

**MINUTES OF A MEETING OF THE EXECUTIVE
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 7 JUNE, 2007**

MEMBERS

* Cllr R J Tucker - Chairman

ø 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

ø Denotes apology for absence

Also in attendance at the invitation of the Chairman:

Cllrs K J Baldry, J Brazil, G J Fielden, I Longrigg, J T Pennington, J W Squire, A
Ward and J A Westacott

Also in attendance but not participating:

Cllrs J I G Blackler, R F Croad, R D Gilbert, M J Howarth and T J Hewitt

Officers in attendance:

All Agenda Items: Strategic Management Team and Public Relations Officer;
Items 7 and 8 (Minutes E.8/07 and E.9/07 below refer): Head of Planning and
Building Control;

Item 7 (Minute E.8/07 below refers): Head of Community Regeneration, Major
Projects and Development Officer and Principal Solicitor;

Item 12 (Minute E.13/07 below refers): Housing Advice Manager;

Item 13 (Minute E.14/07 below refers): Head of Property Services; and

Item 15 (Minute E.16/07 below refers): Chief Accountant.

E.1/07 WELCOME

The Chairman welcomed Members to the first meeting of the Executive since the recent elections and also wished to welcome David Incoll to his first meeting since being appointed Interim Chief Executive.

E.2/07 MINUTES

The minutes of the special meeting of the Executive held on 26 April 2007 were confirmed as a correct record and signed by the Chairman.

E.3/07 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, 8 and 13 – (Minutes E.8/07, E.9/07 and E.14/07 below refer) – Cllr Brazil;
Items 7, 11 and 16(d) – (Minutes E.8/07, E.12/07, E.17/07(d) below refer) – Cllr Baldry;
Items 8, 9, 10, 11, 13 and 16(d) – (Minutes E.9/07, E.10/07, E.11/07, E.12/07, E.14/07 and E.17/07(d) below refer) – Cllr Pennington;
Items 8 and 16(d) – (Minutes E.9/07 and E.17/07(d) below refer) – Cllr Fielden;
Items 11, 13 and 16(d) – (Minutes E.12/07, E.14/07 and E.17/07(d) below refer) – Cllr Squire;
Items 11 and 13 (Minutes E.12/07 and E.14/07 below refer) – Cllr Westacott;
Item 13 (Minute E.13/07 below refers) – Cllr Ward;
Item 16(d) (Minute E.17/07(d) below refers) – Cllr Longrigg.

E.4/07 **URGENT BUSINESS**

The Chairman informed the meeting that he had agreed for an urgent item to be raised at this meeting. The item concerned composing a letter in support of Devon County Council, who were opposing Exeter City Council's bid for unitary status. This item was considered urgent due to the need for the Executive to make a decision which could not await its next scheduled meeting and would be taken as Item 4 (Minute E.5/07 below refers).

E.5/07 **LOCAL GOVERNMENT RE-ORGANISATION – LETTER IN SUPPORT OF DEVON COUNTY COUNCIL**

Members requested that a letter be sent to the Department of Communities and Local Government advising that the Council did not support the bid of Exeter City Council to gain unitary status, as it would severely affect the viability of local government services in the remainder of Devon. It was noted that copies of this letter should also be sent to both Exeter City and Devon County Councils for information. It was intended that the letter would highlight the fears of the Council that a successful bid could severely hamper service delivery within the South Hams. In addition, assurances were given that all Members, town and parish councils and local MPs would also receive a copy of the letter.

RESOLVED

That a letter be sent to the Department of Communities and Local Government advising that the Council does not support the bid by Exeter City Council to become a unitary authority.

E.6/07 DECLARATIONS OF INTEREST

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

E.7/07 PUBLIC QUESTION TIME

It was noted that no public questions had been received.

**E.8/07 EXAMINATION OF THE SHERFORD AREA ACTION PLAN AND
RECEIPT OF TWO PLANNING APPLICATIONS – POSITION
STATEMENT**

Consideration was given to a report which updated Members on the consequences of the receipt of the Inspector's Report on the Sherford Area Action Plan (AAP) and the issues related to two planning applications by Red Tree and Co-op.

The report sought to set out the framework under which the AAP process and the determination of the planning applications would continue and it was noted that until certain key matters became clearer, it was not possible to advise Members, as a matter of predictive certainty.

