

**MINUTES OF A MEETING OF THE EXECUTIVE
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 6 SEPTEMBER 2007**

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 D W May

∅ Cllr S L Rankin

* 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, G Date, J T Pennington, R C Steer, R J Vint, A Ward and
J A Westacott

Also in attendance but not participating:

Cllrs J I G Blackler and R D Gilbert

Officers in attendance:

All Agenda Items: Strategic Management Team and Public Relations Officer;
Items 7, 8 and 9 (Minutes E.36/07, E.37/07 and E.38/07 below refer) – Head of
Property Services;

Item 10 (Minute E.39/07 below refers) – Community Development Officer and
Community Development Assistant;

Item 11 (Minute E.40/07 below refers) – Acting Head of Customer Services;

Item 12 (Minute E.41/07 below refers) – Divisional Environmental Health Officer;
Items 13, 14 and 15 (Minutes E.42/07, E.43/07 and E.44/07 below refers) – Head of
Financial Services.

E.32/07 MINUTES

The minutes of the meeting of the Executive held on 12 July 2007 were confirmed as a correct record and signed by the Chairman.

E.33/07 MEMBERS IN ATTENDANCE

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

Item 7 – (minute E.36/07 below refers) – Cllr Vint;

Items 7 and 8 – (minutes E.36/07 and E.37/07 below refer) – Cllr Westacott;

Item 8 – (Minute E.27/07 below refers) – Cllrs Brazil, Date and Ward;

Items 8, 11, 13 and 14 – (Minutes E.37/07, E.40/07, E.42/07 and E.43/07 refer) – Cllr Pennington;

Item 10 – (Minute E.39/07 below refers) – Cllr Steer;

Items 11 and 13 – (Minutes E.40/07 and E.42/07 below refer) – Cllr Baldry.

E.34/07 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 N A Barnes declared a prejudicial interest in Item 8: Dairy Crest, Totnes (Minute E.37/07 below refers) and left the meeting during discussion on this item.

E.35/07 PUBLIC QUESTION TIME

It was noted that two questions had been received from Members of the Public. These were recorded as follows:-

1. Question to the Executive received from Ms Carol Wellwood

“In view of findings that only 40% of new homes met legal requirements for energy efficiency, and that building control officers were “unlikely to take steps to ensure enforcement”, how does the council propose to ensure that energy efficiency in new buildings will be enforced to the appropriate standards?”

In response, the Executive Member with responsibility for Development Control noted that the Council believed that incorporating energy efficiency into new buildings was an effective method of cutting carbon emissions, and aimed to secure energy efficiency in all new developments, by promoting policies requiring sustainable construction in its various Local Development Framework documents.

The Council understood that the information that Ms Wellwood was referring to about Building Control was based on a national survey, and did not refer specifically to South Hams.

Nationally the greatest proportion of the new housing market segment (often volume house builders) procure their Building Control Services from the private sector i.e. Approved Inspectors. Local Authority Building Control Service were the only providers with the ability to take enforcement action through the courts and could only do so if they were either the Building Control Service provider or if an Approved Inspector decided to cancel an initial notice because there were contraventions which required formal enforcement action to be taken. In the absence of such notification from an Approved Inspector, the Council would not be aware of a potential contravention of energy efficiency requirements.

The documents 'The Future of Building Control' and 'Achieving the Standards: Final Report' were issued by the DCLG in March 2007 and these made particular reference to the issues regarding compliance and enforcement. These documents were to be followed up by the DCLG later in the year with a further consultation paper, which may begin to address some of the concerns raised by Ms Wellwood.

Within the South Hams the Council was not aware of any dwellings for which it had responsibility for delivering the Building Control service, having failed to meet the legislative standards covered by the 'conservation of fuel and power' requirements contained in the Building Regulations.

2. Question for the Executive from Mr Nigel Topping on behalf of the Totnes Sustainable Business Park Group

"We have formed a coalition consisting of the Town Council, Chamber of Commerce, Development Trust, Transition Town Totnes and local business people to develop the former Dairycrest site with other partners into a sustainable business park. Will the council negotiate with this group as a potential partner?"

In response, the Leader of Council informed those present that the Council was happy to talk to potential partners regarding proposals for the Dairy Crest Site in Totnes and would welcome a discussion with the coalition that Mr Topping refers to. However, it should be remembered that the site in question was in private ownership and any proposals for the future would have to take into account the aspirations of the current owners. In addition, it needed to be recognised that depending on the approach of the owners, the timetable for site disposal may restrict opportunities for extended consultation.

E.36/07 TOTNES SOUTHERN AREA – SUSTAINABILITY PROPOSALS

Members considered a report which set out the proposals to further enhance the standards of insulation on the dwellings currently being constructed in the Totnes Southern Area (TSA). The opportunity for the Council to secure enhanced standards of insulation within the TSA would reduce the consumption of fossil fuels and energy costs. Furthermore, the proposals also supported the Council's commitment to the sustainability agenda, as well as the Climate Change Strategy and action plan.

