon contract be approved.

E.59/07

EX COUNCIL HOUSE SALE – REQUEST BY PROSPECTIVE BUYERS FOR CONSENT TO PURCHASE EX COUNCIL HOUSE WITHOUT COMPLIANCE WITH THE THREE YEAR RESIDENCY / WORK IN DEVON REQUIREMENT

The Executive considered a report which notified of a request received by prospective buyers of an ex-Council house in the South Hams who did not meet the usual residency and/or work status criteria of having lived or worked in Devon for three years. Nevertheless, the prospective buyers have sought the consent of the Council to proceed with such a purchase based on exceptional grounds.

The report concluded that by granting consent to the request of the applicants, the Council could be seen to be receptive of and responsive to genuine cases of exceptional circumstances and was reactive to the exercise of its discretion. Any consent granted by the Council to this request would only apply to the current applicants and the sale to them would include terms preserving the restriction on the property for the future.

RESOLVED

1. That the Head of Corporate Services (in consultation with the lead Executive Member for Housing and the Heads of Community Regeneration and Property Services and the Affordable Housing Manager) be given delegated authority to approve an application by the named individuals to purchase an ex-Council house in the South Hams (based on the circumstances as detailed in the exempt appendix 1 of the presented report);
2. That Council be **RECOMMENDED** to amend the Scheme of Delegation to make provision for the Head of Community Regeneration (or such senior advisor with responsibility for the housing function), in consultation with the leader of Council and lead Executive Member, to have authority to approve an application for the sale to purchasers who do not meet the usual residence and / or work status criteria, in cases of exceptional circumstances.

E.60/07 **REPORTS OF OTHER BODIES****RESOLVED**

That the following be received and that any recommendations contained therein be approved:

a) Scrutiny – 20 September 2007**SC.18/07 Section 106 Agreements – Value for Money****RESOLVED**

1. That the Section 106 register (as outlined in Appendix 1 of the agenda report) be amended to more reader friendly and understandable to interested parties, with planning obligation being transparent and predictable;
2. That the best practice used by other authorities be commended and the implementation of such working methods be encouraged, in instances where officers identify them as being beneficial to the Council;
3. That a formula based approach for calculating Section 106 contributions be encouraged as far as is practically possible;
4. That, with the onus being on self-financing, the staffing proposals (as outlined in paragraph 11 of the presented report) be implemented at the earliest opportunity possible;
5. That a report be brought back to the Executive at the earliest opportunity possible on the matter of Section 106 Agreements for Sherford;
6. That in the future, for any development on the urban fringes of the South Hams, any Section 106 monies should be sought to be spent in the South Hams as far as is practically possible.

b) Community Policy Development Group – 27 September 2007

1. **CPDG.10/07: Delivery of South Hams Sustainable Community Strategy Action Plan – First Annual Update**

RESOLVED

That the Executive note that the Community PDG has considered the progress made on the Action Plan and notes its comments (as recorded in the minutes of that meeting).

2. **CPDG.11/07: Housing Green paper – July 2007 – ‘Homes for the Future: More Affordable, More Sustainable’**

RESOLVED

That the Executive note that the Community PDG has considered the content of the Green Paper and notes its comments (as recorded in the minutes of that meeting).

3. **CPDG.12/07: Affordable Housing Delivery and Policy Position**

For clarity, an amendment to the recommendation of the Group was **MOVED** and **SECONDED** and on being put to the vote, was declared **CARRIED**.

RECOMMENDED

That Council be **RECOMMENDED** that officers:-

- a) continue to work to progress the targets and thresholds set out in the adopted and emerging South Hams LDF documents;
- b) continue to negotiate for departure sites on the basis of obtaining as high a proportion of affordable housing as possible taking account of the policies set out in the adopted and emerging Local Development Framework documents.

4. **CPDG.13/07: Public Spaces Strategy – Notes of the Public Spaces Working Group – 20 September 2007**

(NOTE: this recommendation was considered under Item 10 earlier on this agenda (Minute E.53/07 refers)).

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.53/07 (PART 2), E.59/07 (PART 2) AND E.60/07 (PART 3) WHICH ARE RECOMMENDATIONS TO THE FULL COUNCIL MEETING ON 15 NOVEMBER 2007, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 15 OCTOBER 2007 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 12.05 pm).

Chairman