In discussion, the following points were raised:

- (a) Members stated their support for the proposed 'back-filling' arrangements within the Development Control service, particularly in light of it being under increasing pressure;
- (b) In acknowledging the need to determine each application on its own merits, the local Member for Yealmpton wished to state that residents within his ward were extremely concerned with regard to the Co-op proposals and in particular the likely impact on traffic flow on the A379;
- (c) It was noted that the report of the Planning Inspector was due imminently. Whilst there was no case law in this area, it was noted that adoption of this report was legally binding and the Council had little option other than to accept it. It was likely that, if there was to be any legal challenge, it would be against the Council decision to adopt the report, and not a challenge to other agencies involved in the process;

- (d) A non-Executive Member made reference to the comments expressed by some Plymouth City Council Members in opposing the Area Action Plan proposals and highlighted the implications that this could have for the Council. In response, officers advised that a meeting would be held between representatives of the two authorities in due course. It was also stressed that this debate was speculative, until the Inspector's report had been received.

RESOLVED

1. That the report be noted;
2. That the Sherford refined planning application fee of £25,000 be used to further support existing 'back-filling' arrangements within Development Control to enable the Head of Planning and Building Control to assess both the Sherford applications.

E.9/07

UPDATE ON THE DEVELOPMENT CONTROL PROCESS REVIEW

Consideration was given to a report which explained the process that was being undertaken within the Development Control service, in order to identify where savings and improvements would be achieved. The report set out the investment in ICT necessary to enable these savings and improvements to be realised. Furthermore, the report highlighted the areas where improvements had already taken place and established milestones for the implementation of the remaining identified improvements.

In conclusion, the report stated that the Development Control service had been through a thorough review and a series of improvements to processes had been identified, resulting in more efficient ways of working, primarily by using more electronic means of operating. The improvements that were yet to take place were being driven through in accordance with the timetable. Once these were in place, it would be possible to reassess the levels of improved efficiencies generated as a result.

During discussion, reference was made to:-

- (a) identifying efficiencies. In welcoming the attempt to identify efficiencies, a non-Executive Member hoped that this would not lead to the service becoming even more stretched. In response, assurances were given that efficiencies had been identified through the review establishing better ways of working and would not lead to the service being even more pressured. Officers advised that the review process had started and some additional efficiencies may emerge for example through 'e-working'. In the mean time, officers were reviewing the resource needs of the service, as summarised in the conclusion of the report presented to Members, and it would ultimately be a Member decision to determine the level of service provided by Development Control through the budget process. However, even at this stage, it had to be recognised that the service could operate in a 'smarter' manner to increase capacity, as had already been identified by the process review work;
- (b) progress reporting back to Members. It was agreed that an interim report on progress being made in the service would be presented back to all Members during the 2008/09 budget setting process;
- (c) the importance of Member delegation. The Chairman of the Development Control Committee emphasised the need for all Members to exercise their delegated powers wherever possible, to not only aid the likelihood of obtaining grant funding, but to also reduce the pressure on the service.

RESOLVED

That the Executive note the Action Plan for implementing the process review, and that the £48,720 interim award of Planning Delivery Grant for 2007/08 be used to fund the necessary ICT investment of £13,175, and to pay for the employment of a Planning Assistant in place of an Area Planning Officer.

E.10/07

E-PROCUREMENT POLICY AND STRATEGY

Consideration was given to a report which suggested putting in place a corporate e-Procurement Policy and Strategy which would assist with the delivery of corporate priorities CP2: 'economic growth' and CP6: 'value for money'.

The report concluded that the e-Procurement Policy and Strategy would put in place the technology required across the devolved procurement function. It would also enable the Council to promote within the authority and local business community modern methods of seeking business and trading not only locally, but also across the national and international e-trading environment.

