

**MINUTES OF A MEETING OF THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 28 MAY 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 apologies for absence

Also in attendance at the invitation of the Chairman:
Cllrs J H Baverstock, R J Carter, R D Gilbert, J W Squire and R J Vint

Also in attendance but not participating:
Cllrs P Coulson and R C Steer

Officers in attendance:

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

Item 7 (minute E.05/09 below refers) – Head of Improvement;
Items 8, 9 and 10 (minutes E.06/09, E.07/09 and E.08/09 below refer) – Head of Landscape and Leisure;

Item 11 (minute E.09/09 below refers) – Housing Resource Officer;
Item 12 (minute E.10/09 below refers) – Enabling and Development Officer and Affordable Housing Officer;

Item 13 (minute E.11/09 below refers) – Head of Service (Harbour Master);
Item 15 (minute E.13/09 below refers) – Head of Financial Services.

E.01/09 MINUTES

The minutes of the meeting of the Executive held on 23 April 2009 were confirmed as a correct record and signed by the Chairman.

E.02/09 MEMBERS IN ATTENDANCE

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

Item 8 (minute E.06/09 below refers) – Cllr Baverstock;
Items 8 and 10 (minutes E.06/09 and E.08/09 below refer) – Cllr Squire;
Item 9 (minute E.07/09 below refers) – Cllr Vint;
Item 12 (minute E.10/09 below refers) – Cllr Gilbert;
Item 13 (minute E.11/09 below refers) – Cllr Carter.

E.03/09 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 J Howarth declared a prejudicial interest in item 12; 'Affordable Housing Investment Programme Report – Derby Road, Kingsbridge' (minute E.10/09 below refers) by virtue of him being a trustee of Kingsbridge Feoffees and left the meeting during the debate and vote on this item.

Cllrs H D Bastone and J D Hawkins both declared a personal interest in item 16; 'Reports of Other Bodies' (minute E.14/09 below refers) by virtue of their involvement on the Dartmouth Regatta Committee and remained in the meeting and took part in the debate and vote thereon.

Cllr H D Bastone also declared a personal interest in item 10; 'Langage Section 106 Agreement – Pilot Langage Landscape Fund Grant Arrangement' (minute E.08/09 below refers) by virtue of his daughters employment with FAWG and remained in the meeting and took part in the debate and vote thereon.

E.04/09 PUBLIC QUESTION TIME

It was noted that no public questions had been received.

E.05/09 PLACE SURVEY 2009

A report was considered which advised Members on the outcome of the Place Survey, including the areas which had been identified as important in terms of defining a 'good place to live' and areas identified by the public as requiring improvement. It was noted that the Place Survey was an important vehicle for measuring progress against a range of government agendas and Duties placed on the Council.

During discussion, specific reference was made to:-

- a) large-scale emergency planning. The survey identified that the community felt ill informed in relation to what the Council would do in the event of a large-scale emergency. In response, it was noted that at times mixed messages were being communicated as Central Government often distributed information direct (i.e, in relation to the Swine Flu outbreak), therefore bypassing local government. It was therefore suggested that the next publication of the South Hams magazine outline the emergency planning processes the Council had in place;

- b) comparison figures nationally. Those present were informed that comparative figures had yet to be made available and, therefore, it was difficult to judge how the Council stood nationally. In relation to this, a Member also noted the importance of analysing trends with future surveys;
- c) the importance of utilising the South Hams Strategic Partnership to address issues which the survey identified, such as the lack of dentists available was stated;
- d) the apparent conflicting results between feeling safe in the South Hams and the fear of crime. Following a query it was noted that, although the majority of respondents felt safe in the district, the fear of crime was still apparent;
- e) ward profiles. Members were informed that a detailed break down of each ward would be carried out to enable further analysis.

RESOLVED

That the report and the possible future implications with regard to corporate priorities and the new Duty to Involve both partner agencies and the local community be noted.

E.06/09 CHILD PROTECTION POLICY REVIEW

Consideration was given to a report which enabled Members to review the 2006 Child Protection Policy and sought approval to adopt amendments in line with current legal requirements and best practice. The Council was under a statutory and moral obligation to implement procedures to provide a duty of care to children, young people and vulnerable adults, to safeguard their well being and protect them from abuse when they were engaged in services organised and provided by the Council.

