

**MINUTES OF A MEETING OF THE EXECUTIVE
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY, 8 MARCH 2007**

MEMBERS

* Cllr R O Yonge - Chairman

* Cllr R J Tucker - Vice-Chairman

∅ Cllr N A Barnes

* Cllr D W May

* Cllr S L Rankin

* Cllr R Rowe

* Cllr M F Saltern

* Cllr I P Steer

* Denotes attendance

∅ Denotes apologies for absence

Also in attendance at the invitation of the Chairman:

Cllrs H D Bastone, B J Boughton, J Brazil, S M Fairman, G J Fielden, P W Hitchins,
J W Squire and D W S Thorning

Also in attendance but not participating:

Cllrs R J Carter, V A Harvey and A R Vale

Officers in attendance:

All Agenda Items: Chief Executive, Strategic Director (Resources), Strategic Director
(Operations) and Strategic Director (Community);

Item 7 (E108/06 below refers): Head of Community Regeneration

Item 8: (E.109/06 below refers): Solicitor

Item 9 (E.110/06 below refers): Health and Safety Advisor

Items 11 and 12 (E.112/06 and E.113/06 below refers): Head of Financial Services

Items 13, 16 and 17 (E.114/06, E.116/06 and E.118/06 below refers): Head of
Property Services

E.104/06 MINUTES

The minutes of the meeting of the Executive held on 25 January 2007 were confirmed as a correct record and signed by the Chairman.

E.105/06 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 and 16 – (minutes E.108/06 and E.116/06 below refer) – Cllr Fielden;

Items 7 and 11 – (minutes E.108/06 and E.112/06 below refer) – Cllr Squire;

Item 16 – (minute E.116/06 below refers) – Cllr Brazil

Items 7, 11 and 16 – (minutes E.108/06, E.112/06 and E.116/06 below refer) – Cllr Boughton

Items 11 and 14 – (minutes E.112/06 and E.115/06 below refer) – Cllr Hitchins

Items 7, 9, 11 and 16 – (minutes E.108/06, E.110/06, E.112/06 and E.116/06 below refer) – Cllr Fairman

Item 16 – (minute E.116/06 below refers) – Cllr Thorning

E.106/06 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 I P Steer declared a personal interest in Item 13: 'Capital Programme Monitoring Report' (Minute E.114/06 below refers) by virtue of her being the local ward Member for Harberton and remained in the meeting and took part in the discussion and vote.

Cllr P W Hitchins declared a prejudicial interest in Item 7: 'Local Development Framework – Review of the Local Development Scheme' and left the meeting during the discussion on this item.

E.107/06 PUBLIC QUESTION TIME

It was noted that no public questions had been received.

E.108/06 LOCAL DEVELOPMENT FRAMEWORK – REVIEW OF LOCAL DEVELOPMENT SCHEME

A report was considered which reported identified a number of issues that necessitate the urgent review of the Local Development Scheme (LDS) which was the programme for the Local Development Framework (LDF). Changes to the programme were needed, particularly in light of the Core Strategy Inspector's report and current staffing difficulties in the Forward Planning team. Furthermore, a review was also required based on the Council's learning from being a pathfinder under the new planning system.

In conclusion, the report noted that the Council was making excellent progress on its LDF and was recognised as one of the leading authorities in the region and nationally based on LDF progress. However, it was increasingly clear that it would not be feasible to expect to be able to deliver LDF documents as quickly as had been hoped. A review of the LDS was urgently needed in order to establish a realistic and up-to-date programme and improve the Council's ability to secure future Planning Delivery Grant (PDG). The revised LDS had to be submitted to the Government Office for the South West (GOSW) by no later than 1 April 2007.

Prior to the meeting of the Executive, the report had been considered by the Development Planning Steering Group (DPSG) at which they noted that the Council still remained at the forefront nationally in terms of progress being made with its LDF. Furthermore, the DPSG recommended a change in the resolution to postpone the potential partnership approach with Plymouth City Council (PCC) on the production of the Plymouth Urban Fringe Development Plan Document (DPD), pending further investigation and the production of a detailed risk assessment. Member's recognised the pressure the LDF work had placed on the forward planning team and subsequently other services such as legal and development control.

