

**MINUTES OF A MEETING OF THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 23 APRIL 2009**

MEMBERS

* Cllr R J Tucker - Chairman

* Cllr P W Hitchins - Vice-Chairman

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| * Cllr N A Barnes | ∅ Cllr J D Hawkins |
| ∅ Cllr H D Bastone | ∅ Cllr M J Hicks |
| * Cllr B E Carson | * Cllr M F Saltern |

* Denotes attendance

∅ Denotes apologies for absence

Also in attendance at the invitation of the Chairman:
Cllrs K J Baldry, G J Fielden, M J Howarth, R M Lawrence, C M Pannell,
J T Pennington, J W Squire and R C Steer

Also in attendance but not participating:
Cllrs J I G Blackler and R J Carter

Officers in attendance:

All Agenda Items: Chief Executive, Strategic Director (Community) and Senior
Member Support Officer;
Items 9 and 10 (minutes E.131/08 and E.132/08 below refer): Monitoring Officer;
Item 11 (minute E.133/08 below refers): Head of Property Services.

E.124/08 MINUTES

The minutes of the meeting of the Executive held on 5 March 2009 were confirmed as a correct record and signed by the Chairman.

E.125/08 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, 9, 11, and 15 (minutes E.129/08, E.131/08, E.133/08 and E.137/08 below refer) – Cllr Lawrence;
Item 7 (minute E.129/08 below refers) – Cllr Howarth;
Item 10 (minute E.132/08 below refers) – Cllr Baldry;
Items 10, 14 and 15 (minutes E.132/08, E.136/08 and E.137/08 below refer) – Cllr Pennington;
Items 10, 11, 12 and 15 (minutes E.132/08, E.133/08, E.134/08 and E.137/08 below refer) – Cllr Fielden;
Items 11, 12 and 15 (minutes E.133/08, E.134/08 and E.137/08 below refer) – Cllr Pannell;
Items 11 and 12 (minutes E.133/08 and E.134/08 below refer) – Cllr Squire;
Item 14 (minute E.136/08 below refers) – Cllr Steer.

E.126/08 URGENT BUSINESS

The Chairman informed those present that he had agreed for one item of urgent business to be raised at the meeting, which related to the money the Council had invested in the Heritable Bank, the UK arm of Landsbanki. This announcement was considered urgent due to the recent statement that local authorities, who had invested in the bank were likely to retrieve 80% of their investments back following its collapse in October 2008.

E.127/08 DECLARATIONS OF INTEREST

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

E.128/08 PUBLIC QUESTION TIME

It was noted that no public questions had been received.

E.129/08 PROPOSED MOVE TO A JOINT MANAGEMENT TEAM WITH WEST DEVON BOROUGH COUNCIL

A report was considered which proposed a move to a joint management team with West Devon Borough Council (WDBC). Evidence existed that noted, where joint Management Teams had been created, progress on delivering shared service was quicker. A fundamental driver for the development of shared services was the containment and reduction of costs. The 2010/11 budget could be the most challenging the Council had yet to face. The proposals in the presented report were seen as the best way to help the Council face that challenge and protect frontline service provision for residents.

Members were assured that there was no implication for retaining two separate councils. Creating a single Management Team from the existing four Directors (two in each Council) would provide a better focus on outcomes and ensure that for strategic activity, particularly that which was externally based, both Councils could usually be jointly represented.

In conclusion it was noted that, if Members were minded to support the proposal, a joint Member workshop with representatives from each political group would be held on 6 May 2009 at which the new Corporate Team could outline a number of scenarios in relation to a programme of shared service development.

During discussion, a non-Executive Member wished his concerns in relation to additional costs in terms of travelling between the authorities and the possible increase in salaries for additional responsibilities to be noted. In response, it was noted that the use of technology to overcome the geographical concerns was to be investigated.

