

**MINUTES OF A MEETING OF THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY, 10 JULY 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

∅ Denotes apology for absence

Also in attendance at the invitation of the Chairman:

Cllrs K J Baldry, J H Baverstock, J Brazil, R F Croad, J D Hawkins, R M Lawrence,  
J T Pennington, J W Squire, M Stone and J A Westacott

Also in attendance but not participating:

Cllrs J I G Blackler, B F Cane, J D Hawke, I Longrigg, D W May and R C Steer

Officers in attendance:

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

Items 8 and 9 (minutes E.21/08 and E.22/08 refer) – Acting Head of Property  
Services;

Item 10 (minute E.23/08 refers) – Head of ICT;

Item 11 (minute E.24/08 refers) – Monitoring Officer;

Item 13 (minute E.26/08 refers) – Head of Community Regeneration and Forward  
Planning Manager;

Item 16 (minute E.29/08 refers) – Head of Landscape and Leisure.

**E.15/08 MINUTES**

The minutes of the meeting of the Executive held on 29 May 2008 were confirmed as a correct record and signed by the Chairman.

**E.16/08 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, 10, 11, 12, 13, 15, 16 and 19 (minutes E.20/08, E.21/08, E.22/08, E.23/08, E.24/08, E.25/08, E.26/08, E.28/08, E.29/08 and E.32/08 below refer) – Cllr Brazil;

Item 8 (minute E.21/08 below refers) – Cllr Stone;

Items 8 and 13 (minutes E.21/08 and E.26/08 below refer) – Cllr

Hawkins;  
Items 8, 11, 13 and 14 (minutes E.21/08, E.24/08, E.26/08 and E.27/08 below refer) – Cllr Pennington;  
Items 8 and 19 (minutes E.21/08 and E.32/08 below refer) – Cllr Baldry;  
Items 8, 13, 15 and 16 (minutes E.21/08, E.26/08, E.28/08 and E.29/08 below refer) – Cllr Squire;  
Items 9 and 19 (minutes E.22/08 and E.32/08 below refer) – Cllr Croad;  
Items 12 and 13 (minutes E.25/08 and E.26/08 below refer) – Cllr Westacott;  
Items 16 and 19 (minutes E.29/08 and E.32/08 below refer) – Cllr Baverstock;  
Item 19 (minute E.32/08 below refers) – Cllr Lawrence.

E.17/08      **URGENT BUSINESS**

The Chairman advised that he had one item of urgent business which he wished to raise following formal notification from Unison of notice of industrial action on 16 and 17 July 2008. It was noted that, at this stage the Council had no knowledge of how many staff would participate in industrial action and what the effect it could be upon Council services.

E.18/08      **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 personal interest in item 8: 'Castle Cove' (minute E.21/08 below refers) by virtue of him being a local ward Member and remained in the meeting and took part in the debate but abstained on the vote for this item.

E.19/08      **PUBLIC QUESTION TIME**

In accordance with the Executive Procedure Rules, it was noted that six questions had been received from members of the public as follows:-

**Questions received from John Gutteridge, on behalf of the Coleridge Association**

1. *"With the Council Rate increasing to almost thirty pounds per week why have the District Council reduced all area maintenance for Rural South Hams?"*

In response, it was noted that for a Band D property in South Hams the District Council's element of the Council Tax was approximately £131 per annum, or around £2.50 per week. This money was used to fund a wide range of services, against a background of reducing central Government grant, together with a Government imposed target to reduce expenditure by 3% year on year. As a consequence all the Council's services had to be carefully reviewed to reduce costs, and where possible, maintain service quality.

Area maintenance was regarded as a key service in line with corporate priorities 3 (maintain the district's distinctive environment whilst enabling access and sensitive development) and 4 (maintain a clean environment) and the focus was to maintain the service but deliver it more efficiently and effectively. The Council was therefore in a period of transition, introducing changes which effected the way some front line services, such as waste management and grounds maintenance, were delivered. A new Environment Services Section and Green Spaces Operations Team was being put in place to ensure the quality of service was maintained across all of the district.

This revised approach would ensure a dedicated grounds maintenance team. Under the former arrangements, operations staff were 'pooled' and on occasions this resulted in grounds maintenance staff being utilised to respond to short term staffing issues in other key frontline services, such as refuse collection. The new arrangements should overcome this issue.

In appreciating this response the Chairman of the Coleridge Association expressed concern that recent cuts to the service had been extreme.

