

**MINUTES OF A MEETING OF THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 5 MARCH 2009**

MEMBERS

* Cllr R J Tucker - Chairman

* Cllr P W Hitchins - Vice-Chairman

* Cllr N A Barnes

* Cllr M J Hicks

* Cllr H D Bastone

* Cllr M F Saltern

* Cllr B E Carson

* Denotes attendance

Also in attendance at the invitation of the Chairman:

Cllrs K J Baldry, J I G Blackler, J Brazil, R J Carter, R D Gilbert, J D Hawkins,
M J Howarth, R M Lawrence, D M O'Callaghan, J T Pennington, J W Squire and
A Ward

Also in attendance but not participating:

Cllrs B F Cane, G J Fielden, D W May, R C Steer and M Stone

Officers in attendance:

All Agenda Items: Chief Executive, Strategic Director (Community),
Chief Accountant, Monitoring Officer, and Member Support Services Manager;
Items 8, 9 and 10 (Minutes E.110/08, E.111/08 and E.112/08 below refer) –
Community Development Officer; and
Items 11, 12, 13, 14, 15 and 16 (Minutes E.113/08, E.114/08, E.115/08, E.116/08,
E.117/08 and E.118/08 below refer) – Head of Landscape and Leisure.

E.104/08 MINUTES

The minutes of the meeting of the Executive held on 22 January 2009 were confirmed as a correct record and signed by the Chairman.

E.105/08 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, 8, 9, 13, 14 and 16 (Minutes E.109/08, E.110/08, E.111/08, E.115/08, E.116/08 and E.118/08 below refer) – Cllr Brazil;

Items 7, 8, 11, 12, and 16 (Minutes E.109/08, E.110/08, E.113/08, E.114/08 and E.118/08 below refer) – Cllr Pennington;

Items 7, 9 and 10 (Minutes E.109/08, E.111/08 and E.112/08 below refer) – Cllr Baldry;

Items 8 and 12 (Minutes E.110/08 and E.114/08 below refer) – Cllr Ward;

Items 9, 10, 12 and 16 (Minutes E.111/08, E.112/08, E.114/08 and E.118/08 below refer) – Cllr Squire;

Items 9 and 16 (Minutes E.111/08 and E.118/08 below refer) – Cllr Howarth;
Item 9 (Minute E.111/08 below refers) – Cllr Hawkins;
Items 10 and 15 (Minutes E.112/08 and E.117/08 below refer) – Cllr Lawrence;
Item 10 (Minute E.112/08 below refers) – Cllr Blackler;
Item 13 (Minute E.115/08 below refers) – Cllr Carter;
Item 14 (Minute E.116/08 below refers) – Cllrs Gilbert and O’Callaghan.

E.106/08 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

E.107/08 URGENT BUSINESS

The Chairman advised that he had agreed for two urgent items to be raised at this meeting. It was noted that the first item related to the ‘EU Interreg Funding Programme’ and was considered urgent due to the requirement of the Scheme of Delegations to report any emergency action undertaken by the Chief Executive to the next ‘reasonably practicable’ Executive meeting. It was agreed that this matter would be considered as Item 3(a) below (minute E.107/08(a) refers).

Members were informed that the second urgent item related to the minutes of the Environment Policy Development Group meeting held on 25 February 2009. The Chairman confirmed that these minutes were considered urgent in light of the recommendation contained within these relating to the adoption of the South Devon and Tamar Valley Area of Outstanding Natural Beauty Management Plans requiring approval before a deadline of 31 March 2009. It was agreed that this matter would be considered as Item 3(b) below (minute E.107/08(b) refers).

(a) EU Interreg Funding Programme: Sustainable Landscapes

Consideration was given to a report which sought to note the urgent action exercised by the Chief Executive in signing a partnership agreement for the Area of Outstanding Natural Beauty (AONB) Unit to take part in a collaborative project programme, which was part funded by the EU Interreg programme. This urgent action was undertaken as a matter of urgency in order to meet an application deadline.