RESOLVED

That:-

- i. a single shared Management Team with West Devon Borough Council be created, and delegated authority be granted to the Chief Executive, in consultation with the Leader and Deputy Leader of both authorities, to implement the decision;
- ii. delegated authority be granted to the Monitoring Officer to make any necessary changes to the Council's Constitution;
- iii. a workshop be arranged for Members to consider the various consequential options for organisational change and enable Members to help shape the new approach to ensure that it is fit for purpose to meet the financial and other challenges facing both authorities.

E.130/08

LOANS TO COMMUNITY GROUPS AND PARISHES – AVETON GIFFORD VILLAGE SHOP

A report was considered which sought approval to offer an Interest Bearing Loan following an application from Aveton Gifford Village Shop Association, towards the cost of a new community shop. It was noted that there was considerable demand upon the limited resources of the Community Grant Fund, which was being managed by using the Council Priorities as grant criteria. For those projects unsuccessful in securing Community Grant Fund support (either because they did not meet a priority, or did not score highly enough) the use of a loan was an alternative avenue for community groups to investigate.

The local Ward Member highlighted to those present the vast amount of work the Village Shop Association and local community had put into this project to raise funds and secure grants for the village shop.

RESOLVED

That:-

- a) a loan of up to £5,000 to Aveton Gifford Village Shop Association towards the cost of a community shop be approved;

- b) the loan be approved to be repaid over a period not exceeding 10 years, as set out in the Interest Bearing Loan procedures.

E.131/08 PAYROLL SERVICE CONTRACT

A report was considered which requested authority to sign the contract with West Devon Borough Council (WDBC) for the delivery by the Council of WDBC's payroll services. It was felt that in this instance a contract was more beneficial than the shared service approach and, following a query, officers and the Executive confirmed that they were confident that a fair unit cost was being paid to the Council for carrying out the work on the behalf of WDBC.

RESOLVED

That:-

- a) the contract for supplying payroll services to West Devon Borough Council be approved; and,
- b) the Monitoring Officer be authorised to take all necessary steps to complete and execute the agreement.

E.132/08 AMENDMENT OF SCHEME OF DELEGATION

Consideration was given to a report which noted that the Chief Executive, as Head of Paid Services, had insufficient authority to deal with certain claims made by current or former employees of the Council except under his emergency powers. Therefore the report sought to make a modest extension to the Scheme of Delegation to permit settlement of such claims where it was considered expedient to do so. The report concluded in noting that approving these changes would mean that the Chairman of the Personnel Panel was consulted in all cases, that the process would apply to any kind of claim under employment law, and matters could be settled more efficiently and effectively.

During discussion, non-Executive Members raised concern that this would set a precedent for claims to be made against the Council. However, the Leader of Council assured those present that this route would not be taken lightly. Furthermore, an Executive Member felt that the Leader of Council should also be consulted upon in all cases, to which the Executive agreed.

It was then:-

RESOLVED

- a) That the exercise of the Chief Executive's emergency powers in the case described in the exempt Appendix be noted; and,
- b) That Council be **RECOMMENDED** that the Scheme of Delegations be amended as set out in paragraph 5 of the presented report, with the inclusion of the Leader of Council as a consultee.

E.133/08 CAPITAL PROGRAMME MONITORING

A report was considered which advised Members of progress to the approved proposed capital programme for 2008/09 and 2009/10 as agreed by Council (minute 40/08 refers).