2. *"The cuts to area maintenance staff have been savage, extreme and unwarranted. Why has the Executive allowed them to take place?"*

In response it was advised that changes introduced to create the new Environment Services and Green Space Maintenance Teams enabled some managerial efficiencies to be delivered, but did not result in reduced manning levels for frontline maintenance staff.

The Vice-Chairman of the Coleridge Association raised concern that District Council Members had not been kept informed of the re-organisation. However, it was noted that the issue had been discussed widely in the Council at a variety of meetings.

3. *“If the Parish Councils are asked to carry out local services will the District Council fully fund those services?”*

In response it was noted that new ways to deliver high quality cost effective services was always being considered. The Council was examining how it could work with Parishes and the County Council to improve front line services as demonstrated in item 16: ‘Establishment of a Pilot for Devolved Street Maintenance’ (minute E.29/08 below refers), where it was intended to fund and monitor new approaches to service delivery at a local level.

The clerk to the Coleridge Association queried why the pilot was being launched in September 2008 following the busy summer period. In response to this, the Chairman informed those present that implementing such a pilot could take time and it was important to get it correct the first time around.

**Question received from Tony Whitty, Leader of Totnes Town Council**

4. *“Given the proposal to delay submission of the Totnes DPD at this late stage, and despite having completed extensive consultation with the community, do Councillors agree that it is entirely reasonable to expect that any large developments approved in the meantime should count towards the DPD target?”*

In response, the Chairman noted that since these questions had been submitted a meeting had taken place with the Leader of Totnes Town Council and other leading figures from the Totnes and Dartington community regarding concerns about the Development Plan Document (DPD). The programme for the South Hams Local Development Framework (LDF) in general and for the Totnes and Dartington area in particular, were the subject of a report later in the agenda (minute E.26/08 below refers). This report outlines the reasons behind the recommendation for a conjoined approach to producing site allocation LDF documents for all South Hams communities. The housing allocations set by the LDF Core Strategy Inspector were to be provided “on sites to be proposed in the LDF”, and the approach taken should be applied consistently across the district. It was felt premature to make judgements concerning developments approved ahead of the plan until research and consultation across all South Hams communities had been carried out. Indeed, in order to provide sustainability for the sort of scale of development likely to be required over the longer term by the government’s regional strategy, it would be necessary to look across the whole district.

Subsequently, The Leader of Totnes Town Council queried whether windfall sites, which could accommodate any number of units, could count towards the housing allocation prior to the Totnes and Dartington DPD being approved, especially in light of the majority of windfall sites being brownfield sites. In response, the Chairman advised that each site would be taken on its own merits as owners or developers brought it forward for consideration.

#### **Question received from Jill Tomalin**

5. *“As all the labour intensive work on the Totnes DPD has been completed, including public consultation, is it not sensible to finalise the evidence base and progress the DPD to submission, rather than to repeat all this work at a future date? “*

In response, the Leader advised that a good deal of work was still required in order to prepare the Totnes and Dartington DPD for submission and to carry it through examination. To undertake this now would reduce the capacity available to progress site allocation DPDs for other communities across the district. There was potential to make efficiencies and secure a much more robust evidence base around a conjoined process for all site allocation DPDs across South Hams, as was recommended in item 13; ‘Review of Local Development Framework’ (minute E.26/08 below refers).

As a supplementary question, Jill Tomalin questioned how confident the Council was that the timetable for the Totnes and Dartington DPD could be achieved by 2010. In response, it was advised that the Council would endeavour to achieve this target.

#### **Question received from Jim Carfrae**

6. *“In the light of your Statement of Community Involvement, do Councillors agree that each of our four towns should be entitled to set its own unique Vision, Objectives and standards for the development of their own town – something which would be rendered impossible under the proposed site allocation only approach?”*

In response, the Leader stated that the Council would, as always, operate within the guidelines set by its Statement of Community Involvement. A clear vision for each town would be an essential part of each DPD and clear objectives would be required to link back to those in the adopted LDF Core Strategy. The Site allocation DPDs recommended would be no exception to those required.

In response, Mr Carfrae was concerned that community involvement would be taken away under the new LDF timetable in reply to which assurance was given that community involvement was essential to the Council.