RESOLVED

1. That the urgent action undertaken by the Chief Executive to enter into a partnership agreement for the AONB Sustainable Landscapes project be noted; and
2. That authority be delegated to the Head of Landscape and Leisure to supervise the agreement on behalf of the South Devon AONB partnership and administer the project and its funds.

(b) Reports of Other Bodies: Environment Policy Development Group – 25 February 2009

EPDG.15/08 Review of Food Safety Plan

RESOLVED

That the Food Service Safety Plan be approved.

EPDG.16/08 South Devon and Tamar Valley Areas of Outstanding Natural Beauty (AONB) Management Plans

RESOLVED

That the Management Plans for both the South Devon and Tamar Valley Areas of Outstanding Natural Beauty be approved and adopted.

E.108/08 PUBLIC QUESTION TIME

In accordance with Executive procedure rules, it was noted that two public questions had been received as follows:-

1. Question received from Dave Mitchell

'Can the Executive confirm that Councillors will be entitled to discuss and endorse the contents of the forthcoming DPD consultation document before it is submitted for public consultation?'

In response, the Chairman advised that it was anticipated that the next round of Development Plan Documents proposed for public consultation would be formally considered by all Members at the Council meeting scheduled for 26 March 2009, prior to any future publication taking place. In advance of this Council meeting, there had been a number of Member briefings to which all Councillors had been invited. The briefings were not formal decision making meetings, but were opportunities for Members to gain a better understanding of the key issues that needed to be considered prior to any decisions being made on how to progress.

In reply to a supplementary question from Mr Mitchell, the Chairman gave assurances that all Members would have been fully consulted upon all suggested sites prior to the item being considered by Council at its 26 March 2009 meeting. Furthermore, it was noted that this report would be an additional phase in the DPD consultation process, prior to re-consideration during the second consultation stage, which was presently scheduled to be presented during autumn 2009.

2. Question received from Louis Victory

'In light of the Quirk Review and the White Paper 'Communities in Control', should the Asset Strategy give priority to offering disposable publicly-owned property to the community, wherever properly constituted community bodies with sound business plans can effect regeneration through projects such as Community Land Trusts for affordable housing?'

In response, the Chairman informed that as part of the Council's Asset Strategy, the Council regularly reviewed its portfolio. The Strategy included our approach in relation to retention, disposal and transfer of assets. In addition, the Council would be considering an update to the Strategy later in our agenda this morning and it was anticipated that the Council would shortly be offering a range of assets for possible ownership or management by local communities through Town and Parish Councils. However, the Council was also aware of the Quirk Review and the potential opportunity for directly transferring assets to community groups as referred to in Mr Victory's question. Central Government was intending to produce a range of supporting information and good practice guidance about this issue through the Asset Transfer Unit. The Council would review and update the Asset Strategy as and when the guidance was published and initiatives from the community emerged.

E.109/08 LOCAL GOVERNMENT REVIEW – ORAL UPDATE

As an update, the Strategic Director (Community) outlined the current proposed timetable for the Review. In his presentation, particular reference was made to:-

- the outcome still being awaited from the East Devon District Council appeal. Members were informed that this court case had been considered on 20 and 21 February 2009. Depending on the outcome, it was possible that the Review timetable could be amended further;
- the current assumption that the Boundary Committee would publish its draft recommendations by 19 March 2009. The Boundary Committee had confirmed that all submitted options would be reconsidered prior to publication (including the Rural South Devon and Dartmoor option), but it would not be considering any further financial information;
- the intention for the consultation period on these draft recommendations to run until 14 May 2009 and thus avoiding any clashes with the Devon County Council election period;
- the final report being presented by the Boundary Committee to the Secretary of State on 15 July 2009. It was noted that this date had interesting implications, in that the parliamentary summer break was due to commence on 21 July 2009, yet the Secretary of State could not make a decision before 26 August 2009 (statutory six week timescale). The summer break was due to conclude during mid October 2009, which would result in the Secretary of State not being able to make any orders before late October 2009 at the very earliest. Therefore, it was envisaged that the earliest start date for any new governance arrangements in Devon would not be until April 2011.

