

**MINUTES OF A MEETING OF THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY, 8 OCTOBER 2009**

**MEMBERS**

\* Cllr R J Tucker - Chairman

ø Cllr P W Hitchins - Vice-Chairman

\* Cllr H D Bastone

\* Cllr M J Hicks

\* Cllr B E Carson

\* Cllr M J Howarth

\* Cllr J D Hawkins

\* Cllr M F Saltern

\* Denotes attendance

ø Denotes apology for absence

Also in attendance and participating:  
Cllrs K J Baldry, J I G Blackler, G J Fielden, R D Gilbert,  
J T Pennington and J W Squire

Also in attendance but not participating:  
Cllr R C Steer

Officers in attendance:

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

Item 7 (minute E.49/09 below refers): Risk and Health and Safety Officer;

Item 8 (minute E.50/09 below refers) Head of Property Services;

Item 9 (minute E.51/09 below refers): Head of Legal Services and Land Charges  
Assistant; and

Item 13 (minute E.55/09 below refers): Head of HR and Personnel Manager

**E.44/09 MINUTES**

The minutes of the meeting of the Executive held on 10 September 2009 were confirmed as a correct record and signed by the Chairman.

**E.45/09 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.48/09 below refers) – Cllrs Fielden and Pennington  
Items 8 and 9 (minutes E.49/09 and E.50/09 below refer) – Cllr Baldry,  
Blackler and Squire

Item 8 (minute E.49/09 below refers) – Cllrs Blackler and Squire

Item 13 (minute E.54/09 below refers) – Cllr Gilbert

**E.46/09 DECLARATIONS OF INTEREST**

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

**E.47/09 PUBLIC QUESTION TIME**

It was noted that no public questions had been received.

**E.48/09 PARTNERSHIP POLICY AND GUIDANCE**

Consideration was given to a report which reviewed the policy and guidance already in place to manage the Council's approach to, involvement in and monitoring of partnerships.

The lead Executive Member introduced the report and stated that this policy had been rewritten from the original, which was considered at the Executive meeting on 28 May 2009 (Minute E.07/09 refers). It was noted that some significant changes had been made, including the introduction of an annual review of significant partnerships.

The report concluded in stating that a common approach to forming, managing, monitoring and evaluating partnerships would assist in ensuring that they were in existence for the benefit of both the Council and the community.

During discussion, the following points were made:-

- a) A Member asked how many significant partnerships would be subject to annual review as there were concerns about the workload for officers and Members. In reply, officers advised that there were currently approximately 15 partnerships which could fall into this category. The Chief Executive advised that as part of the initial assessment, an appropriate frequency would be identified for each partnership to be reviewed. Members endorsed this suggestion and felt it was more appropriate and cost effective to determine the frequency of review for each significant partnership individually;
- b) A Member asked what processes were in place when a view expressed by a partner did not concur with the view of the collective partnership. The Chief Executive advised that this would be a matter for the partnership to address initially;
- c) In light of concerns being raised over the cost implications of entering partnerships, the Chairman stated that we saved money and gave the example whereby South Hams and West Devon Members would attend meetings on behalf of both authorities. Another Member noted that the report stated that value for money was a key requirement for evaluation in each partnership. The Strategic Director (Community) added that the report arose from previous criticism from our external auditors and the new policy and review mechanism would help to address their concerns;

- d) Members were reminded that whilst officers may make decisions within partnerships, Members ultimate responsibility was to scrutinise what was going on and to report back any concerns they had with the outcomes of the partnership;
- e) A Member stated that it would be appropriate for all members of a partnership to undertake a review at the same time, thereby ensuring that the partnership was still achieving the required outcomes for all partners.

It was then:-

### **RESOLVED**

That the Partnership Policy and Guidance be adopted and the procedure for assessing significant partnerships be carried out for existing arrangements.

E.49/09

### **LANGAGE ENERGY PARK – RESOLUTION TO MAKE A COMPULSORY PURCHASE ORDER (CPO)**

Consideration was given to a report which updated Members since the Executive resolved to make a Compulsory Purchase Order at its 7 December 2006 meeting (minute E.82/06 refers). The report also sought to reaffirm that officers should continue to work under delegated powers to conclude the CPO.

In conclusion, the report recommended that the necessary resolutions as set out in the presented report be made to enable the CPO to continue to be promoted, given that the contents of the draft 'Statement of Reason' reaffirmed the compelling case in the public interest to secure the development of the Langage Energy Park.