E.20/08 **CAPITAL PROGRAMME**

Consideration was given to a report which advised Members of the current position following the recent emergence of a number of suggestions for capital expenditure which required the Council to urgently review the capital programme. It was advised that a comprehensive report would be submitted to the Council meeting on 24 July 2008.

A non-Executive Member raised concern that Members had not been consulted upon any possible projects within their ward. In response, it was noted that Members would have a chance to raise issues at the Council meeting scheduled for 24 July 2008. Moreover, the Executive Member with responsibility for Asset Management was happy to discuss issues with Members.

**RESOLVED**

That a report on the Capital Programme be considered at the meeting of the Council scheduled on 24 July 2008.

E.21/08 **CASTLE COVE**

Consideration was given to a report which summarised the Risk Assessment Report commissioned from Zurich Insurance Company to investigate the level of risk to the Council by the proposal for the re-creation of a link path at Castle Cove between the existing footpath and the bathing platform. The report also sought approval for the allocation of up to £35,000 towards the re-instatement of this access path and if, approved, the community would have to secure all other funding for the scheme and satisfy the other requirements as set out in the presented report.

Prior to a discussion on the item, the Executive Member with responsibility for Asset Management **PROPOSED** an amendment to the presented recommendation c. to read "the risks associated with this project, as identified in this report, to be mitigated to the satisfaction of the Council prior to commencement of construction, in particular in relation to the geological report on instability". This amendment was then **SECONDED**.

During discussion, the following points were raised:-

- a) A Member questioned the geological report which had been submitted to the Council following publication of the circulated report. In response, officers advised that the report had identified two types of maintenance works which would be required on the rock face. The first was essential works which the Council would be required to carry out regardless. Other additional works would be required around the proposed footpath link, indicative costs for this work was in the region of £30,000. This raised concern amongst some Members as the cost of the project would be significantly increased from the initial indicated figure of £70,000. Although officers advised that this would be an issue for the community group to ascertain additional funding, with the Council's contribution remaining at £35,000, some Members remained sceptical with concern over ongoing costs of maintaining the cliff face to ensure public safety stressed;
- b) A non-Executive Member, who was also a local Ward Member, highlighted the importance of this link path for the community of Dartmouth. Although the importance of Members, along with the community group, analysing the geological report was acknowledged. In addition, a further local Ward Member (who was also not a Member of the Executive) highlighted from the report that Zurich Insurance Company could not see any major liability concerns arising from the reinstatement of the proposed link path;
- c) A non-Executive Member's concern that the Council would have greater liability in relation to the cliff's stability above the new path. In response, officers advised that opening the link path would increase the risk to the public. The proposal was for the management of the path to be given to a community group to run however, the ultimate responsibility would lie on the Council.

On reflection of the discussion which had taken place, a Member felt that there was insufficient information, especially in terms of on going costs, to make an informed decision at present and therefore as seconder to the proposed amended recommendation, he withdrew his support. Moreover, concern regarding the Council's liability and responsibility for the cliff face was reiterated. The recommendation as presented in the report was then **PROPOSED** but with no seconder was not put to the vote. Subsequently, the amended recommendation was again **PROPOSED** and **SECONDED** but on being put to the vote was declared **LOST**. Therefore, the recommendation was not supported.

**E.22/08 SHARED PROPERTY SERVICES**

Consideration was given to a report which informed Members of the work undertaken to date on the development of a shared property service between Teignbridge District Council, South Hams District Council and West Devon Borough Council. Furthermore, the report sought to obtain approval for the appointment of a Joint Head of Property Services. The sharing of Property Services had the possibility of delivering substantial savings across the three authorities within the next 2 – 3 years. A Shared Head of Property Services was required in order to ensure that these savings were realised. It was felt that there would be significant benefits received in the form of a more effective service.

A non-Executive Member queried the possibility of outsourcing all Council owned assets to which it was noted that a business case had proved that a shared service would be the most efficient way forward.

**RESOLVED**

That the appointment of a Joint Head of Property to develop the business case for forming a Shared Property Service with Teignbridge District Council and West Devon Borough Council be approved.

**E.23/08 SHARED ICT SERVICE**

A report was considered which informed Members of the results of the assessment by the Society of Information Technology Management (SOCITM) of the business case for a Shared ICT Service for Teignbridge District Council, South Hams District Council and West Devon Borough Council. Furthermore, the report sought approval for the Shared ICT Service implementation plan, which included milestone decision points in September 2008 and spring 2009. The SOCITM report stated that the provision of robust shared ICT services was an absolute necessity to ensure the success of the wider sharing agenda.