During discussion, the following points were raised:-

- (a) Members reiterated the importance of sourcing local companies wherever possible to benefit the local economy. Due to the likelihood that competition rules could be breached, it was noted that the Council could not specify that only local companies would be sourced, but could assist in removing barriers to entry and by helping to facilitate local business engagement in 'e-trading'. Overall, officers advised that local companies could be competitive in the wider market;
- (b) To enable easier monitoring and control of procurement, the lead Executive Member confirmed that he had requested that officers investigate centralising purchasing powers;
- (c) Members were informed that an appointment had recently been made to fill the shared procurement officer post. On a normal working week, it was intended that the post would be based at Teignbridge for 3 days and at South Hams for 2 days. It was anticipated that the post would be more than self-financing and that the government had expressed the view that local authorities should be making significant savings in procurement;
- (d) In response to questions raised, officers advised that they would contact the non-Executive Member direct on the matters of polling card printing and the likely level of resourcing conations as referred to in the policy.

RESOLVED

That the e-Procurement Policy and Strategy be adopted and include:

- a. investment in e-procurement technology;
- b. the use and promotion of e-procurement methodologies; and
- c. rationalisation of our purchasing and supplier base.

E.11/07 GENERAL SATISFACTION SURVEY 2006/2007 – RESULTS

A report was considered which examined the results of the General Satisfaction Survey 2006/2007. The survey enabled the Council to gain a better understanding of the views of the community and service users which, in turn, provided the opportunity to focus resources more effectively. Overall, it was noted that the Council had the third highest level of satisfaction of the Devon districts.

The survey results were available to, and considered by, all Members and officers to help inform policy formation and future service delivery planning by identifying areas of weakness, particularly where satisfaction levels had dropped in recent years or had not reached satisfactory levels.

National research had indicated that whilst (nationally) services levels had improved, satisfaction levels had dropped due to a perceived lack of information, involvement and empowerment.

By addressing these areas of weakness and re-focusing resources on areas identified for improvement, the Council would be able to improve public satisfaction levels and thereby improve people's quality of life in the South Hams.

In discussion, reference was made to:-

- (a) the quantity of paper used in producing the report. Officers advised that they acknowledged the concerns of Members and intended to produce a more graphic and condensed paper in the future;
- (b) the survey being overly bureaucratic. Whilst accepting that it was a statutory requirement, a number of Members stated their frustration with regard to the relevance to the Council of a number of issues included in the survey. A non-Executive Member also stated that the total financial implications were in excess of £5,667 (as quoted in the presented report), as this figure did not take into account factors such as officer time and printing costs.

RESOLVED

The Executive considered and commented on the results of the statutory General Satisfaction Survey 2006/07.

E.12/07

ENFORCEMENT OF NEW SMOKE-FREE LAWS

The Executive considered a report which sought approval of an enforcement policy in relation to the smoke-free provisions of the Health Act 2006 and made appropriate administrative arrangements.

The report concluded that it was necessary for the Council to be transparent about its enforcement approach and this was clearly reflected in the policy. The policy also showed consistency with other local authorities approach to enforcement.

In discussion, reference was made to:-

- (a) the cost of inspection and enforcement to the Council. Officers advised that the inspections would be an integral element of the Environmental Health Officers workload and would be normally undertaken as part of the usual inspections process. However, in the event that the Council should receive a complaint, it was noted that additional work would result for the officers;
- (b) displaying the statutory signage. A number of Members stated their dismay that premises including churches, listed buildings and shops could face fines if they did not display the statutory signage on every entrance and exit access point;
- (c) compliance with the laws. Members were advised that the Council had taken every step necessary to ensure compliance with the law;
- (d) the grant allocation being for only 2 years. A non-Executive Member warned that if the government expectation for the legislation to be self-financing within this period was not fulfilled, the Council taxpayer could be left to incur the costs.

RESOLVED

1. That the smoke-free enforcement policy (as presented to Members) be adopted;
2. That Council be **RECOMMENDED** to amend the scheme of delegations to reflect the provisions of Part 1 of the Health Act 2006 and that enforcement officers be authorised to act accordingly.

(NOTE: Cllr Barnes wished for her abstention from the vote to be recorded).

E.13/07

FUTURE DIRECTION OF HOUSING ADVICE SERVICES – FUNDING FOR PART-TIME DEBT ADVISOR

Members considered a report which requested that the comments of the Community Policy Development Group meeting held on 12 April 2007. The report also sought the approval of expenditure to fund a part-time post within the Citizen's Advice Bureau to undertake specialist debt advice.

Debt was seen to be a major factor for a significant number of people in the South Hams. If debt was not managed, there was a real risk of homelessness occurring. It was noted that the risk of homelessness occurring was reduced by working with people at an early stage and helping them to manage their debt wherever possible.