During discussion, reference was made to:-

- a) financial constraints which might limit the rapid advancement of the LDF;
- b) a non-Executive Member's concern relating to the proposed partnership approach with PCC and the likely timescale for the Plymouth Urban Fringe DPD. In response it was noted that the future LDS programme shown in the report was based on the limited resources currently available and therefore it was not envisaged that progress would be further developed. If the Plymouth Urban Fringe DPD was to be advanced in partnership with Plymouth, both authorities would require the process to be tied in with its LDS documents. However, postponement of the partnership did not preclude a future partnership working approach. The non-Executive Member noted that he was not adverse to informal discussion with Plymouth City Council and was pleased to see further investigation was to be carried out prior to the establishment of any partnership.

In relation to the risk assessment recommended by the DPSG, the Chairman of Scrutiny highlighted how critical this aspect was and requested that there be Member involvement in its development;

- c) the actual construction of houses. A non-Executive Member noted that although all these processes and procedures were being put into place, there was still nothing which demonstrated when houses were to be built. In response, it was noted that identifying sites was difficult and that members of the public, although supportive in principle, had reservations once plans were formally submitted. The Executive Member for housing noted that this was an issue both in the rural and urban areas and community consultation from an early stage was critical. Furthermore, the Executive reminded Members that the Council was completely committed to delivering affordable homes in the district;

- d) the need to address the gap between low average wages and high average house prices across different parts of the district was stressed.

RESOLVED

That the Executive **RESOLVES** to support the revised LDF programme as shown in Appendix C of the presented report, subject to the following further comments:

1. for the town-based documents, to continue to accord top priority to Totnes, and to follow that with Dartmouth, Kingsbridge and Ivybridge, in that priority order unless additional resources could be found to enable town-based documents to be advanced in parallel;
2. in view of the urgency of the need to advance developments around the district, not to await the adoption of RSS (enabling work to a longer 2026 horizon) before commencing preparation of any LDF documents but rather to press ahead with documents as quickly as possible (initially to the existing 2016 horizon) and to introduce the longer term 2026 horizon as soon as can be achieved thereafter;
3. to postpone a decision on the potential for a partnership approach with Plymouth City Council to the production of the Plymouth Urban Fringe Development Plan Document, pending further investigation and the production of a detailed risk assessment; and
4. that a further report be brought to Members identifying how the forward planning team may be augmented and reinforced to enable the more rapid progression of the LDF, particularly town based documents.

E.109/06 INFORMATION ACCESS POLICY

A report was considered which advised Members that the Council had yet to adopt a policy on making available to Members of the public the information that the Council held, which was a statutory requirement.

The report noted that the approval of the draft policy would start a process by which the Council's response to requests for information became more orderly, comprehensive and accessible. The Council had had procedures for disclosure of information in place but they were in need of review as they were established some time ago. Furthermore, new legislation, i.e. the 2005 Regulations, needed to be accommodated.

In presenting the report, Members were informed that currently Freedom of Information requests were not being tracked adequately and it was conceivable that some requests were not being treated appropriately under the relevant legislation. A clear policy and procedure would allow staff to identify when an approach by a member of the public was in fact a request for information. Furthermore, the monitoring of requests would show where there may be potential problems.

During discussion, Members drew attention to the charging scheme noted in the presented report. Although satisfied with the charging regime, a Member was concerned over whether this would preclude the less affluent members of the community from making a request. In response, it was recorded that 10p per sheet was the recommended charge and should not be a deterrent to interested parties. In addition to this a further Member queried whether 10p per sheet was sufficient as requests not only impacted upon Council resources but also impeded on Officer time. It was noted that the report recommended that the actual costs were to be monitored and reported back to Members for future consideration. In response, Members felt it pertinent to extend the resolution to include that the system for recording and tracking requests for information should be made more complete and accurate.

RESOLVED

That the Executive:

1. **RECOMMEND** to Council that the Information Access Policy attached as the Appendix to the circulated report be approved and adopted, together with the fees and charges set out in paragraph 6 of the circulated report subject to a further review on actual costs;
2. instruct Officers to review and, if necessary, amend the processes and procedures for the disclosure of information by the Council to make them compliant with the Policy;
3. that a system for recording and tracking all requests for information be made more complete and accurate.

