

**MINUTES OF A MEETING OF THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY, 19 NOVEMBER 2009**

**MEMBERS**

\* Cllr R J Tucker - Chairman

\* 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

∅ Denotes apology for absence

Also in attendance and participating:  
Cllrs K J Baldry, J H Baverstock, C M Pannell, R C Steer,  
J T Pennington, R Rowe and J W Squire

Also in attendance but not participating:  
Cllr D W May

Officers in attendance:

All Agenda Items: Chief Executive, Strategic Director (Community), Strategic Director (Resources) and Senior Member Support Officer;  
Item 8 (minute E.61/09 below refers): Economic Development Officer;  
Item 9 (minute E.62/09 below refers) Affordable Housing Manager;  
Item 10 (minute E.63/09 below refers): Head of Legal Services;  
Item 11 (minute E.64/09 below refers): Head of Environmental Health;  
Item 13 (minute E.66/09 below refers): Head of Financial Services; and  
Item 16 (minute E.69/09 below refers): Head of Property Services

**E.55/09 MINUTES**

The minutes of the meeting of the Executive held on 8 October 2009 were confirmed as a correct record and signed by the Chairman.

**E.56/09 MEMBERS IN ATTENDANCE**

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

Item 3(b) (minute E.57/09(b) below refers) – Cllr Steer;  
Item 7 (minute E.60/09 below refers) – Cllrs Baldry and Pannell;  
Item 9 (minutes E.62/09 below refers) – Cllr Baldry, Pennington and Squire;  
Item 11 (minute E.64/09 below refers) – Cllr Pannell;  
Item 13 (minute E.66/09 below refers) – Cllrs Baverstock, Pannell, Pennington and Squire; and  
Item 14 (minute E.67/09 below refers) – Cllrs Baverstock and Rowe.

**E.57/09 URGENT BUSINESS**

The Chairman advised that there were two items of urgent business and they would be dealt with as Item 3(a) and Item 3(b) (Minutes E.57/09(a) and E.57/09(b) below). These items were both considered to be urgent as they required determination before the next scheduled Executive meeting.

**(a) LOANS TO COMMUNITY GROUPS AND PARISHES – IVYBRIDGE CRICKET CLUB**

Members were asked to consider a report which sought the approval of the Executive to offer an Interest Bearing Loan of up to £10,000 following an application from Ivybridge Cricket Club towards the provision of new facilities at Filham Fields, Ivybridge. The report was deemed urgent because of time scales relating to the implementation of work and funding issues.

The Executive Member for Community Affairs stated that this would be a good outcome for all parties, as – it would allow both the Cricket Club to expand into new premises at Filham and the Football Club to expand into the vacated space at Erme Valley.

The report concluded that agreeing a grant to Ivybridge Cricket Club appeared to put in place the final piece of a complex funding and operational jigsaw which allowed both the Cricket Club and Football Club to progress.

**RESOLVED**

- a) That a loan of up to £10,000 to Ivybridge Cricket Club towards the provision of new facilities at Filham Fields, Ivybridge be approved; and
- b) That it be agreed that the loan be repaid over a 1 – 10 year period as set out in the Interest Bearing Loan procedures.

**(b) REPORTS OF OTHER BODIES – COMMUNITY POLICY DEVELOPMENT GROUP: 29 SEPTEMBER 2009**

Members were asked to consider the recommendations of the meeting of the Community Policy Development Group from 29 September 2009. Consideration of these minutes was classified as being urgent, due to the need for a decision to be made on the Revised Policy for Deposit Guarantee, Cash Deposit and Rent in Advance Schemes (Minute CPDG.16/09 refers) before the next Executive meeting.

**RESOLVED**

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

- (i) **CPDG.16/09: Revised Policy for Deposit Guarantee, Cash Deposit and Rent in Advance Schemes**

**RESOLVED**

(i) That the revised policy for the issuing of Deposit Guarantee, Cash Deposits and Rent be adopted, subject to the amendment of the inclusion whereby self-employed workers also have access to the scheme; and

(ii) That the increase in liability funding to £100,000 be approved.

