

**MINUTES OF A MEETING OF THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 6 NOVEMBER 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 M J Hicks

* Cllr M F Saltern

* Denotes attendance

Also in attendance at the invitation of the Chairman:

Cllrs K J Baldry, J Brazil, R F Croad, G J Fielden, R D Gilbert, M J Howarth, R M Lawrence, C M Pannell, J T Pennington, J W Squire and R C Steer

Also in attendance but not participating:

Cllrs J I G Blackler, F J Hawke, D W May, M Stone and R J Vint

Officers in attendance:

All Agenda Items: Strategic Director (Community), Strategic Director (Resources)
and Senior Member Support Officer;

Item 7 (minute E.66/08 below refers): Economic Development Officer;

Items 8 and 10 (minutes E.67/08 and E.69/08 below refer): Community
Development Assistant;

Item 9 (minute E.68/08 below refers): Development Surveyor;

Items 11, 12, 13 and 14 (minutes E.70/08, E.71/08, E.72/08 and E.73/08 below
refer): Head of Financial Services;

Item 15 (minute 74/08 below refers): Head of Landscape and Leisure and Head of
Environment Services.

E.62/08 MINUTES

The minutes of the meeting of the Executive held on 2 October 2008 were confirmed as a correct record and signed by the Chairman.

E.63/08 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, 11, 12 and 15 (minutes E.66/08, E.67/08, E.68/08, E.70/08, E.71/08 and E.74/08 below refer) – Cllr Brazil;

Items 7, 11 and 15 (minutes E.66/08, E.70/08 and E.74/08 below refer) – Cllr Pennington;

Items 9, 10, 11 and 15 (minutes E.68/08, E.69/08, E.70/08 and E.74/08 below refer) – Cllr Squire;

Items 9, 12 and 15 (minutes E.68/08, E.71/08 and E.74/08 below refer) – Cllr Pannell;

Item 10 (minute E.69/08 below refers) – Cllr Howarth;
Items 10 and 15 (minutes E.69/08 and E.74/08 below refer) – Cllr Baldry;
Items 11, 12 and 15 (minutes E.70/08, E.71/08 and E.74/08 below refer)
– Cllr Lawrence;
Item 15 (minute E.74/08 below refers) – Cllrs Croad, Fielden, Gilbert and
Steer.

E.64/08 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, these were recorded as follows:-

Cllr H D Bastone declared a prejudicial interest in item 15 (c) ‘minutes of the Prosperity Policy Development Group – 22 October 2008’ (minute E.74/08 (c) below refers) by virtue of his employer operating a similar scheme to the Council in relation to reserved car parking spaces and left the meeting during the discussion and debate thereon. Cllr H D Bastone also declared a personal interest in the same item by virtue of his use of the Dartmouth Lower Ferry.

E.65/08 PUBLIC QUESTION TIME

It was noted that no public questions had been received.

**E.66/08 RDPE 2007 TO 2013 – COMMUNITY LED DEVELOPMENT
(PROGRAMME DELIVERY)**

Consideration was given to a report which sought to put in place, for the duration of the Community Led Development programme, arrangements that would enable effective delivery of £3.6 million of external funds over the 5-year period expiring December 2013. These arrangements included the costs of programme administration, the development of robust and sustainable projects, a clear and fair decision-making process, the efficient delivery of these projects, financial management that was transparent and auditable, and the development of expertise and capacity within the communities benefiting from this intervention.

The Council was also requested to perform the functions of an accountable body for the two Local Action Groups (LAGs) that together covered the entire district. Furthermore, the report also sought to put in place contractual relationships between the accountable body (SHDC) and the South West of England Regional Development Agency (SWRDA), between the two LAGs and the accountable organisation, and partnership arrangements with a suitable delivery vehicle.

In presenting the report, the Executive Member for Prosperity **PROPOSED** an addition to the recommendation (which was subsequently **SECONDED**) to ensure that implementation was subject to funding agreements of the other partner authorities.

During discussion, a Member raised concern in relation to the terms of reference for the awarding of funding in the LAGs. This was echoed by a non-Executive Member who, although in support of the initiative, expressed concern that it would be unaccountable, unelected people who would be making decisions on how funding was to be spent.