In discussion on this update, the following points were raised:-

- (a) A number of Members expressed their disquiet and dismay at the shambolic way in which this whole exercise had been managed. Moreover, a Member stated that it was his impression that the Boundary Committee and government seemed to be in disagreement with one another with regard to who was culpable;
- (b) On the matter of potential savings to be generated, Members were informed that the Boundary Committee appeared to be currently contemplating exactly how much emphasis it should apply to this factor when making its recommendations;
- (c) A Member queried the amount of expenditure spent throughout Devon on this process and highlighted that this was to the detriment of local residents. Whilst it was a significant amount, officers confirmed that there was no clear idea of total expenditure spent to date across the county. In addition, reference was also made to the considerable time spent by both officers and Members on this matter;
- (d) A non-Executive Member felt that this delay was beneficial to the South Hams and he remained in the hope that this proposed reorganisation would recede;

- (e) In stressing the importance of obtaining a swift outcome to this exercise, a non-Executive Member believed that the ongoing delay was detrimental to local government in Devon and was seriously affecting strategic decision-making.

E.110/08

CAPITAL PROGRAMME – ‘INVESTMENT IN THE COMMUNITY’ INITIATIVE GRANT AWARD PROCESS

Members considered a report which sought approval for a process to formulate the grant award arrangements for significant community based projects in the district through the ‘Investment in the Community’ Initiative, as suggested by the Member Task and Finish Group.

In introducing the report, the lead Executive Member for Community Affairs **MOVED** an additional recommendation relating to the proposed deadline for applicants to bring forward their project proposals. The Member felt that a number of applicants had already submitted proposals and were awaiting an outcome. Therefore, it was his belief that the deadline should be brought forward to 31 May 2009, in order that the assessment panel could sit during June 2009, with notifications being released during July 2009. This addition was subsequently **SECONDED** and when put to the vote was declared **CARRIED**.

In discussion, reference was made to:-

- (a) the importance of project proposals acquiring match funding and the final decision being Member driven. In welcoming the proposed expenditure, a number of Members felt that inclusion of these two factors was particularly critical;
- (b) the proposal to downgrade the emphasis given to Climate Change. A Member Champion for Climate Change and Sustainability made reference to the onus given to Climate Change during the Community Grant Fund process and expressed her concern at the proposal to reduce the comparative weighting applied under this system. The Member reminded those present that Climate Change was a Council Cross-Cutting theme and such a downgrade was transmitting the wrong message to the community.

In contrast, other Members made reference to the feedback obtained from residents and town and parish council representatives during the budget consultation process and the outcomes from the recent Place Shaping Survey. In the current economic situation, findings gathered from these sources suggested that Climate Change should be low on the overall list of priorities;

- (c) the importance of giving adequate weighting to the economic benefits. In light of the current global situation, a non-Executive Member felt that the economy was of paramount importance and must be given high priority when proposals were being assessed.

RESOLVED

- i) That the grant award arrangements for significant community based projects in the district taking account of the issues outlined in this report be approved;
- ii) That approval be given to the setting up of a Member task and finish group; to both assess the grant applications submitted, and recommend awards for significant community based projects in the district to the Executive; and
- iii) That the deadline for applicants to bring forward their project proposals be brought forward to 31 May 2009.

E.111/08 SUSTAINABLE COMMUNITY LOCALITY FUND

A report was considered which sought agreement to establish procedures for a Sustainable Community Locality Fund. It was noted that such a locality budget would strengthen the Council's commitment to supporting communities in achieving its overall aim 'to improve the well-being of the people of the South Hams' whilst contributing to Council priorities and commitments.

It was stated that a locality budget would provide each Member with the ability to support projects and activities that would meet a local priority. In turn, this enabled Members to engage in local community initiatives and would potentially strengthen the community leadership role.