During discussion, specific reference was made to:-

- a) the Ivybridge Leisure Centre swimming pool. A non-Executive Member noted that they had been informed that the leak in the swimming pool at Ivybridge Leisure Centre would cost approximately £20,000 to repair. The timetable for building and completing the proposed new swimming pool had not yet to be confirmed and therefore the question was raised as to what was the best course of action in terms of its repairs. In response, the Head of Property Services noted that a value for money assessment would be undertaken to ascertain the ongoing costs of not repairing the leak (e.g the increased water usage and reheating the water after it had been replaced) compared to carrying out the works prior to the new swimming pool being established. Subsequently an informed decision could be taken as to the best course of action in terms of value for money;
- b) devolving assets to the towns and parishes to maintain. Following a query, it was noted that assets had been evaluated as to whether they could be transferred to other organisations to maintain and, if so minded, Town and Parish Councils could approach the Council for assets to be devolved to them if seen to be beneficial;
- c) the public conveniences in South Brent. A non-Executive Member requested that the public conveniences in South Brent be considered for inclusion when developing the next Capital Programme of works.

RESOLVED

That the progress made to date on the implementation of the approved Capital Programme be welcomed.

E.134/08 **BEACH MANAGEMENT POLICY**

Consideration was given to a report which examined the need for a clear policy for beach management in the South Hams and suggested the process to achieve this with Members. Members were asked to consider the need to address the policy gap which existed for one of the Districts most significant activities. It was suggested that a task and finish member group consider and drive this work forward to ensure improvements and efficiencies in service delivery.

On presenting the report, the Executive Member with responsibility for a Distinct Environment **PROPOSED** an amendment to the recommendation to reduce the number of Members on the task and finish group to four (one Chairman and one Member from each of the three Policy Development Groups). This was subsequently **SECONDED** and on being put to the vote declared **CARRIED**.

During discussion, a number of non-Executive Members questioned why this Task and Finish Group did not sit under the auspices of the Environment Policy Development Group. In response, it was noted that the Beach Management Policy had many cross cutting themes which could be attributed to all three Policy Development Groups, and therefore officers felt that to establish a corporate policy should involve all three Groups. However, once the policy had been developed and established, it could be within the remit of the Environment Policy Development Group to be reviewed.

It was then:-

RESOLVED

That:-

1. the establishment of a Beach Management task and finish group be endorsed; and,
2. Council be **RECOMMENDED** to confirm the membership of this task and finish group at its annual general meeting, to incorporate one Chairman and one Member from each of the three Policy Development Group's.

E.135/08 **EXEMPTION 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.

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.136/08 **REPORTS OF OTHER BODIES**

RESOLVED

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

a) Environment Policy Development Group – 25 February 2009

EPDG.15/08 Review of Food Safety Plan

RESOLVED

That the Food Service Safety Plan be approved.

EPDG.16/08 South Devon and Tamar Valley Areas of Outstanding Natural Beauty (AONB) Management Plans

RESOLVED

That the Management Plans for both the South Devon and Tamar Valley Areas of Outstanding Natural Beauty be approved and adopted.

b) Community Policy Development Group – 17 March 09

CPDG.40/08 Future of Older Persons Housing and Support Services

RESOLVED

That the comments of the Group on the proposed changes to older persons housing and support services be incorporated into ongoing discussions within the Local Implementation Group with emphasis being placed on the following strengths of sheltered housing and the importance of retaining them:-

- the peace, quiet and security that a sheltered housing environment could offer;
- the community aspect of mutual help;
- effective combating of social isolation;
- support services being available to service users with moderate to low support needs, in recognition of the important preventative role played by sheltered housing in avoiding or delaying the onset of higher level needs; and
- an integrated service from a tenants perspective.

CPDG.41/08 Private Sector Housing Renewal Policy

An non-Executive Member felt it pertinent to highlight the importance of Empty Dwelling Management Orders and felt that the Council should use what powers it had to bring vacant properties back into use. Whilst agreeing with these sentiments, the Executive Member with responsibility for Housing noted that there were a number of reasons why the Orders could not be used, but it was a tool to be utilised in certain cases if required.

Prior to taking a vote, an addition to the recommendation was **PROPOSED** to give delegated authority to the Executive Member with responsibility for Housing to make minor amendments to the policy to give flexibility to ensure the policy was delivered effectively. This was subsequently **SECONDED** and on being put to the vote declared **CARRIED**.