- (ii) **CPDG.17/09: Customer Services Review Budget**

**RESOLVED**

That the report be noted

- (iii) **CPDG.18/09: Community Regeneration Service Review**

**RESOLVED**

That the report be noted.

**E.58/09 DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr M F Saltern declared a personal interest in item 3(a) (minute E.57/09(a) above refers) by virtue of him being a local ward member for the Ivybridge area. Whilst Cllr Saltern took part in the discussion on this item, he proceeded to abstain from the vote;

Cllr H D Bastone declared a personal interest in item 8 (minute E.61/09 below refers) by virtue of him having had some prior involvement in the matter and he did not take part in the discussion or vote on this item;

Cllr J D Hawkins declared a personal interest in item 8 (minute E.61/09 below refers) by virtue of him being a local ward member for Dartmouth and he took part in the discussion, but abstained from the vote thereon.

**E.59/09 PUBLIC QUESTION TIME**

It was noted that no public questions had been received.

**E.60/09 SHARED SERVICES**

Consideration was given to a report which sought to obtain authority to implement the actions overwhelmingly agreed by the large numbers of Members of both Authorities who attended the workshop on 12 October 2009. In addition to those actions identified in the recommendations, there was a general Member agreement to:

- assess options for Landscape and Leisure activities and Property Services and put to the next Member workshop; and
- move ahead with a shared approach in all services. However, the early actions had to be prioritised and need to be focused on those areas which had the greatest potential to produce financial savings.

The Chairman introduced the report by reminding Members of the workshops that had taken place. He added that he felt this proposal represents a good way forward for both authorities and created a chance to work together with our neighbours which would help to achieve cost and efficiency savings.

During discussion the following points were made:-

- a) The Lead Executive Member for Housing said that from a housing perspective he welcomed this report. The issue of Housing shortages was a shared problem and underlying strategic initiatives had to be shared;
- b) The Lead Executive Member for a Clean Environment also welcomed the report and the future integration of Waste and Street Scene services. Whilst disappointed that the Council was no longer part of the contract exercise he felt that savings could still be made. He further stated that it was important to protect the front line services;
- c) The Chief Executive advised that when the results of the surveys were analysed, the Joint Management Team (JMT) worked with the Group Leaders to establish the recommendations before Members today. Also, there were further areas where Members felt more work was required. As a result of the recommendations a potential redundancy had been identified and costs, as well as savings, would be shared. He added that West Devon Borough Council had unanimously agreed the proposals in the report at a meeting of the Strategies and Resources Committee held on Tuesday;

- d) In relation to recommendation viii, it was proposed that the existing Members of the Shared Services Steering Group form part of the new Steering Group. This Group would however consist of three Members from each authority which was regarded necessary due to the different political composition at West Devon;
- e) In response to a question from a non Executive Member regarding Teignbridge District Council, officers reminded Members that there were partnerships in place with Teignbridge such as the Devon Building Control Partnership, Tourism Partnership, Crime and Disorder Reduction Partnership and work on Procurement;
- f) Advertisements would be published internally for the posts in recommendation i). In response to a question regarding the expiry period after 4 months, the Chief Executive advised that the challenge for the post holders would be to come up with satisfactory business cases for Members to agree;
- g) The Chief Executive advised that it was hoped that the next Shared Services Workshop would be held in February 2010.