In discussion, the following points were raised:-

- (a) As it was proposed that the Executive be in receipt of an annual report outlining how the locality fund had been used in each ward, Members sought deletion of reference in the different stages to all project application forms being '*placed upon the next Executive agenda*' (as outlined on page 13 of the report presented to Members);
- (b) In response to a question, officers stated that the locality fund could not be used to support any commercial organisations. However, there were a number of other mechanisms that could potentially help to support community facilities (such as a village public house). In addition, the Council was tasked under the Sustainable Communities Act to present proposals to the government (via the local Government Association) and it was possible that one such proposal could include reference to support for community facilities;
- (c) Members welcomed the proposed light touch of the approval process and the relative simplicity of the grant proposal form and explanatory guidance notes;

- (d) With regard to no grants being agreed during the 'purdah' period of the elections (i.e. the date from the publication of the Notice of Election to the Election itself), a number of Members felt that this should also apply during Devon County Council elections. As a consequence, a motion to this effect was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**. In addition, Members also agreed that grant applications could not be considered during the 'purdah' period, but any grants previously agreed could be paid.

RESOLVED

- a) That the principles and procedures for governing the application for, and use of, the Sustainable Community Locality Fund, providing each Member £1,000 to spend within their Ward, be approved;
- b) That delegated authority be granted to the Head of Community Regeneration to approve payment of a grant where the submission accords with the agreed procedures;
- c) That delegated authority be granted to the Strategic Director (Community), in consultation with the Leader, to refuse payment of the grant if the suggested payment does not accord with the agreed procedures;
- d) That Members be in receipt of an annual report from the Head of Community Regeneration outlining how the locality fund has been used in each ward;
- e) That delegated authority be granted to the Head of Community Regeneration to finalise the detailed wording of the required forms and guidance notes;
- f) That during the 'purdah' period of the elections, grants previously agreed be paid. However, any existing Devon County Council Members, or those standing to become a County Council Member, will also be expected to observe the 'purdah' period (where applications for grant funding will not be assessed) in respect of County Council elections.

E.112/08

LANGAGE SECTION 106 AGREEMENT – GRANT FUND

The Executive considered a report which sought its approval for the grant award process.

Members noted that the funding stream would provide an opportunity for communities to access small grants to deliver a range of grass-roots projects that would help mitigate the impact of the Energy Centre development. Moreover, it would also provide a capacity building role for the Langage Liaison Group (LLG), promoting skills and developing networks for the benefit of the wider community in the future.

In discussion, reference was made to:-

- (a) the LLG. To provide additional impetus, some Members stated their view that the composition of the LLG required revisiting. It was therefore requested that representations be made to Centrica to reconsider the makeup of the LLG;
- (b) the sum of £100,000. A non-Executive Member felt that this sum was pretty minimal, especially when considering the size of the development. In response, officers informed that significant S106 monies had also been allocated for issues including transport and landscape impact mitigation and this £100,000 was ringfenced solely for matters arising from the direct consequences of the development on those local communities affected. In light of the development being sited in the South Hams, the Member also questioned the involvement of Plymouth City Council. The lead Executive Member replied that the fund would be managed by South Hams District Council, however there were parishes which were also directly affected by the development, which were located within the Plymouth area;
- (c) the notification process. To ensure affected parish councils and local Members were kept informed when the Grant Fund was implemented, it was agreed that Grant Assessment guidance notes would be provided to these parties;
- (d) the proposed limit of £2,000 per grant. Members were informed that the LLG had suggested this limit. However, the criteria did state that this limit would 'generally be the rule' and there was therefore an opportunity for grant awards above this amount to be awarded. Furthermore, if this limit was found to be too low, it could be reviewed at any time.

RESOLVED

That the Langage Grant Fund assessment and awards process, including delegated authority for the Strategic Director (Community) to approve grants up to £5,000, in consultation with the Leader of the District Council and the appropriate local ward Member(s) for South Hams or Plymouth be approved.