**RESOLVED**

That the proposals for forming a Shared ICT Service with Teignbridge District Council and West Devon Borough Council, come into operation on 1 April 2009.

**E.24/08 SHARED LEGAL SERVICES**

Consideration was given to a report which advised Members on the progress of the proposals for sharing legal services across the partner authorities, and sought approval of the draft Legal Shared Services Business Case. It was noted that the sharing of legal services would not initially generate any substantial savings but there would be significant benefits to be received in the form of a more effective and robust service.

**RESOLVED**

That the draft Legal Shared Services Business Case be approved.

**E.25/08 DAIRY CREST**

Members considered a report which reviewed events since the closure of Dairy Crest's operations in Totnes in September 2007 and identified significant site constraints that combined to frustrate redevelopment of the Dairy Crest site. The report drew Members' attention to a series of engagements that officers had had with external parties with an interest in acquisition and redevelopment of the site.

The report concluded in stating that there remained the possibility that, as and when the property was advertised for disposal, potential purchasers / developers from the private, public or third sectors may well come forward. Therefore, Council engagement with those parties would assist the delivery of corporate priorities and facilitate the delivery of a scheme that surmounts technical difficulties and accommodates policy and community objectives.

A non-Executive Member raised concern that the site may lay redundant for an extended period of time which may impact on the towns' economy.

**RESOLVED**

That the obstacles to progressing a partnership approach to acquisition and redevelopment of the Dairy Crest site be noted, and support for the enabling role of the Council in facilitating the work of other external interested parties be given.

E.26/08

## **REVIEW OF LOCAL DEVELOPMENT FRAMEWORK PROGRAMME**

Members considered a report which recommended a fundamental review of the LDF programme and set out the reasons for the review, most particularly to accelerate progress and performance against key corporate priorities by allocating development sites across the district. The report concluded by stating that a fundamental review of the LDF programme was recommended in order to:-

- Harness the potential of the recent national changes to the LDF system;
- Prepare to respond to the RSS by preparing DPDs with the potential to look to 2026;
- Enable good progress to be made before the impact of Local Government Review in Devon;
- Address the need to identify development site allocations in towns and villages across South Hams.

During discussion, particular reference was made to:-

- a) the potential for sites to come forward in advance of the DPD, the need to maintain standards for any such development ahead of the plan, and the scope for such to contribute to a community's housing allocation figures. In response to this query, it was noted that the Development Control Committee was the Council body with responsibility to make decisions on development sites as they came forward, and that, as had been stated in response to an earlier question, it would be premature to fix the approach to housing allocations at this stage;
- b) a non-Executive Member's concern over the proposed outsourcing to consultants to address the needs of gypsies and travellers. In response, it was noted that the aim was to enable the Council's forward planning resources to be focussed on progressing the site allocation DPDs. However, the Member was not satisfied and felt that Devon County Council (DCC) would be better placed to address this issue, to which it was noted that DCC would be approached;
- c) the importance of progressing allocation sites across the district and keeping Members informed on progress. The Chairman of the Community Policy Development Group (CPDG) also requested that both the Executive and the CPDG be kept informed on any slippages to the proposed timetable;

- d) a non-Executive Member queried the role of Plymouth City Council in progressing the Plymouth Urban Fringe DPD. In response it was explained that the New Growth Point funds awarded to Plymouth include a sum to enable the DPD to be progressed, that the main focus of the DPD would be strategic employment development at Langage, and that the District Council would retain control of the DPD as local planning authority;
- e) the work carried out to date. Members wished to extended their thanks to officers, Totnes Town Council and its associated community groups for the extensive work carried out on the Totnes and Dartington DPD to date.

**RESOLVED**

- a) That the draft revised LDF programme as set out in the presented report and shown in Appendix A be approved as the basis for submission to the Planning Inspectorate for agreement and to the Government Office for the South West for approval;
- b) The precise programme for the constituent LDF documents be delegated to the Head of Community Regeneration in consultation with the Leader, Deputy Leader, and a nominated Member from outside the Majority Group.

**E.27/08 ANNUAL TREASURY REPORT 2007/08**

Members considered a report which informed the Group of the results and performance of the Treasury Management activity undertaken in 2007/08. It was noted that it had been a good year for the Treasury Management team with investment income exceeding the budget by nearly £200,000.