The Member Champion for Children and Young People then proceeded to highlight the importance of this policy and wished to extend his compliments to the officers involved in its review. However, he did request that the Executive amend the policy slightly to incorporate and highlight the importance of contacting the emergency services in the event that it was obvious that a child was being abused. Furthermore, he suggested that the incident form be extended to include the recording of any physical signs of abuse. In response, the Executive aired its support of these amendments.

During discussion on the report, Members debated which Officers and Members were to be CRB (Criminal Records Bureau) checked, to which it was felt that those should be checked who actively engaged with Children.

RESOLVED

That:-

1. the revised Child Protection Policy (as circulated with the presented report) be adopted with the inclusion of the above suggestions;
2. delegated authority be granted to the Strategic Director (Community) to make further amendments which may be required following the outcome of the Section II Audit.

E.07/09 PARTNERSHIP POLICY AND GUIDANCE

A report was considered which reviewed the policy and guidance already in place to manage the Council's approach to, involvement in and monitoring of partnerships. The report concluded in stating that a common approach to forming, managing, and evaluating partnerships would assist in ensuring that they were in place for the benefit of both the Council and the community. This draft document would provide the Council with an evidenced system for achieving this objective.

During discussion on the policy, the Executive Member for Value for Money expressed concern that, although the policy contained all the relevant information, it lacked clarity and fluidity. Subsequently, it was suggested that the policy and guidance be refined prior to it being re-presented to the Executive for adoption.

It was then:-

RESOLVED

That the draft Partnership Policy and Guidance be revised in consultation with the Executive Member for Value for Money and presented back to a future meeting of the Executive.

E.08/09 LANGAGE SECTION 106 AGREEMENT – PILOT LANGAGE LANDSCAPE FUND GRANT ARRANGEMENTS

A report was considered which sought approval for establishing a pilot grant award process to deliver projects under this fund with a number of identified land management partners. The Langage Landscape Fund offered a significant opportunity to deliver strategic planting and landscape schemes on land around Langage. In order to deliver these schemes private landowners needed to be encouraged to offer land for planting.

In presenting the report, the Head of Landscape and Leisure advised that a meeting had recently taken place day and subsequently Officers were eager to progress this initiative.

A non-Executive Member expressed concern that the screening proposed would not mitigate the visual impact of the power station. In response, Officers stated that although it would not mitigate the visual impact, it would alleviate it. Furthermore, officers would welcome any suggestions from Members as to which vantage points needed particular screening.

In conclusion, a Member wished to highlight the importance of Plymouth City Council being a supporter and partner in the scheme.

RESOLVED

That:-

1. the proposed means of allocating the initial tranche of the Langage Landscape Fund as a Pilot Grant fund be approved; and,
2. delegated authority be granted to the Strategic Director (Community), in consultation with the Leader of the Council, to enter into formal delivery arrangements with a third party (or parties).

E.09/09

DECLARATION OF AIR QUALITY MANAGEMENT AREAS – TOTNES AND IVYBRIDGE

Consideration was given to a report which sought approval for the declaration of two new Air Quality Management Areas (AQMA). The Council's Air Quality Review and Assessment – Progress Report (2008) identified, based on long term monitoring/modelling data, that the National Air Quality Objective for nitrogen dioxide was being exceeded in specific areas in both Ivybridge and Totnes. As a result, the Council had a statutory duty to declare any AQMAs, which would enable air quality issues to be addressed strategically through action planning and the Local Transport Plan.

During discussion, Members were advised that once an AQMA had been declared, it meant that the issue required addressing by relevant organisations. Furthermore, following a query in relation to building developments in an AQMA, it was noted that some local authorities sought agreement towards a financial contribution for air quality management from developers.

RECOMMENDED

That Council be **RECOMMENDED** that an Order be made, under the Environment Act 1995 Part IV Section 83(1), to designate the areas hatched green on the attached plans (as circulated with the presented report), P1 and P2, as Air Quality Management Areas.

E.10/09 **AFFORDABLE HOUSING INVESTMENT PROGRAMME – DERBY ROAD, KINGSBRIDGE**

Consideration was given to a report which sought approval for the payment of £82,500 from the Housing Investment Programme Budget to Kingsbridge Feoffees to enable the development of three affordable homes at Derby Road, Kingsbridge. Kingsbridge Feoffees were a charitable organisation with the aim of assisting people in need. Their housing objectives aligned with those of the Council and the proposed scheme provided a timely opportunity to support a value for money scheme which would assist in meeting local housing needs.