It was then:-

RESOLVED

That:-

- a) it be agreed that the Council should perform the function of an accountable body for both LAGs and delegate to the Head of Financial Services, in consultation with the Executive Member for Prosperity, the powers to negotiate agreements with LAGs, with the delivery body, and with SWRDA;
- b) an average annual contribution of £27,000 from the Economic Initiatives Reserves be agreed to partly match the RDPE administration budget and meet the residual costs of programme management and project development;
- c) delegated powers be granted to the Head of Financial Services to appoint an officer to serve on each LAG in an advisory capacity to ensure that the Council's interests as the accountable body be represented;
- d) the Local Action Groups be allocated funding for individual projects, subject to ratification by the Head of Finance;
- e) implementation be subject to funding agreements being reached by the other partner authorities;

That the Council be **RECOMMENDED** to:-

- f) appoint up to two district Councillors to serve on each LAG and that the Leader and Deputy Leader be given delegated authority to secure appropriate nominations;

- g) update the list of outside bodies to include the South Devon Coastal and Greater Dartmoor Action Groups and that, for the purpose of Members Allowances, attendance at meetings of these bodies by Council representatives be regarded as an approved duty.

E.67/08 **COMMUNITY GRANT FUND – ROUND 8**

Members considered a report which sought approval to offer grant assistance towards two projects:-

- Cornwood Cricket Club towards the cost of building a new pavilion;
- Saltstone Caring towards the cost of delivering the first year of a programme of home visits to support older, isolated and vulnerable people in the Kingsbridge and Salcombe area.

During discussion on the schemes, although in support, a Member noted concern that the Council seemed to be increasingly filling the funding gap left in the wake of other organisations withdrawing their financial contributions.

Furthermore, due to the importance of such schemes, a Member **PROPOSED** an addition to the recommendation, which was subsequently **SECONDED**, to consider whether this fund should be replenished to meet demand during the remainder of this financial year, and for officers to report back on their findings in due course.

It was then:-

RESOLVED

That:-

- a) a grant of £7,500 or 50% of the total project cost, whichever is lesser, be awarded to Cornwood Cricket Club towards the cost of building a new pavilion, subject to project match funding being secured by the applicant;
- b) a grant of £6,000 or 50% of the total project cost, whichever is lesser, be awarded to Saltstone Caring towards the cost of delivering the first year of a programme of home visits to support older, isolated and vulnerable people in the Kingsbridge and Salcombe area, subject to project match funding being secured by the applicant;
- c) consideration be given to increasing the fund to meet demand for additional spend during the remainder of this financial year.

E.68/08 **TOTNES SOUTHERN AREA SCHEME – IMPROVING THE ECO-CREDENTIALS OF THE DEVELOPMENT – HEATH WAY WEST SOLAR PANELS**

Consideration was given to a report which set out proposals to further enhance the sustainability standards of the 10 dwellings at Heath Way West, currently being constructed in the Totnes Southern Area (TSA). The developer, Midas Homes, was already required to meet Eco Homes Excellent standard for the development and this current proposal would further improve the scheme's sustainability credentials by the installation of renewable energy sources.

During discussion on the report, a number of Members expressed concerns with the recommendation. It was felt that not only would it set a precedent for private developers to seek funding, but that the development had already received significant funding from the Council to assist in obtaining its Eco-Homes status. In response, officers felt that this development was set apart from others due to it being developed on Council owned assets and being progressed by the Council in partnership with Midas Homes. In support, a non-Executive Member noted that funding could be recouped on the sale of these open market houses. The Chairman also made reference to letters of support for the scheme which he had received from local community groups.

However, the Executive felt that due to the amount of funding the scheme had previously received from the Council, and concern that allocating such funding could set a precedent, Members could not support the recommendation and therefore it was declared **LOST**.

E.69/08 **MONITORING SERVICE LEVEL AGREEMENTS**

Members considered a report which reviewed the operation in 2007/08 of the Service Level Agreement (SLA) between South Hams Community and Voluntary Services (CVS) and its core funders, South Hams District Council (SHDC), Devon County Council (DCC) and Devon Primary Care Trust (PCT), including the operation of the Volunteer Centre. Under the terms of the SLA, the report also sought approval to roll forward the existing 3-year SLA for a further year to cover the year commencing 1 April 2011.