E.113/08 ASSET STRATEGY

A report was considered which presented the Council's draft Asset Strategy 2009. It was stated that the Asset Management Group had been closely engaged in its development and fully supported it being approved.

In discussion, reference was made to:-

- (a) A Member stated his support for the revised protocol on accepting donations of land for such purposes as public open space etc. The Member welcomed the shift in responsibility on to the landowner and/or developer to manage such assets, rather than looking to the Council to assume ownership;
- (b) The financial implications of property disposals in the current economic climate was highlighted. Officers stated that disposal strategies were being closely monitored. As a consequence, it was highly unlikely that disposals would be conducted in the current market, unless there was a particularly clear and justifiable business case to the contrary.

RESOLVED

That the Asset Strategy 2009 be approved.

E.114/08 CARBON MANAGEMENT PROGRAMME

Consideration was given to a report which advised Members of the Council's inclusion in the Local Authority Carbon Management Programme run by the Carbon Trust. The report also sought approval for the Carbon Management Plan and noted that effective carbon management was essentially concerned with reducing our expenditure on fuel and energy. It was intended that the Plan would set out how the Council would achieve the target reduction in carbon, whilst benefiting from the financial savings.

In presenting the report, the lead Executive Member for a Clean Environment sought an addition to the recommendation. The addition was sought whereby the Head of Property Services be granted delegated authority, in consultation with the lead Executive Member, to finalise the details of the Plan, prior to its publication. This amendment was **MOVED** and **SECONDED** and on being put to the vote was subsequently declared **CARRIED**.

In discussion, the following points were raised:-

- (a) In respect of the Graph in the Plan relating to the potential financial savings generated (page 78 of the presented agenda report refers), Members sought clarity regarding its accuracy. In response, officers stated that they would investigate this apparent inaccuracy and advise interested Members accordingly;
- (b) It was confirmed that carbon levels arising through waste and lighting were continually borne in mind by officers and in relation to waste, the Council had already achieved significant success;
- (c) In welcoming presentation of the Plan, a non-Executive Member felt that its targets were ambitious and urged the Executive to give consideration to employing a full-time Climate Change Officer. The Member felt that this post could generate such extensive savings, that it could be self-financing. In reply, a number of Members stated their lack of support for such a proposal, particularly when considering the current budgetary pressures being experienced;
- (d) A non-Executive Member highlighted that there was interest free funding available to local authorities to assist in the delivery of Carbon Management Plans and felt that this should be explored;
- (e) To support the commitment of the Council to Carbon Management, officers made reference to it being a corporate cross cutting theme, the Council adopting a Climate Change Strategy and signing the Devon-wide declaration. It was noted that senior management and Members were committed to Carbon Management and the Council had made a judgement to particularly focus upon energy reduction from the use of its assets. As a result, an officer group (known as the 'Green Team'), had been formed to support this task. Whilst a number of Council services were already represented, it was confirmed that there was still capacity for all service areas to be represented on the 'Green Team';
- (f) Whilst stating his support for reducing energy, and the consequent cost savings generated, a non-Executive Member felt that the Plan was overly bureaucratic and was an unnecessary expense to the Council.

RESOLVED

1. That the Council's Carbon Management Plan 2009 be approved; and
2. That authority be delegated to the Head of Property Services, in consultation with the lead Executive Member for a Clean Environment, to finalise the details of the Plan, prior to its publication.

E.115/08

EXTENSION OF THE PILOT FOR DEVOLVED STREET MAINTENANCE TO INCORPORATE GROUNDS MAINTENANCE

A report was considered which sought approval to extend the agreed six month devolved services pilot, for an additional six months, to incorporate the additional devolution of grounds maintenance services in partnership with Devon County Highways and Stokenham Parish Council, and thus test local management of such services.

By extending the Devolved Services Pilot for an additional six months, the report advised that Members would receive further accurate information regarding the cost of the process and the affordability of rolling out an extended programme across the district.