E.110/06 **RISK MANAGEMENT STRATEGY – AMENDMENTS**

A report was considered which recommended changes to the Risk Management System which was adopted by the Executive at its 28 July 2005 meeting following input from Scrutiny (SC.18/05 refers). The Council had adopted Risk Management as being an essential part of its management systems and the Risk Management Strategy should include the current arrangements and provide for the systems required to ensure that risks to our objectives were managed and that Risk Management was fully embedded in every aspect of the Council.

It was requested that the Member Champion for Health and Safety be involved in the Risk Management Group and that the wording of the policy be revised to reflect this.

RESOLVED

That the Executive approve the amendments to the Risk Management Strategy.

E.111/06 **STREET NAMING – NAMING AN UNNAMED ROAD IN STOKE GABRIEL**

A report was considered which sought approval to name the unnamed street off Vicarage Road in Stoke Gabriel 'Millers Lane'. The request was based on the belief that Millers Lane was the more historically correct name. Prior to the street being named it was noted that a public notice would be posted for a period not less than one month at each end of the street detailing the proposals.

The report then went onto detail that the current Scheme of Delegations did not encompass such situations and therefore it was suggested that the it be amended to enable similar requests to be dealt with under delegated authority.

RESOLVED

That the Executive **RESOLVES:-**

1. that the placing of Public Notices at either end of the unnamed Street off Vicarage Road, Stoke Gabriel, for a period of not less than one month in accordance with Section 18 of the Public Health Act 1925 to name the street 'Millers Lane' be carried out;
2. to **RECOMMEND** to Council that the Scheme of Delegations be revised to enable street naming and number requests from residents and/or the Town/Parish Council, to be agreed under the delegated authority of the Head of Corporate Services.

E.112/06 REVENUE BUDGET MONITORING 2006/2007

A report was considered which enabled Members to monitor income and expenditure variations against the approved budget for 2006/2007. Effective budgetary control was essential to ensure priorities were delivered in accordance with plans.

The report concluded in saying that the rising cost to the Council of the Concessionary Fares Scheme continued to be a cause for concern. If it had not been for this exceptional budget increase, which was outside the Council's control, other variations would have resulted in a net under spend of over £300,000. However, it was noted that further budget pressures had also been identified in relation to Waste Management and income generated from the Ferry and car parks.

During discussion, reference was made to:-

- a) the additional costs of the Waste Management service which had arisen from the re-organisation of the refuse collection rounds. Officers noted that they were confident that this could be corrected following further adjustment to the organisation of resources to maximise efficiency of the waste collection regime. A non-Executive Member enquired over the possibility of additional recycling centres being located throughout the district to reduce 'tip off' travel time for the refuse trucks. In response, it was noted that the Civic Amenity Sites which the Member was referring to were within the remit of Devon County Council. However, the district did have the power to increase the number of collection banks in car parks and the Strategic Director (Operations) was happy to discuss this with interested Members;
- b) the Local Authority Business Growth Incentive Grant (LABGI). Members were concerned that Council's were not notified of the Grant amount they were to receive until towards the end of the financial year making it difficult to budget plan. Officers responded by saying that there were difficulties in obtaining a grant estimate. Furthermore, the formula used for distributing grants was not clear cut and there were huge variations across the Country. A number of authorities in the Country were appealing against their grant decision but Members were assured that the outcome would not affect the grant received by South Hams;
- c) the concessionary bus fares scheme. Members continued to air concern over the costs of the scheme, especially in light of the scheme going national during 2008. It was still uncertain as to how authorities would be reimbursed which was of significant interest to tourist areas such as the South Hams. The Head of Financial Services informed Members that there was a Devon Partnership working to lobby government on this issue and correspondence sent to government would be available for interested Members.

Members also drew attention to the schemes effect on the income for the town centre car parks. Further figures to support this theory would be available following the summer period. It was suggested that the Executive receive monthly projection figures in order that problems be identified at the earliest possible instance;

RESOLVED

That the Executive note the forecast income and expenditure variations for the 2006/2007 financial year.

E.113/06 WRITE-OFF REPORTS

Reference was made to 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 Financial Services under delegated authority. In this reported financial quarter, there were no debts in excess of £3,000 for which permission to write-off was sought.

RESOLVED

That the Executive note that, in accordance with Financial Regulations, the Head of Financial Services has authorised the write-off of individual debts totalling £26,948.79 as detailed in Table 1 to the presented report.