It was then:-

RESOLVED

That:-

1. the Private Sector Housing Renewal Policy as detailed in the presented report, and attached at Appendix 1 to this report, be adopted;

2. the proposal to allocate the draft Regional Housing Pot Private Sector Renewal Grant of £505,000, and £50,000 from the Affordable Housing Capital Programme Budget, to the following areas, be approved.

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| Setting up and funding Wessex Reinvestment Trust | : £150,000 |
| Warm-up Grants | : £50,000 |
| Minor Works Assistance | : £285,000 |
| Empty Property Assistance | : £50,000 |
| Private Landlords Energy Assistance | : £18,000 |
| Radon Voucher | : £2,000 |
| Total | :£555,000 |

3. delegated authority be granted to the Head of Environmental Health, in consultation with the lead Executive Member for Housing, to enable funds in relation to this policy to be moved between the different grant/loan types as need dictated;
4. a monitoring and update report on the initiative, to incorporate detailed figures and targets, be considered by the Community PDG at a future meeting;
5. delegated authority be granted to the Head of Environmental Health, in consultation with the Executive Member with responsibility for Housing, to make minor amendments to the policy.

CPDG.42/08 Affordable Housing Sites Update

RESOLVED

That the advancement of the sites (as set out in the presented report to the Group) be approved to better deliver against Council Priority 1 (affordable housing) with the exception of the site as outlined in relation to Bridgetown, Totnes, which the Group unanimously opposed.

E.137/08 SYSTEMS THINKING: REVIEW OF THE PLANNING SERVICE

Consideration was given to a report which sought approval for expenditure of up to £35,000 to support the planning service to respond to perceived concerns about current levels of customer satisfaction. The report concluded in stating that by using Vanguard Consulting to support a Systems Thinking review of the planning service, it would provide a mechanism to address Member concerns about customer feedback and in time help embed the Customer First policy more effectively across the organisation by creating greater internal capacity and capability to apply the approach corporately.

During discussion on the report, a non-Executive Member expressed concern over the use of Council funding for this purpose stating that the money could be better spent elsewhere, especially in light of the current economic crisis. Furthermore, he questioned why this report had not been presented to the Development Control Committee for its consideration and views. In response, it was noted that the planning service was an essential front line service to the Council. Comments had been expressed by customers that the Council did not offer the best possible service. It was acknowledged that the planning service tended to have disgruntled customers on the whole due to the determination of applications having both winners and losers (due to there being objectors and supporters to applications), irrespective of whether the applicant/objector got the outcome they desired, the importance of offering the best customer service possible was still essential. The Systems Thinking process would ensure activity was limited to 'valued' work only (i.e. activity which was of direct benefit to the customer).

In relation to the Development Control Committee considering the presented report, Members were informed that this had not been necessary as the Development Control Committee dealt with the determination of everyday planning applications received by the Council and the Executive was responsible for the high level strategic issues affecting the service.

In conclusion, those present were informed that if this process proved successful, it was anticipated that it would be rolled out across other services in the Council.

RESOLVED

That:-

- a) the expenditure of up to £35,000 in order to directly commission Vanguard Consulting to support the Council in applying Systems Thinking to the delivery of the planning services be approved;

- b) approval be given to make an exception to Standing Orders Relating to Contracts on the grounds that there is only one contractor providing the Systems Thinking approach, which has been used by many other Councils across Devon, and there is no purpose in going through a formal tender process; and,
- c) the details of expenditure with the agreed cap be delegated to the Strategic Director (Community), in consultation with the Executive Member with responsibility for Planning Services.

(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00PM ON 5 MAY 2009, WITH THE EXCEPTION OF E.132/08(b) and E.134/08(2), WHICH ARE RECOMMENDATIONS TO THE FULL COUNCIL MEETING ON 14 MAY 2009, UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 2.00 pm and concluded at 3.35 pm).

Chairman