

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 24 APRIL 2014**

Members in attendance:			
* Denotes attendance		∅ Denotes apologies	
*	Cllr H D Bastone	*	Cllr M F Saltern
∅	Cllr R D Gilbert	*	Cllr R J Tucker
*	Cllr J D Hawkins	*	Cllr L A H Ward
*	Cllr M J Hicks	*	Cllr S A E Wright

Also in attendance and participating		
Item 7	E.81/13	Cllr Baldry
Item 8	E.82/13	Cllr Baldry
Item 10	E.84/13	Cllrs Baldry, Brazil, Coulson and Cuthbert
Item 11	E.85/13	Cllr Carson
Item 12	E.86/13	Cllrs Hitchins and Cane
Item 14	E.88/13	Cllr Coulson
Also in attendance and not participating		
Cllrs Blackler, Hodgson, Holway, Smerdon, Steer and Stone		

Officers in attendance		
All items		Executive Director (AR) and Member Services Manager
Item 7	E.81/13	Head of Planning, Economy and Community and Strategic Planning Manager
Item 8	E.82/13	Car Parks Manager
Item 9	E.83/13	Head of Assets
Item 10	E.84/13	Head of Assets
Item 11	E.85/13	Head of ICT and Customer Services
Item 12	E.86/13	Democratic Services Manager

E.78/13 MINUTES

The minutes of the meeting of the Executive held on 6 March 2014 were confirmed as a correct record and signed by the Chairman.

E.79/13 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and the following were made:

Cllr M F Saltern declared a disclosable pecuniary interest in Item 14(c) (minute E.88/13(c) refers) in respect of the minutes of the Community Life and Housing Scrutiny Panel as they included an item on Devon and Cornwall Housing for which he was a Member of the Board. As the item on this agenda was only to receive the minutes there was no discussion or decision to be made, and Cllr Saltern abstained from the vote on receipt of the minutes.

E.80/13 PUBLIC QUESTION TIME

In accordance with Executive procedure rules, it was noted that public questions had been received from Mr Brian Boughton. The questions and responses as given by the Executive Portfolio Holder for Planning, Economy and Community are attached as Appendix A to these minutes. Mr Boughton then asked a supplementary question as follows:

‘Did the relevant Executive Portfolio Holders believe that the West Dart development would go ahead, or would it be superseded by ‘Our Plan’?’

In response, the Executive Portfolio Holder for Planning, Economy and Community advised that, in terms of planning, the new local plan and the West Dart development were not connected. The West Dart development was part of a previous plan that was still in force and the new plan would not be in place for approximately eighteen months.

The Executive Portfolio Holder for Environmental Health and Housing added that all district councillors were committed to the West Dart project and would do all they could to ensure those houses and affordable houses would be in place for the people of Dartmouth and Kingswear.

E.81/13 OUR PLAN

Members were asked to consider a report that sought approval of the principle of ‘Our Plan’ as the Council’s single overarching strategic plan for the South Hams. The report also sought approval of the Local Development Scheme and the Regulation 18 Document for consultation purposes and to sign the Duty to Cooperate Memorandum of Understanding which was also sought for the corporate Community Engagement Strategy.

The Executive Portfolio Holder for Planning, Economy and Community introduced the report and outlined the key elements. During discussion the following points were raised:

- One Member welcomed the holistic approach but asked officers to be aware of the difference between consultation and engagement;
- One Member praised the document as being high level but was concerned that not all towns or parishes may have the range of skills needed to produce a Neighbourhood Plan. He asked if DPDs and SPDs would therefore be required. In response, the Head of Planning, Economy and Community advised that this document was about setting the scene and over the following months discussions would take place about how to shape Neighbourhood Planning as part of the process, how to enable communities to progress with a Neighbourhood Plan and to what extent the Council should provide support.

The Strategic Planning Manager added that there were different levels of guidance and ways of managing a Neighbourhood Plan without going through a two year process;

- Another Member commented that the document was not easy to follow and more detail would be needed. He also asked if Plymouth City Council (PCC) were cooperating as this was critical being a two way process. In response, the Leader confirmed that he, the Deputy Leader, and the Head of Planning, Economy and Community had held meetings with PCC.