It was then:-

### **RESOLVED**

- (i) That two new Heads of Service Designate roles be created (for a period of 4 months), namely:
  - Head of Strategic Planning & Economy
  - Head of Housing and Community Deliveryand that those appointed work with the Joint Management Team to produce Business Plans for the next 3-5 years;
- (ii) That the Internal Audit service currently operated for West Devon Borough Council by PricewaterhouseCoopers be provided by South Hams District Council as a shared service;
- (iii) That, in principle, a shared Legal Service be agreed;
- (iv) That integration of Waste and Street Scene Services be progressed and a route map to achieve a single Head of Service be prepared;
- (v) That responsibility of PR/Communications be moved to the Chief Executive;

- (vi) That the Performance and Improvement Service be integrated in Housing and Community Delivery, except for data performance which will be transferred to the Finance Service at both Councils;
- (vii) That a Steering Group of six Members, three from each Council, be appointed and that this Group be tasked with agreeing recommendations to be put to the Executive at South Hams and Strategies & Resources Committee at West Devon;
- (viii) That the Council be **RECOMMENDED** to agree the names of the Members to serve on the Steering Group;
- (ix) That the responsibilities of the Steering Group be the same as those the Executive agreed in July 2007 in relation to the joint working with Teignbridge District Council; and
- (x) That authority be delegated to the Chief Executive, in consultation with the Leader, to agree to the sharing of the costs and the savings arising from any redundancy that flows from the earlier recommendations.

E.61/09

**DARTMOUTH SUPERMARKETS S106 AGREEMENTS – OUTLINE EXPENDITURE PLAN FOR TOWN REGENERATION SCHEMES**

Consideration was given to a report which sought Member agreement in principle to indicative expenditure as a contribution to town regeneration projects, identified as one element of permitted expenditure in both S106 agreements.

The report concluded that the S106 contributions from both Lidl and Sainsbury supermarkets in Dartmouth had been secured on the basis that there was a negative impact on the vitality and viability of the Dartmouth lower town that justified remedial action.

Whilst Dartmouth Ward Members had been anxious to see progress on appropriate projects, the identification of mature projects and the achievement of broad consensus on those projects had not been straightforward.

The four identified town related projects would make a positive contribution to maintaining or enhancing the town's vitality and viability and use of S106 monies would help to lever in other significant contributions.

It was proposed to adopt the same process methodology for submitting and approving requests for expenditure as had been proved with similar S106 expenditure elsewhere in the district.

During discussion a Member raised concerns that the project for marketing initiatives did not have a business plan. In response officers confirmed that a robust business plan would need to be seen before any monies were released.

It was then:-

### **RESOLVED**

- a) That agreement in principle be given to the indicative elements of expenditure as detailed in Appendix 1 (of the presented report) as contributions towards Town Regeneration projects as permitted in the two Section 106 Agreements; and
- b) That agreement be given to delegate responsibility for project expenditure to the Strategic Director (Community), the Executive Portfolio holder for Prosperity and the three Dartmouth and Kingswear Members.

E.62/09

### **AFFORDABLE HOUSING CAPITAL PROGRAMME**

Members considered a report which provided a summary of current progress in delivering the Council's number one corporate priority 'Affordable Homes', and set out a proposed programme of capital expenditure to maximise inward investment and support the delivery of affordable housing.

The report concluded by stating that the primary objective of the Housing Capital Programme was to increase the supply of affordable homes and deliver the Council's wider strategic housing objectives. Of paramount importance was the need to consider value for money and ensure that resources are invested in a way which maximised additional inward investment to the district. The capital programme contributed significantly toward delivering the Council's top priority and did so in a way that secured maximum additional investment.

The report was introduced by the Executive Member for Housing. In his introduction he advised Members that the Council had to react to the ever changing economic situation and address changing needs. He then explained the detail behind each recommendation. Finally he advised Members that the Council had been able to make progress to date, as a result of the second homes council tax money. This authority had been the first to go down the 90% second homes council tax route, and in the first year, Devon County Council (DCC) had agreed to ringfence the funds. In the second year, DCC only provided the Council with half of the money and in the third year they withdrew it completely.