In presenting the report, the Head of Property Services informed those present that Option 1 of the presented report was the most technically sound and, moreover, during recent discussion both Midas Homes and Sovereign had noted their capacity to contribute financially to the proposals which would reduce the Council's contribution to £32,800.

Furthermore, it was highlighted that written support for the expenditure proposals had been received from the Totnes Sustainability Group and Design Our Space.

During discussion, a Member expressed views that Option 3 should be considered. The Member felt that although it was of a significantly higher financial cost, it achieved a lower U value (hence better insulation standards) and therefore the value of the properties when sold may be higher. In response, officers noted that all options had been investigated and there was no guarantee that more insulation would result in a higher financial return. In discussion on this there was an overwhelming support from both Executive Members and non-Executive Members for Option 1 of the presented report.

Members praised officers for bringing this proposal forward and highlighted how important it was in terms of reducing carbon foot-printing and addressing rising fuel prices.

An amendment to the published recommendation (in the presented report) was then **PROPOSED, SECONDED** and when put to the vote declared **CARRIED**. It was therefore:-

RECOMMENDED

That the Council be **RECOMMENDED** that £32,800 from the capital receipt for the Totnes Southern Area development is allocated to fund the enhanced levels of insulation as set out in Option 1 of the presented report.

E.37/07

DAIRY CREST, TOTNES

A report was considered which detailed the opportunities for the Council to be directly involved, together with partners, in the acquisition and redevelopment of the Dairy Crest site, and sought the delegation of decisions in order for prompt action to be taken should the need arise.

The report concluded that as the potential disposal of this site by Dairy Crest moved forward, the Council had an opportunity to progress with a partnership bid to acquire this key development site in Totnes that enabled delivery on several of its core priorities. If the recommendation was approved, it would enable the Council to work more formally with its potential partners to develop a proposal for the acquisition of the site.

The Strategic Director (Community) noted that concern had been received from Totnes Town Council that delegating authority would undermine democratic control and limit the consultation process. In response to these concerns, he stipulated that the delegated authority being proposed to the Executive was in relation to forming a partnership only and not about a formal decision on how best to develop the site.

In order to formally incorporate the request of the coalition of Totnes Town Council, Totnes Chamber of Commerce, Development Trust and Transition Town Totnes (minute E.35/07 above refers) an amendment to the published recommendation (in the presented report) was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**. Furthermore, the Members who represented the Totnes area wished to be formally incorporated into part ii of the recommendation in relation to consultation on the delegated decisions regarding formalising the proposed partnership.

Following a non-Executive Members wish to discuss the exempt appendix, it was:-

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.

Officers and Members then proceeded to discuss appendix 1 to the presented report. Once all Members were satisfied that they had no further questions in relation to this issue, it was then:

RESOLVED

That the public and press be re-admitted.

It was then:

RESOLVED

- (i) that, subject to discussion with the coalition of Totnes Town Council, Totnes Chamber of Commerce, Development Trust and Transition Town Totnes, the preferred option of entering into a partnership to promote acquisition of the Dairy Crest site (as set out at Appendix 1 of the agenda report) be supported; and
- (ii) that delegated authority on decisions regarding formalising the proposed partnership, and approval for entering into any related legal arrangements, be given to the Head of Property Services and Head of Corporate Services in consultation with the Leader, the Executive Member for Prosperity and the Totnes District Council Members.

E.38/07 **10 NEW MILLS, MODBURY – GRANTING OF A SUPPLEMENTARY LEASE**

A report was considered which informed Members that the Head of Property Services had exercised his delegated authority to vary the terms of the Headlease for 10 New Mills Modbury, whereby the Tenant had agreed to give up a right to pass over two small areas of the Headlease. Such action would then remove uncertainty on the status of the two land parcels and allow business leases to proceed.

RESOLVED

That approval be given to grant a supplementary lease of two parking areas at 10 New Mills, Modbury as set out in the presented report.

E.39/07 **COMMUNITY GRANT FUND – ROUND 6**

The Executive considered a report which sought approval to offer grant assistance to Harbertonford Village Hall towards the cost of extending the village hall and upgrading its disabled access facilities. It was noted that a grant should be offered to Harbertonford Village Hall, as this project would contribute to Council Priorities and Commitments by increasing social inclusion and improving access to services through improvements to a vital and well used community facility.

The local Ward Member aired his support to the proposal and highlighted how important it was to the local community.

RESOLVED

That approval of £15,000 or 50% of the total project cost, whichever is the lesser, be granted to Harbertonford Village Hall towards extending the village hall and meeting Disability Discrimination Act requirements, subject to project match funding being secured by the applicant.