The Executive highlighted the extensive level of work involved in achieving the government's target to reduce the use of temporary accommodation by 50% by 2010. As a consequence, a Member stated his wish that a review be carried out into the temporary accommodation currently within the ownership of the Council.

RESOLVED

That expenditure of £12,000 per annum from the Economic Regeneration and Anti Social Behaviour Reserve be approved in line with the recommendation of the Community Policy Development Group.

E.14/07 DAIRY CREST, TOTNES

A report was considered which advised of the recent announcement by Dairy Crest of its intention to consolidate its national operation, which was likely to involve the closure of the depot in Totnes. As such a decision clearly had potentially significant implications for the economy of Totnes and the wider South Hams, the report reviewed what actions were available to the Council to seek to persuade the company to remain within the town.

In the event that this was not possible, the report also set out options for the potential acquisition of the site either by the Council directly, or in partnership with another organisation. Therefore, the report sought Member support for investigations to be carried out into the feasibility of acquiring the site, in order that the Council was not at a disadvantage in the respect of a final decision to close the plant being taken.

The report highlighted that there was a potential opportunity for the Council to be involved in the acquisition of a key development site in Totnes, which would enable the Council to deliver on several of its Core Priorities. It was stressed that early work would ensure the Council was in a strong position should the site come to market. Subject to Member approval, officers would carry out further investigations and report back to Members, should any further action be proposed.

In discussion, the following points were raised:-

- (a) Officers stated that they had no prior warning of Dairy Crest's intention before the 14 May 2007 public announcement. As soon as officers became aware of the situation, they ensured that both local Members and the Executive were informed and a press release was issued. However, it was acknowledged that there had been rumours about the future of the depot for many years;

- (b) Both Members and officers stated that it was their top priority to ensure, if at all possible, that Dairy Crest retain the site for its current use. To date, officers had regular informal communication with Dairy Crest representatives but internal pressures within the company had made it difficult to hold a formal meeting. When a meeting was held, it was hoped that officers could ascertain what possible factors could be facilitated by the Council to enable Dairy Crest to either remain on the site or relocate to a more suitable site within the South Hams;
- (c) The shortage of employment land in Totnes was stressed. Local Members advised of the level of local concern and stated that in light of a number of employment sites having already been lost, it was imperative that the site remain for employment purposes. If this was not achievable, Members did see the merits of retaining the majority of the site for employment use, with an element of solely affordable housing included;
- (d) A Member stated that she had been advised that the site would be problematic to develop, due to it being situated within a flood plain area;
- (e) Officers agreed to liaise with the town council through the Totnes Town Council clerk;
- (f) A non-Executive Member questioned whether the Council could exercise Compulsory Purchase powers. In response, officers advised that this would not secure the land for anything less than market value and was a time consuming process but should not be discounted from the possible options;
- (g) On the assumption that the current operation could not be retained in Totnes, officers advised that they would need to put together a detailed appraisal before being able to confirm a value for the site if an acquisition was to be recommended. Also, based on this assumption and accepting that the Council would be prepared to take on the full risk of site acquisition, several Members indicated that it was their preference at this stage, for option (b) to be pursued (as outlined in the presented report).

RESOLVED

- a) That Members indicate their strong support for the retention of Dairy Crest, Totnes and request that reasonable steps be taken to secure it; and
- b) That Members support investigations being undertaken into the feasibility of acquiring the site.

E.15/07 INSURANCE ARRANGEMENTS: EXTENSION OF CONTRACT

Members considered a report which sought to extend an existing insurance contract with Zurich Municipal for two years until 31 May 2010.

The report concluded that to ensure a continuity of insurance services and to benefit from future partnership working, a two year extension of the existing agreement was desirable. This will secure annual savings of £30,000 per annum for three years commencing on 1 June 2007 (£90,000 in total). In view of the annual value of the contract, it was necessary to waive the Standing Orders relating to Contracts in this instance.

RESOLVED

1. That the existing insurance contract with Zurich Municipal be extended for two years until 31 May 2010;
2. That Standing Orders relating to contracts be waived in this instance.

E.16/07 WRITE-OFF REPORT

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

The report emphasised that officers wished 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.