In discussion, reference was made to:-

- (a) extending the programme across the district. If eventually the programme was extended, a Member emphasised the need to consult with all relevant town and parish councils throughout the process, as some may not be willing (or have the capacity) to take on such responsibilities;
- (b) the Stokenham pilot being the first example of such a scheme in Devon. As a consequence, it was noted that a number of other towns, parishes, districts, and the county council were closely looking at the success and effectiveness of this pilot scheme;
- (c) support for the extension. In welcoming this proposal, a non-Executive Member made reference to the local residents of the Stokenham parish, who were now beginning to see the benefits of such a responsive service at a local level. The Member, who was also a County Council Member, felt that the County Council had initially not been as cooperative as it may have been in certain areas, but he was confident that this had now been addressed;
- (d) alternative methods available to run such a scheme. Whilst the Stokenham pilot had seen the parish clerk take on responsibility for the management and supervision of staff, it was also possible for other methods to be implemented. For example, a parish council could commission a company to undertake the work on its behalf, and thus relieve it of any staffing and management responsibility;
- (e) the role of the Environment Policy Development Group (EPDG). It was felt that once the six month extension had concluded, the EPDG should consider and review this pilot.

RESOLVED

- i. That the terms of reference and scope for the extension of the successfully implemented Pilot for devolved street maintenance services (to include grounds maintenance services) for a further six month period, working with Devon County Council and Stokenham Parish Council be accepted;
- ii. That the funding of the district council elements of the extended Pilot, to a maximum cost of £22,000, be agreed.

E.116/08 KINGSBRIDGE SKATEPARK

A report was considered on the work undertaken by the Kingsbridge Skatepark working group and its proposal to use a section of the Quay Car Park, below the Leisure Centre, to provide a managed Skatepark facility.

The working group in Kingsbridge had arranged recent trials at the Quayside location to enable the site to be tested, leading to a proposal for a managed facility to be fully consulted upon via a planning application, which included design proposals following a noise survey and assessments. Members were advised to focus on the impact of the proposal upon the wider asset management potential. It would also require Members to decide upon the car park capacity and the giving up of 17 spaces, plus the consequent loss of income generated, whilst balancing these considerations against the needs of children and young people to allow the facility to be built. However, the report stressed that it would be the role of the Development Control Committee to consider the material planning considerations.

A submission was also tabled to the Executive from the Member Champion for Children and Young People, which outlined his support for the officer recommendation.

In discussion, reference was made to:-

- (a) support for the proposal. In welcoming this proposal and her wish for it to be opened at the earliest possible opportunity, a Member recalled the previous closure of the Skatepark in Kingsbridge and felt that the original fundraisers should be remembered and invited back to the opening of this facility.

In further support, local Members felt that this proposal sent a positive message to the local young people and the involvement of the local community, town council, district council and Members was commended;

- (b) the noise barriers which accompanied the previous Skatepark. It was confirmed that as these barriers were no longer fit for purpose following their removal, new noise shields had been proposed and budgeted for accordingly;
- (c) the loss of car parking spaces. A local Member advised that, with the exception of the peak tourist season, Kingsbridge generally had sufficient numbers of car parking spaces. However, there may be a need for additional car parking arising from the proposed second supermarket in the town. Despite this, the area proposed for the Skatepark was rarely used and the Member believed that the projected loss in car parking income of £14,500 was a worst case estimate;
- (d) the need to submit a planning application. It was clarified that whilst the site was within the ownership of the Council, a planning application had been deemed necessary, as the applicant was an external body;
- (e) involvement of the County Council. A County Council Member felt that there was potential for the County Council to make a financial contribution to this project, as it was linked to a number of its aims in respect of responsibility for youth services. As a consequence, the Member stated that he was happy to facilitate this matter.

RESOLVED

That the Quayside location be used for the provision of a managed skatepark facility at Kingsbridge, subject to the approval of a planning application and confirmation that the Head of Environmental Health is satisfied that the potential noise issues have been resolved.