E.114/06 CAPITAL PROGRAMME MONITORING REPORT

A quarterly report was considered which enabled Members to monitor the Council's major capital schemes in terms of both cost and progress against timetable. The report concluded that the current capital schemes were progressing in line with the approved programme and there was not currently any area presenting a cause for concern.

From the report, the Executive Member for Assets highlighted the Admiral's Court Phase 3 scheme noting that the £280K Objective 2 funding had been received and reference was also made to the Harberton Flood Alleviation Scheme. In relation to the latter, attention was drawn to appendix 1 of the presented report which detailed the lessons to be learned following over-expenditure of the approved Capital budget. However, Members credited the works carried out at Harberton which had proved very successful, especially in light of the recent high rainfall experienced.

RESOLVED

That the report be noted.

E.115/06 **REPORTS OF OTHER BODIES**

RESOLVED

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

(a) Business Board (Operations) – 21 February 2007

BBD.12/06: Monitoring Report

RESOLVED

That the Business Board has examined the overall performance of the Operations and the Dartmouth Lower Ferry service and has found them to be satisfactory.

(b) Business Board (Leisure, Car Parks and Markets) – 21 February 2007

BBL.15/06: Monitoring Report

RESOLVED

That the Business Board has examined the overall performance of the Leisure Centres and Car Parks and Pannier Markets and has found them to be satisfactory.

BBL.16/06: Monitoring Report (Leisure Centres, Sport and Healthy Lifestyles Contact)

RESOLVED

1. That the Business Board has considered and commented upon the contract monitoring arrangements in place with Tone Leisure (South Hams)Ltd;
2. That the Business Board welcomes the fitness gym investments and find the first months of the contract to have been delivered satisfactorily;
3. That the Business Board wished to congratulate Tone Leisure (South Hams) Ltd on the transition and partnership arrangements which have already been in place.

E.116/06 DEVELOPMENT PROPOSALS AT KINGSBRIDGE

Members considered a report which sought approval to enter into a land transaction which would help facilitate the delivery of a supermarket on land at Cookworthy Road, Kingsbridge, whilst securing alternative public car parking provision for the town.

Whilst this would involve a financial investment by the Council, this would be balanced by savings associated with moving from a rented car park site to one in the Council's freehold ownership.

The Deputy Leader informed Members of a suggested addition to the recommendation which included a rider that the recommendations were subject to the achievement of satisfactory planning consent for the scheme.

During discussion, a non-Executive Member expressed concern over the establishment of a supermarket and the impact it may have on small retailers. A further non-Executive Member expressed the same view highlighting the issues Ivybridge had experienced since the establishment of the out of town supermarket at Lee Mill. In response, Members were reminded that the Kingsbridge site was situated close to the town centre and had the potential to bring trade into the town, as was experienced in Totnes. Furthermore, the planning application would include a retail impact analysis.

The size of the store was also imperative in order to attract the necessary number of customers without detracting from the prosperity of the wider town centre. However, Members were reminded that in this instance the Executive were acting as the land owners and it was the remit of the Development Control Committee to determine an application for a supermarket based on planning merits, although it was acknowledged that it was still necessary for the Executive to consider the potential impacts on the community of such proposals. Furthermore, Members were advised that by indicating a pre-judged view on the proposals, they could compromise their ability to determine the planning application.

RESOLVED

That the Executive **RECOMMEND** to Council that subject to the achievement of satisfactory planning consent being granted:-

- a) The financial contribution towards the establishment of alternative car parking provision, as set out in the presented report, be approved;
- b) The Council takes the freehold of the alternative car parking site as set out in the presented report; and

- c) The area of land between Cookworthy Road Car Park and Fore Street Car Park, Kingsbridge, as set out in the presented report, is transferred to the developer or other nominated body for the purpose of creating a link to the town centre from the supermarket.

E.117/06 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 items of business as the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act is involved.

E.118/06 PROPOSED LAND SALE AND ACQUISITION - KINGSBRIDGE

An exempt report was considered which sought approval for the disposal and acquisition of two small areas of land.

RESOLVED

That the disposal and acquisition of land at Quay Car Park Kingsbridge on the terms as set out in the presented report is approved.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.109/06, E111/06 AND E.116/06 (WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING ON 29 MARCH 2007) WILL BECOME EFFECTIVE FROM 5.00PM ON 19 MARCH 2007 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

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

Chairman