Officers stated that they had not detected any recent trends whereby the numbers of debts being written off were increasing and advised that debt management for the Council remained strong.

RESOLVED

1. That the Executive note that, in accordance with Financial Regulations, the Head of Financial Services has authorised the write-off of individual debts totalling £41,214.90 as detailed in Table 1 of the presented report;
2. That the Executive authorise the write-off of individual debts in excess of £3,000 as detailed in Table 2 of the presented report.

E.17/07 **REPORTS OF OTHER BODIES**

RESOLVED

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

a) Environment Policy Development Group – 6 March 2007

EPDG.15/06: Life into Landscape Programme 2003-2007

RESOLVED

That it be noted that the Environment Policy Development Group has considered and commented upon:-

1. its belief that the outputs achieved by the Life into Landscape programme are above expectations and have provided a significant amount of funding into the district;
2. future opportunities for new programmes of work which encourage external funding linked to the Corporate Priorities and cross cutting themes within the Council's Priorities.

b) Environment Policy Development Group – 5 June 2007

EPDG.3/07: Review of Air Quality Strategy

RESOLVED

That the Air Quality Strategy be approved, subject to the inclusion of any comments as detailed in the minutes of the Group meeting.

c) Community Policy Development Group – 12 March 2007

CPDG.36/06: Future Direction of Housing Advice Services

RESOLVED

1. That the Group has considered the report and commented on the proposed actions for enhancing the prevention of homelessness and reduction in the use of temporary accommodation;

2. That the initiative of funding a part-time post to undertake specialist debt advice work from the Economic Regeneration and Anti-Social Behaviour reserve, and the service level agreement with the CAB stating clearly defined outcomes which should define a cost for the proposal to be funded from within this reserve be endorsed.

CPDG.37/06: Affordable Housing Initiatives – Protocol for Local Member Engagement

RESOLVED

That the protocol relating to the rural housing initiative be approved.

CPDG.38/06: Review of the Partnership Framework

RESOLVED

That the Partnership Framework continue to be applied to provide a useful tool for assessing partnership working within the Council.

CPDG.39/06: Social Inclusion Policy and Strategy 2007-2012

RESOLVED

1. That the policy and strategy be adopted;
2. That, as part of 2008/09 budget setting process, funding provision for the return of Council funded work placement schemes be investigated.

d) Development Planning Steering Group – 5 June 2007

4. Development Control Core Policies DPD – Preferred Options

Members stated the difficulty which the Development Control Committee currently experienced with regard to the rigidity of the current policies. As a consequence, Members emphasised the importance of getting the policies absolutely right and discussed at length the most appropriate approach for further Member input prior to the Council meeting on 28 June 2007. In light of all Members being involved in the Development Control process, it was felt that the most appropriate method to gain additional Member involvement would be to arrange an all Member workshop before 28 June 2007. Officers advised that they would endeavour to find the most suitable date in officer and Member diaries and attempt to arrange the briefing as soon as was practically possible.

RECOMMENDED

That the Council be **RECOMMENDED** that:

1. the LDF Development Control Core Policies Development Plan Document (Preferred Options) be published in July 2007; and
2. authority be delegated to the Head of Community Regeneration, in consultation with the Leader and a nominated Member from the Minority Groups, to make the necessary changes to its content.

5. Affordable Housing Policies DPD – Preferred Options

RECOMMENDED

That the Council be **RECOMMENDED** that:

1. the LDF Affordable Housing Policies Development Plan Document (Preferred Options) stage be published in July 2007; and
2. authority be delegated to the Head of Community Regeneration in consultation with the Leader and a nominated Member from the Minority Groups to make necessary changes to its content.

6. Rural Areas DPD – Issues and Options

RECOMMENDED

That the Council be **RECOMMENDED** that:

1. the LDF Rural Areas Development Plan Document (Issues and Options) stage be published in July 2007; and
2. authority be delegated to the Head of Community Regeneration in Consultation with the Leader and a nominated Member from the Minority Groups to make necessary.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.12/07 (PART 2) AND E.17/07(d) (PARTS 3,4 AND 5) (WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING ON 28 JUNE 2007) WILL BECOME EFFECTIVE FROM 5.00PM ON 18 JUNE 2007 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

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

Chairman