It was noted that the report also reviewed the operation in 2007/08 of the SLA between South Hams Citizen Advice Bureau (CAB) and its core funders, SHDC and DCC, and sought approval for the SLA funding for the CAB to cover the year commencing 1 April 2009.

It was stated that the security and funding provided by the SLA with the CVS helped ensure that the organisation could develop and make a sustained contribution to voluntary and community sector groups and community life in the South Hams. Whilst the security and funding provided by the SLA with the CAB helped ensure that the organisation could develop and make a sustained contribution to the lives of some of the most vulnerable and/or isolated individuals in the South Hams.

It was also noted that this would be an interim arrangement pending the outcome of the Local Government Review.

During discussion, specific reference was made to:-

- a) the invaluable service provided by both the CVS and the CAB. Moreover, the lead Executive Member for Housing wished to extend his thanks to the CAB for its work with the Council's Housing Advice Team;
- b) outreach programmes. A Member raised concern that the CAB SLA made no reference to out reach programmes which were imperative to communities who were unable to travel to Totnes. In response, it was noted that outreach programmes were being provided but through different funding streams. It was felt that if the SLA demanded out reach programmes, then additional funding would have to be sought by the Council or, the CAB would have to redistribute current services. However, concern was still expressed due to importance of outreach services and therefore officers were requested to investigate this further;
- c) a break down in CVS statistical data to demonstrate the work undertaken in relation to supporting funding applications. Members felt that it would be beneficial if future monitoring statistics contained a break down in data in order to validate the work for monitoring purposes, especially in relation to the figures showing the value of successful applications;
- d) information about where CAB clients reside. In looking at the pie chart (on page 28 of the presented agenda), officers advised that the statistics for Totnes had been omitted and therefore it was noted that Totnes Town would be 17% and Totnes Bridge Town at 13%. Subsequently, this would affect the percentages for the remaining wards which would decrease as a result. Therefore a non-Executive Member expressed concern over the 'centric' nature of the CAB to Totnes, further emphasising the importance of outreach programmes.

In conclusion, a non-Executive Member, who also represented the Council on the CAB, noted that outreach funding was an issue for the CAB but a number of towns were assisting where possible. Furthermore, he assured the Executive that he would report back these concerns to the CAB.

It was then:-

RESOLVED

That:-

- a) the progress report on the operation of the SLA with the CVS, including the delivery of the Volunteer Centre, be noted;
- b) the rolling forward by one year of the SLA funding for the CVS, to cover the year commencing 1 April 2011, be approved;
- c) the progress report on the operation of the SLA with the CAB be noted;
- d) SLA funding for the CAB to cover the year commencing 1 April 2009 be approved.

E.70/08 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. It was noted that although the overall situation was satisfactory, the evidence to date suggested that the national economic climate was having a negative effect on the Council's income generating activities.

During discussion, reference was made to:-

- a) the Housing Benefit Subsidy. Following a query in relation to why the Council was only being reimbursed approximately 99.5% of the costs by Government and not 100%, it was noted that the regulations had changed. The Council had lobbied Government but with no success to date;
- b) Investment Income. Members were assured that the worse case scenario had been accounted for in this instance. However, a non-Executive Member expressed dismay that the Government were aware of the situation with the Heritable Bank but had omitted to relay these concerns to local authorities;
- c) Community Parks. Members were reminded that during the 2007/2008 budget setting process, the parks service were set a target to achieve external contributions in the form of increased income and sponsorship for parks and open spaces, which had not yet been implemented;

- d) the projected balances for the Council's reserve funds. A non-Executive Member felt that it would be beneficial if the statistics contained an explanation as to why some reserves had decreased whilst others were not being utilised and therefore accumulating. Officers confirmed that this could be incorporated into future reports.

RESOLVED

That the forecast income and expenditure variations for the 2008/2009 financial year be noted.