E.117/08

SETTING OF FEES FOR THE LOCAL LAND CHARGES SERVICES 2009/10

Members considered a report which sought Members' recommendation to decrease fees for Local Land Charges services, with effect from 1 April 2009.

Members noted that the proposed fees had been set to recover the full cost of providing the Local Land Charges Service, in response to legislative changes.

In discussion, reference was made to:-

- (a) the levels of micro management from the Department of Communities and Local Government on this issue being felt to be deplorable;
- (b) the impact of the reduction in the number of searches arising from the current downturn in the housing market. Members were assured that the current downward trend had been fully taken into account.

It was then:-

RECOMMENDED

That Council be **RECOMMENDED** that:-

- i. the proposed Local Land Charges search fees be approved;
- ii. authority be delegated to the Monitoring Officer, in consultation with the Executive Member for Community Affairs, to review Local Land Charges search fees annually, in accordance with the Regulations.

E.118/08 REVENUE BUDGET MONITORING 2008/2009

Consideration was given to a report which enabled Members to monitor income and expenditure variations against the approved budget for 2008/2009. The report also included a request from the Head of Landscape and Leisure for additional staffing resources for a period of two years.

Although the overall financial situation was satisfactory, it was stated that the national economic climate was having an increasingly negative effect on the Council's income generating activities.

In introducing the report, the lead Executive Member for Financial Affairs wished to propose an amendment to the recommendation. This amendment specifically related to the £80,000 received from the Local Authority Business Growth Incentive Scheme, which it was felt should be transferred to the Economic Issues Reserve. This amendment was subsequently **MOVED** and **SECONDED** and on being put to the vote was declared **CARRIED**.

In discussion, the following points were raised:-

- (a) With regard to the £70,000 provision for the Goveton wind farm public inquiry, it was noted that this was a generous provision. In response to a number of concerns raised by a non-Executive Member regarding the process of the developer potentially being in receipt of costs, the Monitoring Officer agreed to provide a detailed explanation to the Member at a later date;
- (b) Assurances were given that since the figures were last recorded in January 2009, the Lower Ferry had seen an upturn in usage and it was hoped that the operation would break-even by the end of the financial year;

- (c) To date, it was confirmed that over 3,000 concessionary car parking passes had been issued. Officers further advised that whilst the financial impact of this scheme was currently unknown, the car park service was in the process of undertaking an impact survey;
- (d) A non-Executive Member expressed his grave concern that the Council was not being fully reimbursed by the government in respect of Housing Benefit Subsidy and felt that strong representations should be made to the Local Government Association (LGA) and the government. In reply, officers stated that the level of subsidy received did not reflect the levels of work conducted by the Council. At the request of the Member, officers gave assurances that once all relevant evidence and information had been gathered, the Council would lobby both the LGA and government;
- (e) In response to a Member making reference to the implications of the current economic climate (e.g. further increases in housing benefit caseloads, potential reduction in trade waste income, and the reduction in income generated from investments), it was confirmed that, as agreed during the budget setting process, regular updates would be presented to upcoming Member meetings;
- (f) The lead Executive Member advised that there were no recent updates to report on the Heritable Bank situation, however the Council continued to make regular representations to the LGA;
- (g) On the matter of the proposed temporary Landscape Architect post, Members were informed that the additional work pressures arising from the Capital Programme and the Public Space Strategy had resulted in the core work of the service suffering. It was, therefore, hoped that approval could be given for this temporary post, which it was envisaged would assist in the core function of supporting a range of planning related issues.

RESOLVED

1. That the forecast income and expenditure variations for the 2008/2009 financial year be noted;
2. That £37,000 per annum be released from the Planning Reserve to fund the employment of a temporary Landscape Architect for a period of up to two years; and
3. That approval be given to transfer up to the first £80,000 received from the Local Authority Business Growth Incentive Scheme to the Economic Issues Reserve. Other than that, any remaining 2008/09 budget surplus should be transferred to the Strategic Issues Reserve.