During the discussion the following points were made:

- a) A Member stated that he had attended meetings at DCC to ask that the second homes money be returned. In reply, the Executive Member for Housing thanked him for his support;
- b) Several Members raised concerns over the affordable housing at Sherford and sought assurances that Plymouth City Council was fairly supporting the scheme financially. Another Member felt that the developers should incur any risk and that no development should benefit from public subsidy. In response to these two points the Strategic Director (Community) confirmed that there was a direct relation between the amount of money put in by an authority and the nomination rights it would be allowed, the developer was contributing money to the development, and in the current economic climate, no development providing affordable housing could be progressed without public subsidy. In fact, based on recent examples, the number of affordable units which would come forward at Sherford made it good value for money;
- c) A Member stated that the important thing to remember was that this contribution would kick start the Sherford project;
- d) A Member specifically commented on the Frogmore project being very good value for money.

It was then:-

### **RESOLVED**

- (i) That £100,000 be allocated to support the redevelopment of Culverdale, Totnes;
- (ii) That £100,000 be allocated to enable empty homes to be returned to use for occupation as affordable homes;

- (iii) That £400,000 be allocated toward the delivery of 175 new affordable homes within the first phase of Sherford new community
- (iv) That £50,000 be allocated to the South Hams Intermediate Rent Enterprise (SHIRE) scheme; and
- (v) That £25,000 be allocated to support the development of a rural affordable housing scheme in Frogmore

**[Note: The Vice Chairman abstained from the vote due to the nature of some of the discussion which took place during this item]**

E.63/09      **PROPOSAL TO CHARGE FOR STREET NAMING AND NUMBERING SERVICES**

Members considered a report which amplified the proposal for the introduction of charges for house and street naming and numbering services in order to cover existing costs.

The Executive Member for Community Affairs introduced the report, and reminded Members that the Policy had been adopted at the previous meeting held on 8 October 2009. He also informed Members that it was difficult to assess an appropriate charge, as the legislation did not allow authorities to make a profit on the activity.

During discussion Members wished to ensure that developers would be charged and that, in general, we would be covering our costs. The Head of Legal Services confirmed this to be correct in both cases.

The Lead Executive Member concluded by stating that this could raise up to £10,600 to help towards the budget.

It was then:-

**RECOMMENDED**

That Council be **RECOMMENDED** that from 1 April 2010:-

- (1) a charge of £21.00 per property be made for changes to house names;
- (2) a charge of £37.00 per property be made for changes to street names;
- (3) a charge of £36.00 per property be made for naming new developments; and

- (4) authority be delegated to the Monitoring Officer, in consultation with the Executive Member for Community Affairs, to review charges annually, in accordance with the statute.

E.64/09 **BUDGET PROPOSALS 2010/11 – LICENSING & ENVIRONMENTAL HEALTH REVIEW OF CHARGES**

Members were asked to consider a report which undertook an annual review of fees and charges in relation to Licensing and Environmental Health.

The report concluded that the annual review played a significant role in the process for balancing the Council's overall budget.

During discussion, the following points were made:

- a. An Executive Member asked why the abandoned vehicle charge was not to be increased. In response, the Strategic Director (Resources) stated that this was a statutory charge;
- b. A non Executive Member queried if the exercise was worthwhile for an expected increase of only £2,500. In response, the Strategic Director (Community) reminded Members that some years ago a Fundamental Service Review had been undertaken and one of the outcomes was that the licensing elements of the service should become self financing on an incremental basis. A judgement was taken at that time to review the charges each year.

It was then:-

**RECOMMENDED**

That Council be **RECOMMENDED** to approve the proposed fees and charges as set out in the presented report.

E.65/09 **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.66/09 REVENUE BUDGET MONITORING 2009/10**

Consideration was given to a report which enabled Members to monitor the income and expenditure variations against the approved budget for 2009/10. In presenting the report, the Chairman stated that the Council's budgets were under significant pressure, in line with the national and local economic situation. The Council would have to look at ways of balancing the budget.