E.71/08 **BUDGET PROPOSALS 2009/10 – REVIEW OF CHARGES**

Members considered a report which set out an annual review of fees and charges in relation to the Council's priority of improving core services in a cost-effective way. Some of these fees were set by statute whilst for others the Council could make a "reasonable" charge for the service provided.

During discussion, a non-Executive Member queried why Avondale rents were to be increased by 5%, plus a proportionate amount to cover potential rent loss. In response it was noted that this arose from one of the flats being used for emergency Bed and Breakfast. However, it was stated that this 5% increase would be covered by housing benefits.

RECOMMENDED

That the Council be **RECOMMENDED** to approve the proposed fees and charges as set out in the presented report.

E.72/08 **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.

RESOLVED

- (i) that in accordance with Financial Regulations, the write-off of individual debts totalling £71,452.13, together with £15,719.21 of Non Domestic Rate Debt which is collected on behalf of the Government as detailed in Table 1 and Table 2 of the presented report, be noted;
- (ii) that the write off of individual debts in excess of £3,000, as detailed in Table 3 of the presented report, be approved.

E.73/08 EXEMPTION TO STANDING ORDERS RELATING TO CONTRACTS AND FINANCIAL

Members considered a report which advised on the exemptions to the Standing Orders Relating to Contracts and Financial Instructions carried out since the previous Executive meeting, in accordance with the procedure approved by Council (minutes 70/07 and 49/07 refer). The report concluded by stating 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 arose.

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.74/08 REPORTS OF OTHER BODIES

RESOLVED

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

(a) Community Policy Development Group – 8 October 2008

CPDG.15/08 URGENT BUSINESS – Post Office Closure discussion.

RESOLVED

That outlets at Avonwick, Blackawton, Dittsham and Rattery, who had lost their post office facilities, be contacted to ensure that they were aware of the Business Rate Relief they were entitled to apply for.

CPDG.17/08 CHOICE BASED LETTINGS

RESOLVED

That the Community Policy Development Group have commented on the presented report and policy and that the Executive are assured of any future financial implications.

CPDG.18/08 ANTI-SOCIAL BEHAVIOUR POLICY FOR PROPERTIES OWNED OR MANAGED BY SOUTH HAMS DISTRICT COUNCIL

RESOLVED

That:-

- a) the Anti-Social Behaviour Policy for properties owned or managed by South Hams District Council be adopted; and,
- b) delegated authority be granted to the Executive Member for Housing, in consultation with the Housing Advice Manager, to agree a plain English leaflet for tenants advising of the Anti-Social Behaviour Policy and its implications.

CPDG.19/08 BT PAYPHONE REMOVAL PROGRAMME

RESOLVED

That:-

- a) the potential impact that wholesale removal of BT Payphones would have on local distinctiveness be noted;
- b) the opportunities available to local communities to adopt or sponsor their red telephone boxes and retain them for historical and aesthetic reasons be noted;
- c) the degree of engagement that the Council has enjoyed with many Parish and Town Councils across the district in generating a robust response to BT's proposals for removal be noted;
- d) the degree of cross-Council engagement in addressing serious conservation concerns be noted; and

- e) Parish Councils be contacted to raise awareness of the opportunities to adopt or sponsor their red telephone boxes.

(b) Scrutiny – 16 October 2008

SC.22/08 GLOBAL FINANCIAL SITUATION

The Chairman of Scrutiny felt that this urgent item had been a worth while discussion following an excellent presentation. This was echoed by an Executive Member who noted that the Strategic Director (Resources) had presented an excellent and lucid presentation.

However, a Scrutiny Member present expressed concern that there should be more Member involvement in financial investments made by officers. In response to this, it was noted that the officers worked within the policy framework set out by Members. Members were also reminded that a report on the Investment and Income Strategy would be considered by Scrutiny at its meeting of 17 December 2008.

SC.23/08 GRASS CUTTING – SPRING/SUMMER 2008 AND PROPOSED AMENDMENTS

RESOLVED

That the requirement to replace grass cutting equipment be considered as part of the review of the vehicle replacement reserve, which was currently underway, to ensure an appropriate start to the Spring grass cutting arrangements.