E.119/08 WRITE-OFF REPORT

Members considered a report that detailed the individual debts for all revenue streams, up to the value of £3,000, written off by the Head of Financial Services under delegated authority, and for those debts in excess of £3,000 for which permission to write off was sought.

The report concluded by reassuring Members that every effort was made to collect all debt owing to the Council, and that the decision to write off any amount was not taken lightly.

With regard to write-offs due to liquidation, officers confirmed that the Council did make claims to the liquidator. However, it was extremely rare that the Council was in receipt of any monies available because of the range of claims from other creditors.

RESOLVED

1. That in accordance with Financial Regulations, the write-off of individual debts totalling £58,875.07, together with £14,929.35 of Non Domestic Rate Debt which is collected on behalf of the Government as detailed in Tables 1 and 2 of the presented report, be noted;
2. That the write off of individual debts in excess of £3,000, as detailed in Table 3 of the presented report, be approved.

E.120/08 EXEMPTION TO STANDING ORDERS RELATING TO CONTRACTS AND FINANCIAL INSTRUCTIONS

The Executive was presented with a report which informed Members of the exemption(s) to the Standing Orders Relating to Contracts and Financial Instructions since the previous Executive meeting, in accordance with the procedure approved by Council (Minutes 70/07 and 49/07 also refer).

In conclusion, the report informed that the process for providing officers with approval for exemptions to the Standing Orders Relating to Contracts and Financial Instructions, in certain circumstances, provided more flexibility and the ability to react promptly to situations that arise. It was also a more efficient and less bureaucratic approach than that previously in place.

RESOLVED

That the exemptions to the Standing Orders Relating to Contracts and Financial Instructions (attached at Appendices A and B of the presented report) be noted.

E.121/08 **REPORTS OF OTHER BODIES**

RESOLVED

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

a) Prosperity Policy Development Group – 3 February 2009

PPDG.20/08 Lower Ferry Monitoring Report (for period April to December 2008)

RESOLVED

That it be noted that the Group have examined the overall performance of the Lower Ferry service and have found it to be satisfactory and reflective of local needs.

b) Community Policy Development Group – 18 February 2009

CPDG.33/08 Presentation from the Member Champion for Children and Young People on a Proposal to Issue Concessionary Bus Passes to Young People Aged 14-19 Yrs in Full-Time Education

RESOLVED

That the Executive endorses the wishes of the Group to encourage Central Government to extend the concessionary bus fares currently provided to the Over 60's to young people aged between 14 and 19 years who are in full-time education.

CPDG.34/08 Introduction of a Direct Lets Scheme

RESOLVED

That the Direct Lets Scheme be adopted (as outlined in the report presented to the Group), subject to and with inclusion of the following:

- the proposed charge levied to landlords for the lettings service be increased from 8% to 9%; and
- that reference in this initial pilot scheme to the 'limit' of twenty dwellings be amended to read a 'target' of twenty dwellings.

CPDG.35/08 Local Lettings Plan for Kingston

RESOLVED

1. That the proposed Local Lettings Plan for Kingston, as presented to the Group at Appendix A to the report be approved; and
2. That approval of future Local Lettings Plans be delegated to the Strategic Director (Community), in consultation with the Lead Executive Member for Housing.

E.122/08 EXCLUSION OF PUBLIC AND PRESS

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

E.123/08 TOTNES SOUTHERN AREA DEVELOPMENT SCHEME – ACQUISITION OF MINOR AREAS OF GARDEN LAND

An exempt report was considered which sought approval for the acquisition of small areas of land in relation to the Totnes Southern Area Development Scheme.

RESOLVED

That approval be given to the acquisition of small areas of land at Totnes Southern Area, on the terms as set out in the presented report, and to be funded from the Land and Development Reserve.

(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00PM ON 16 MARCH 2009, WITH THE EXCEPTION OF E.117/08, WHICH IS A RECOMMENDATION TO THE FULL COUNCIL MEETING ON 26 MARCH 2009, UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 12.45 pm).

Chairman