During discussion, reference was made to:

- a) the importance of being able to progress this site. It was noted that there was the potential for a significant number of jobs to be created on this site, which was one of a limited range of sites that the Regional Development Agency was involved in which emphasised its importance to the South Hams, Plymouth and the wider South West region;
- b) the extensive work which had already taken place to negotiate with the landowner. Whilst these negotiations would continue, they had so far been unsuccessful and the CPO was therefore considered necessary to achieve the full outcome potential of this site;
- c) the importance of work commencing on the site as quickly as possible. It was felt to be inappropriate for the CPO to be enforced with then nothing happening to the land, although it was accepted that this was heavily dependent on the economic situation;

- d) the view of a non Executive Member that the CPO should not proceed as there were many empty commercial properties in Plymouth. In response, the Strategic Director (Community) advised that many of these areas were the Brownfield sites to be developed for housing, which reduced pressure for new housing on the edge of Plymouth within the South Hams, but the strategy was dependent on new employment sites, such as Langage, becoming available for relocation of business uses, with transport links being in place to ensure that such out of town development is sustainable.

It was then:-

### **RESOLVED**

- a) That the efforts made by officers to enter into negotiations with the owners of the CPO land for its acquisition by agreement be noted;
- b) That the contents of the draft 'Statement of Reasons' be noted and the Strategic Director (Community) be authorised to amend them to reflect the up to date position at the point of submission; and
- c) That the delegated authority granted to the Head of Corporate Services, Head of Property Services and the Strategic Director (Community) to conclude the CPO be affirmed.

E.50/09

### **PROPOSAL TO CHARGE FOR STREET NAMING AND NUMBERING SERVICES**

A report was considered which proposed the introduction of charges for street naming and numbering services. Whilst a charge could be imposed to cover existing costs, it was not possible to generate a profit from this service.

The report concluded by suggesting that the Council should also adopt the policy statement (as set out in presented Appendix B) to direct the process. If adopted, the Policy would be included on the Council's website and also publicised through other means.

During discussion, further points were raised as follows:

- a) Although an amended recommendation was circulated to the meeting, it was not put to the vote as Members wished to delete reference to a specific charge per application.

- b) A Member raised some anomalies within the costings of presented Appendix A and asked that the figures be reviewed to ensure that the Council was receiving the appropriate monies for the work undertaken. It was therefore agreed that officers would review this matter and present a further report back to a future Executive meeting;
- c) A non Executive Member queried why the Council did not impose a charge for developers when constructing new development sites.

It was then:-

**RESOLVED**

That the Policy and charging for this activity be accepted in principle, would be adopted and the principle of but that officers be asked to present a revised report to the next Executive meeting setting out more accurate details of the costs incurred by the Council and the possibility of charging in relation to signs on new developments.

E.51/09

**EXEMPTIONS TO STANDING ORDERS RELATING TO CONTRACTS AND FINANCIAL INSTRUCTIONS**

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

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

It was then:-

**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.52/09      **REPORTS OF OTHER BODIES**

**RESOLVED**

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

**a) Environment Policy Development Group – 16 September 2009**

**EPDG.9/09 Review of Council's Enforcement Policy**

**RESOLVED**

That the Enforcement Policy be approved.

**EPDG.10/09 Environmental Health Budget Review**

**RESOLVED**

That the Environment Policy Development Group note the report and has commented on the service as recorded in the minutes of that meeting.

**EPDG.11/09 Environment Services Budget Review**

**RESOLVED**

That the Environment Policy Development Group note the report and has commented on the service as recorded in the minutes of that meeting.

E.53/09      **EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Schedule 12A to the Act is involved.

E.54/09      **PROGRESS TOWARDS SINGLE STATUS: NEGOTIATIONS WITH TONE LEISURE**

Consideration was given to an exempt report which provided Members with a progress update on the Single Status project in relation to negotiations with Tone Leisure.

In discussion on the exempt report, the Executive wished to make some amendments to the conditions as set out in paragraphs 5.1 to 5.5 of the presented report. These amendments were namely:

- a) para 5.1 remove the wording 'makes a payment' and replace it with 'pays Tone Leisure';
- b) para 5.3 remove the wording 'would prefer to'; and
- c) para 5.5 to be deleted.

**RESOLVED**

1. That the recommendation of the Personnel Panel, whereby delegated authority be given to the Strategic Director (Resources), in consultation with the Chairman and Vice-Chairman of the Personnel Panel, the lead Executive Member for Personnel and the Leader of Council to reach an agreement with Tone Leisure to remove mutual obligations contained within the Business Transfer Agreement in relation to single status.
2. That the negotiations should be concluded in accordance with the conditions set out in paragraphs 5.1 to 5.5, subject to the amendments as outlined in the minutes above also being incorporated.

***(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00PM ON 19 OCTOBER 2009, UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).***

(Meeting commenced at 10.00 am and concluded at 11.30am).

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Chairman