(c) Prosperity Policy Development Group – 23 October 2008

PPDG.11/08 REVIEW OF CHARGES – OUTDOOR RECREATION 2009/2010

Following the discussion at the Prosperity PDG, whereby the Group queried the deficit in some income streams for Outdoor Recreation, Members were informed that officers within the Landscape and Leisure team were reviewing all works and costs including the maintenance of recreation facilities. This involved the tracking of staff time and analysis of specific budget codes.

The Chairman of the PPDG noted that the Group wished to know the deficit costs not necessary to raise charges to cover any shortfall, but that it was important for Members to understand any deficit they were working with.

It was then:-

RECOMMENDED

- a. That the Council be **RECOMMENDED** that the level of charging for 2009/2010 Outdoor Recreation facilities be increased by approximately 4% (as set out in appendix A of the presented report) subject to the provision of the maintenance expenses being provided; and

RESOLVED

- b. That the proposal to accelerate the transfer of outdoor recreation facilities to interested and willing Town and Parish Councils be endorsed.

PPDG.12/08 REVIEW OF CAR PARK AND PANNIER MARKET CHARGES 2009/10

Following the discussion at the Prosperity PDG whereby the Group voted to retain car park charges at the current 2008/2009 level, the Executive Member for a Clean Environment stated that it was important that revenue be raised as an income generator for the Council. However, he then proceeded to note that it would be beneficial for the Council to perhaps re-evaluate the fees and charges for car parking to investigate the way the charges were applied to determine a more favourable pricing structure.

A number of non-Executive Members reiterated their concern in increasing car parking charges highlighting that it could have a detrimental impact for the town centres as it would deter people from using the car parks.

An Executive Member **PROPOSED** an amendment to the recommendation so that the level of Car Parking Charges for 2009/2010 be increased to ensure that the overall level of stated revenue was achieved and that the spread of the increased charges, as outlined in the appendix A to the Prosperity Policy Development Group report, be reviewed with the aim of spreading the increased charges in a more favourable movement. This was subsequently **SECONDED**, it was then:-

RECOMMENDED

That Council be **RECOMMENDED** that:-

- a. That the level of Car Parking Charges for 2009/2010 be increased to ensure that the overall level of stated revenue is achieved and that the spread of the increased charges, as outlined in the appendix A to the presented Prosperity Policy Development Group report, be reviewed with the aim of spreading the increased charges in a more favourable movement
- b. the proposed increase in Reserved Parking Permits be to realign the reserved space charge in Mayors Avenue, Shadycombe and Victoria Street to equal the pay and display income (an average charge of £1106 per annum)
- c. all other chargeable services within Car and Boat Parking together with Pannier Markets, should be in line with the detail contained within the presented report.

PPDG.13/08 REVIEW OF FERRY CHARGES

RECOMMENDED

That the Council be **RECOMMENDED** that all charges for the Dartmouth Lower Ferry be raised by the rate of inflation, 4%, with the exception of the car/van return ticket which would stay at £6 and the foot passenger charges for adults and children which would remain at £1 and 50p respectively.

PPDG.14/08 REVIEW OF WASTE CHARGES

RECOMMENDED

That Council be **RECOMMENDED** that:-

- a. the charges for Trade Waste services for 2009/2010 be adopted as set out in appendix A to the presented report;
- b. the charges for Household Waste services for 2009/2010 be adopted as set out in appendix B to the presented report.

(d) Environment Policy Development Group – 23 October 2008

EPDG.6/08 REVIEW OF OCCUPATIONAL HEALTH & SAFETY STRATEGY

RESOLVED

That the revised Occupational Health & Safety strategy be approved.

EPDG.7/08 WASTE STRATEGY UPDATE

RESOLVED

That the report be noted.

EPDG.8/08 CARBON MANAGEMENT PROGRAMME

RESOLVED

That the report be noted.

(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00PM ON 17 NOVEMBER 2008, WITH THE EXCEPTION OF E.66/08 ((f) and (g)), E.71/08 and E.74/08 (PPDG.11/08 (a), PPDG.12/08, PPDG.13/08 and PPDG.14/08) WHICH ARE RECOMMENDATIONS TO THE FULL COUNCIL MEETING ON 13 NOVEMBER 2008, UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 12.40 pm).

Chairman