During discussion, the following points were made:-

- a) Concern was raised over the income generated by the Land Charges service, as Members had previously been given an assurance that the budget gap would close however it seemed to be getting wider;
- b) A Member noted that car park income, whilst down, was an improvement in comparison to the previous year. The Strategic Director (Resources) commented that in setting the budget for the current year, a great deal of analysis had gone into the figures for car parking, based on an average summer. However, for July and August 2009, the summer weather had been disappointing so the income levels had not increased as much as hoped;

- c) There was discussion around the issue of Concessionary Bus Fares and the Head of Financial Services advised Members of a consultation currently taking place as a result of lobbying to central Government by authorities who had lost money through the scheme. If approved, the new scheme could potentially cost the Council £210,000. South Hams District Council would respond as part of the Devonwide partnership and ask that more money be provided for the scheme rather than current levels of funding being redistributed. A non Executive Member asked if the Council could consider the start time for the concessionary scheme to be 9.00am. In response, the Chairman advised that there would be a cost and Members would have to offset this against some other Council service;
- d) The Head of Financial Services stated that it was yet to be known whether the LABGI funding would be available in the future;
- e) In relation to Community Parks, the Chairman advised that it may now be a time for realism about the suggested income opportunity. This proposal had not been achieved for a number of reasons and he felt this should now be removed from the budget monitoring reports;
- f) The Chairman wished to give credit to officers for the savings achieved by the Council so far.

**RESOLVED**

That the forecast income and expenditure variations for the 2009/10 financial year be noted.

E.67/09 **REPORTS OF OTHER BODIES**

**RESOLVED**

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

**a) Environment Policy Development Group – 14 October 2009**

**EPDG.14/09: 12 Month Review of the Devolved Services Pilot in Stokenham**

The Chairman of the Environment Policy Development Group introduced the minutes and the local ward Member then asked that the pilot be extended. There followed a lengthy discussion during which various points were raised, including the following:

- It was important to understand the financial implications of the pilot before further decisions could be made;

- The DAPC had been asked to consult with towns and parishes to assess the level of interest. Until this information was available it would not be possible to undertake the complex financial calculations required;
- Some Members felt the pilot should stop, others that it should continue. On balance, it was felt that the end of the pilot should not be time prescribed but that further decisions should await the report from the DAPC;
- Recognition of the additional work required by the parish clerk to make the scheme a success.

As a result of the debate the Executive amended the third recommendation to read as follows:

### **RESOLVED**

1. That the Group has commented on the outcomes, recognises the improvements in quality and responsiveness as a result of the pilot scheme, but notes that managing the economies of scale will be critical to the success and viability of any future devolvement;
2. That the three options in the presented report be reconsidered after the consultation phase with DAPC has been completed, and when further feedback from the outcomes of the pilot scheme has been received; and
3. That the pilot scheme be extended **until such time as the Council has received and decided upon the recommendations from the DAPC.**

### **EPDG.15/09: Climate Change Action Plan Progress Report**

#### **RESOLVED**

That the Group has considered the report and commented on it as recorded in the minutes of that meeting.

### **b) Prosperity Policy Development Group – 21 October 2009**

#### **PPDG.10/09: Lower Ferry Monitoring Report**

#### **RESOLVED**

- 1) That the performance report be noted and its contents considered to be satisfactory;

- 2) That usage for both passengers and vehicles markedly increased during April, May and June 2009. This being attributable to both the Higher Ferry being out of operation and to the revised pricing strategy of the Lower Ferry. Usage figures for vehicles during the period of July, August and September has decreased whilst passenger usage for the same period has increased; and
- 3) That the Group will monitor the activity on the Lower Ferry during 2009/10 in comparison to the activity on the Higher Ferry, to enable the service to establish a competitive pricing structure for 2010/11.