A non-Executive Member, who was also the local Ward Member present, advised that Kingsbridge Feoffees welcomed this investment. However, they had requested that there be slight flexibility in the nomination agreement. The Executive subsequently agreed to this request.

It was then:-

RESOLVED

That a capital grant of £82,500 be made to Kingsbridge Feoffees to enable the provision of three affordable homes at Derby Road, Kingsbridge, subject to satisfactory negotiations of the associated agreement by the Affordable Housing Manager in consultation with the Executive Member for Housing.

E.11/09 **BEACH MANAGEMENT – HOPE COVE**

Following an offer from the RNLI to provide a beach lifeguard service at Hope Cove, a report was considered which outlined the issues surrounding beach safety at Hope Cove and proposed a way forward. The report recommended that the Council accept the RNLI's offer to provide a beach lifeguard service at Hope Cove Outer for the 2009 season, provided that the RNLI could demonstrate that a free service was sustainable in the longer term and it was part of an enhanced beach and water safety service that included the MCA Hope Cove rescue boat.

During discussion, Members queried why a free service was being offered and were concerned over the future financial implications, in the event that this offer be accepted. It was therefore suggested that the Council accept this offer for an initial one year period, with the Beach Management Group then reviewing the situation following the summer season.

RESOLVED

1. That the RNLI's offer to provide a free beach lifeguard service at Hope Cove Outer be accepted for a 12 month period;
2. That such provision was part of a general commitment to enhance the overall level of local beach and water safety, including the retention of the coast guard boat; and,
3. That the Beach Management task and finish Group review the situation following the peak summer season.

E.12/09

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.13/09 **ANNUAL TREASURY REPORT 2008/09 AND UPDATED
TREASURY MANAGEMENT STRATEGY FOR 2009/10**

Consideration was given to a report which informed Members of the results and performance of the Treasury Management activity undertaken in 2008/09 and to consider the Strategy for 2009/10.

RESOLVED

That the:-

1. Treasury Management activity for 2008/09 be noted;
2. updated Treasury Management Strategy for 2009/10 be approved.

E.14/09 **REPORTS OF OTHER BODIES**

RESOLVED

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

a) Prosperity Policy Development Group – 29 April 2009

PPDG.24/08 Dartmouth Regatta – Park and Ride

During discussion on this item, an amendment to the recommendation was **PROPOSED** and **SECONDED** to ensure that the Venn Farm Site was identified as the single option for a park and ride service during the regatta period. Following a vote this amendment was declared **CARRIED**. It was then:-

RESOLVED

That:-

- 1) a condition of the Council issuing a license to the Regatta Committee to operate on Council controlled land, be that a suitable management plan must be in place by 31 May 2009, which has been developed in consultation with the Police and Highways Authority;
- 2) Council be **RECOMMENDED** that the charge for operating the park and ride scheme on the Wednesday, Thursday, Friday and Saturday of the regatta week (26-29 August 2009) be set at £10.00 per car; and

- 3) that the Venn Field site with improved access works to neighbouring sites and with appropriate resolution of the health and safety issues be identified as a single option.

PPDG.25/08 Lower Ferry Monitoring Report

RESOLVED

That it be noted that the Group have examined the overall performance of the Lower Ferry service and have found it to be satisfactory and reflective of local needs.

PPDG.26/08 Economic Development Update

RESOLVED

That:-

- 1) the previous progress with actions that support the ongoing delivery of the Council's 'good jobs' priority CP2 and that circumstances had now changed dramatically be noted;
- 2) the development of a refreshed action plan to guide delivery over a two year period and develop linkages with the West Devon Borough Council action plan be supported as part of a shared services approach, and that a deadline of 29 July 2009 be imposed to report back on progress;
- 3) the comments of the Group (as outlined in the minute PPDG.26/08) and the suggested review of priority CP2, in relation to the Council's other Corporate Priorities be considered.

(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00PM ON 8 JUNE 2009, WITH THE EXCEPTION OF E.09/09 and E.14/09 (PPDG.24/08 (2)), WHICH ARE RECOMMENDATIONS TO THE FULL COUNCIL MEETING ON 25 JUNE 2009, UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 9.30 am and concluded at 11.50 am).

Chairman