E.40/07 ADOPTION OF THE CUSTOMER FIRST PLAN

Members considered a report detailing the Customer First plan which set out the service standards covering all customer facing services. The report noted that customers were entitled to expect a good standard of service delivery and know what levels these standards were set. The customer first plan was a way to publicise these standards at the same time as providing the first step in embedding a customer culture into the organisation.

During discussion, the following points were raised:-

- a) A Member requested that the Council should stipulate that it would attain certain standards rather than 'aim to achieve' as stated in the Customer First plan. In response to this it was noted that the Council needed to be realistic and reaching standards could not always be guaranteed for various reasons;
- b) Following a query, the Acting Head of Customer Services confirmed that, to her knowledge the Council had not received any requests for documents to be provided in a different language to date;
- c) A Members satisfaction to see that the plan contained reference to the public also being considerate to staff.

RESOLVED

That the Customer First plan be formally approved and adopted and the implementation timetable be agreed.

E.41/07 CONTAMINATED LAND STRATEGY UPDATE

Members considered a report which updated them on the progress of the implementation of the Strategy for the Investigation and Remediation of Contaminated Land, formally adopted on 21 June 2001.

The report concluded in saying that the Implementation of the Contaminated Land Strategy was progressing well. Detailed prioritisation of sites was well underway, the Council's own assets had been identified, the strategy had been updated and a robust process for dealing with potential contamination at the planning stage introduced.

RESOLVED

That the updated strategy be agreed and the Environment Policy Development Group be requested to undertake future reviews of the progress of this strategy.

E.42/07 MEDIUM TERM RESOURCE STRATEGY 2008/09 TO 2012/13

Members considered a report that provided an updated forecast of the financial situation for the five year period to 2012/13. The forecast was intended to provide a framework within which decisions would be made regarding future service provision and council tax levels.

The report concluded that the formal consideration and review of the medium term financial strategy would ensure that decisions were made in the correct context and provide Members with an opportunity to consider and challenge some of the key assumptions identified.

During discussion, reference was made to:-

- a) concern over the Governments intention to increase efficiency savings to 3%, indicating that it would have to be in cash efficiencies. Although officers noted that these targets seemed unrealistic, all services across the Council would be expected to find these savings. The Local Government Association had made representations to government but to no avail;
- b) the estimated loss of income from the Land Charges services. Following a query, it was noted that the reason behind this was due to changes in legislation which stated that the Land Charges service should be a breakeven service and therefore no surplus was to be made;
- c) the concessionary bus fares. Members raised concern over the increased cost to the Council of the Concessionary Bus Fare. It was felt that this concern was shared with other local authorities and that the Devonwide Partnership was lobbying government to ensure fair and equitable distribution of resources to pay for the national scheme.

RESOLVED

- (i) that the report be approved,
- (ii) that the Financial Regulations be set aside, in respect of the procurement and legal advisors, to enable continuity in order to complete the Single Status project and that the estimated additional cost of administering and supporting the project of £80,000 be funded from the Strategic Issues Reserve

E.43/07 **ANNUAL EFFICIENCY STATEMENTS – (GERSHON)**

Members considered a report which informed on the progress in achieving government set efficiency targets.

The report concluded in stating that the actions taken had resulted in substantial savings and that the three year target would be exceeded. However, it was important to continue striving for efficiencies to demonstrate that we were a continually improving authority.

RESOLVED

That the report be noted.

E.44/07 **WRITE-OFF REPORT**

Members considered a report which informed them of 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 seeking to reassure 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 it be noted that, in accordance with Financial Regulations, the Head of Financial Services had authorised the write-off of individual debts totalling £34,529.85;
- (ii) That the write off of individual debts in excess of £3,000 as detailed in table 2 of the presented report be authorised.

E.45/07 **REPORTS OF OTHER BODIES**

RESOLVED

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

- a) **Development Planning Steering Group – 4 September 2007**

3. Affordable Housing Delivery and Policy Position

RESOLVED

That the views of the Development Planning Steering Group be incorporated into a further report to be brought to the Community Policy Development Group for its consideration prior to Council's determination of its position.

4. Affordable Housing Supplementary Planning Document

RECOMMENDED

That the Council be **RECOMMENDED** that the draft Affordable Housing SPD be approved for formal public consultation.

5. Local Development Framework – Totnes and Dartington Development Plan Document – Preferred Options

RECOMMENDED

That the Council be **RECOMMENDED** that the Totnes and Dartington Development Plan Document (Preferred Options) be published in October 2007.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.36/07 AND E.45/07 (PARTS 4 AND 5) WHICH ARE RECOMMENDATIONS TO THE FULL COUNCIL MEETING ON 13 SEPTEMBER 2007, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 17 SEPTEMBER 2007 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 12.20 pm).

Chairman