### **PPDG.11/09: Review of Ferry Charges 2010/11**

#### **NOTED**

1. That the Group has debated the charges for the Lower Ferry and **RECOMMENDS** the following pricing structure for consideration during the Budget setting process:
  - a) That Cash Sales be priced as per Option 2, with the exception of Motor Car/Van return tickets which should remain unchanged at £6.00;
  - b) That Concessionary fares be priced as per Option 1 with the exception of Foot passengers 40 tickets to be set at a new price of £22.00; and
2. That the option of a new book of ten concessionary car and van tickets be made available and priced at £15.00.

### **PPDG.12/09: Review of Car Park and Pannier Market Charges 2010/11**

#### **NOTED**

#### **b) Car Parking Permits:**

That car parking permits be increased by 25% to be in line with other authorities in South Devon.

#### **c) Other Chargeable services within Car and Boat Parking:**

That all other chargeable services within Car and Boat Parking together with Pannier Markets should be in line with the detail contained in presented Appendix C.

**d) Annual Permits with no vehicle registration:**

That annual permits with no vehicle registration mark be charged at a rate 50% above a normal permit charge.

**PPDG.13/09: Review of Waste Charges 2010/11**

**NOTED**

1. That the charges for Trade Waste services 2010/11 as set out in Appendix A of the presented report be adopted; and
2. That the charges for Household Waste services 2010/11 as set out in Appendix B of the presented report be adopted.

**PPDG.14.09: Review of Charges and Income – Community Parks, Open Spaces, Outdoor Sports and Recreation**

**NOTED**

1. That Outdoor Recreation charges be maintained and Boat Park charges increased as set out in Appendix A of the presented report;
2. That an events, memorials and sponsorship charging structure be introduced as set out in Appendices B, C and D of the presented report;
3. That a lease or licence arrangements be secured which deliver best value to the Council in relation to the facilities identified at paragraph 28 and 29 of the presented report;
4. That existing leases and licences be reviewed as they come up for review, with a view to achieving best value for the Council as detailed at Appendix F;
5. That opportunities to increase boat park facilities as detailed at paragraph 32 of the presented report be investigated; and
6. That further scoping work be undertaken on opportunities for additional concessions, franchises or further facilities within parks and gardens and recreation areas.

(NOTE: In relation to items PPDG.11/09, PPDG.12/09, PPDG.13/09 and PPDG.14/09 above, the Executive noted the recommendations of the Prosperity Policy Development Group, but did not wish to make any further recommendations, as these would be debated as part of the wider 2010/11 budget setting process.)

**c) Scrutiny – 22 October 2009**

**SC.27/09: Effectiveness of the South Hams Strategic Partnership (SHSP)**

**RESOLVED**

- a. That Mr Vaughan Lindsay be approved as the Chairman of the SHSP for the remainder of the three year period;
- b. That the appointment of a Partnership Chairman should be on the basis of a three year term, which should be reviewed annually.

**E.68/09 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.69/09 DISPOSAL OF TEMPORARY ACCOMMODATION PROPERTIES**

Consideration was given to an exempt report which sought approval for the disposal of four of the Council's temporary housing units.

The report concluded that in addition to achieving the recommended disposal in compliance with Government targets, the disposals and leases would provide up to 15 additional units of affordable housing for local people in accordance with the Council's primary objective.

In discussion on the exempt report, a Member asked that any future disposals on the open market include a condition that they cannot become second homes. Members accepted that this restriction could have financial consequences.

**RESOLVED**

1. That up to four properties are disposed of on terms to be negotiated by the Head of Property Services; and
2. That the remaining properties are leased or if no longer required for the intended purpose, sold on the open market on terms to be negotiated by the Head of Property Services.

**(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTE E.60/09, PART VIII, MINUTE E.63/09 AND E.64/09 (WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING ON 17 DECEMBER 2009) WILL BECOME EFFECTIVE FROM 5.00PM ON 30 NOVEMBER 2009, UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

(Meeting commenced at 2.00 pm and concluded at 4.15 pm).

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Chairman