**RESOLVED**

That the report be noted.

E.28/08

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

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.

During discussion, a non-Executive Member highlighted the Sherford Section 106 Value Assessment and Negotiation Support noting concern that any changes to the conditions of the Sherford S.106 Agreement should be considered by the Development Control Committee. In response, officers advised that this related to the clauses within the conditions as approved by the Development Control Committee and any proposed significant alterations would require re-consideration by the Committee.

**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.29/08

**ESTABLISHMENT OF A PILOT FOR DEVOLVED STREET MAINTENANCE**

Members considered a report that sought approval to establish a measurable 6 month pilot scheme starting in September to deliver seamless street maintenance activities in partnership with Devon County Highways and Stokenham Parish Council. The proposed pilot could be the precursor to a new and fresh way for delivering local services. If Members were minded to support the funding of the pilot, the Council would be seen to be supporting the ethos of the devolvement of services. Following the pilot scheme, the next step would be to evaluate the potential of rolling this concept out to the rest of the district in the most economic and effective manner.

During discussion, reference was made to:-

- a) the funding of the pilot. Following a query, Members were informed that £27,000 was the maximum cost the pilot was expected to reach and officers would endeavour to deliver at a minimal cost;
- b) Members support for the pilot. The Devon County Council Member for the Stokenham ward extended his appreciation towards this innovative pilot scheme. The local ward Member reiterated these comments and anticipated that the scheme would be extended up to the conclusion of the six month pilot;
- c) any potential savings from the devolvement of the service. Following a query, it was advised that when the delivery of a service was broken down savings could potentially be lost. However, the Council would endeavour to maintain costs but if the scheme was rolled out across the district, parishes would not be obliged to implement it.

### **RESOLVED**

- i) That the terms of reference and scope for the proposed Pilot for devolved street maintenance services working with Devon County Council and Stokenham Parish Council be approved; and
- ii) That funding of the district council element of the Pilot outside of normal service budgets be a maximum cost of £27,000, to be funded from the Strategic Issues Reserve, be agreed.

E.30/08

### **RISK MANAGEMENT STRATEGY – AMENDMENTS**

Members considered a report which recommended changes to the Risk Management Strategy.

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 the risks to our objectives were managed and that Risk Management was fully embedded in every aspect of the Council.

### **RESOLVED**

That the amendments to the Risk Management Strategy be approved.

E.31/08      **REPORTS OF OTHER BODIES**

**RESOLVED**

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

**Environment Policy Development Group – 3 July 2008**

**EPDG.3/08 Review of the South Devon Area of Outstanding Natural Beauty (AONB) Management Plan**

**RESOLVED**

That:-

1. the progress to date and timetable to complete the review of the South Devon AONB Management Plan be noted;
2. issues and significant matters effecting the District in the revised South Devon AONB Management Plan for the period 2009-14 be incorporated;
3. the Council's Section 85 Countryside & Rights of Way Act 2000 "duty of regard" to conserve and enhance the AONB when exercising functions – particularly in relation to decision making and the management of its land estate be noted.

E.32/08      **LOCAL GOVERNMENT REVIEW, BOUNDARY COMMITTEE RECOMMENDATION – ORAL UPDATE**

The Chairman updated Members on the recent announcement of the Boundary Committee regarding the local government review. It was noted that the Boundary Committee report was received on Monday 7 July 2008 and was available on the Council's website. The Council was disappointed that the Rural South Devon and Dartmoor concept had not been adequately assessed by the Boundary Committee.

A Devon wide meeting with the Boundary Committee had been arranged for the week commencing 14 July 2008 and the Boundary Committee would then be undertaking consultation with key stakeholders over the ensuing 12 weeks. The Council would also be meeting parishes and the general public over the next few weeks to explain the Boundary Committee recommendations for a unitary solution. It was important for the Council not to reach any immediate conclusions, but to take time to develop a considered response. A

detailed report on this matter was to be submitted to Council at its meeting scheduled for 24 July 2008 for Members to discuss in depth.

On conclusion, a non-Executive Member wished to extend his thanks to officers for the hard work and detailed concept which the Council had submitted to the Boundary Committee. He felt that it had presented a strong concept which, on reading the Boundary Committee's report, had not been fully considered. This comment was subsequently supported by a number of Members.

**(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00PM ON 21 JULY 2008 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

(Meeting commenced at 10.00 am and concluded at 12.30 pm).

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Chairman