Finally, Cllr Baldry asked that he and Cllrs Hitchins, Squire and Cane be kept informed of matters relating to the western end of the district.

It was then **RESOLVED** that:

- a) Council be **RECOMMENDED** to approve the principle of 'Our Plan' being the single, over-arching strategic plan for the South Hams;
- b) the Local Plan 'Local Development Scheme' be approved;
- c) the Regulation 18 Document be approved for consultation purposes;
- d) signing of the Duty to Cooperate Memorandum of Understanding be approved;
- e) the corporate Community Engagement Strategy be approved; and
- f) the engagement timetable be noted.

E.82/13 **YEALMPTON CAR PARK**

Members were presented with a report that, following the review of free car parking areas in South Hams, updated them on discussions with Yealmpton Parish Council and the community.

The Leader introduced the report. Following this introduction, the Car Parks Manager added that the Parish Council had met on 14 April 2014 and had confirmed a way forward.

The local Ward Member advised that a new residents group had been formed and would take on payment of approximately £2,000 in return for the car park remaining free. This would enable the residents to undertake a proper study over the next twelve months. A minor amendment to the recommendation was suggested to remove reference to paragraph 2 of the presented agenda report.

It was then:

RESOLVED:

1. That officers be given authority to finalise the agreement with Yealmpton Parish Council as previously resolved by the Executive, in order to achieve the proposed saving of £2,000; and
2. Should the Parish Council find that it would be unable to proceed with an agreement to generate and pay the anticipated income to the District Council, the District Council would proceed with the implementation of a Pay and Display scheme in the car park as detailed in paragraph 3 of the presented agenda report.

E.83/13 CAPITAL PROGRAMME MONITORING

Members were asked to consider a report that advised them of progress on individual schemes within the approved capital programme including an assessment of their financial position.

The Executive Portfolio Holder for Assets introduced the report and particularly drew Members attention to the Disabled Facilities Grant expenditure. He also noted the additional work that the team had undertaken as a result of recent storm damage.

It was then:

RESOLVED

That the report be noted.

E.84/13 SALCOMBE FISH QUAY AND SLIPWAYS: REVIEW OF FISHERMAN'S QUAY AND SLIPWAY CHARGES AND ALL SLIPWAY CHARGES IN SALCOMBE FOR 2014/15

Members were asked to consider a report that set out the proposals for fees and charges for the use of Salcombe Fish Quay and all slipway charges in Salcombe for 2014/15.

The Executive Portfolio Holder for Assets introduced the report and advised Members that the introduction of charges at Salcombe Fish Quay would enable the Council to generate an income from the recent investment in this asset.

A number of Members were concerned and disappointed with the report. One Member stated it was nothing more than a tax on fishermen who already received less than the minimum wage.

Another Member stated that the Council should be supporting and encouraging this industry. In response, the Head of Assets explained that the charges would be comparable with other ports and that there would be no wet fish landing charge as very little wet fish were landed at Salcombe therefore it would not be cost effective to collect. She added that there would be no charge for landing crabs, and that the introduction of charges would be aimed at the big lorries that collected the crabs. She also confirmed that there would be no charge made in the case of an emergency.

Finally, a Member hoped that the charges would encourage fishermen to lift share down to the Quay and felt that after many years it was right to formalise arrangements with the introduction of these charges.

It was then:

RESOLVED

That Council be **RECOMMENDED**:

- 1 To approve the proposed fees and charges as set out in the presented agenda report; and
- 2 That authority be delegated to the Head of Assets, in consultation with the Lead Executive Member for Assets to be able to vary all pricing charges on the Salcombe fish quay and all slipways as and when deemed necessary to respond to changes in market forces.

E.85/13

RISK BASED VERIFICATION POLICY

Members were asked to consider a report that advised of the new approach to verifying claims for Housing Benefit and Council Tax Reduction and to seek approval of the Risk Based Verification Policy.

The Executive Portfolio Holder for ICT and Customer Services introduced the report and took Members through the key elements. The Head of ICT and Customer Services added that the new Policy would enable benefit claims to be paid more quickly. In response to questions he also confirmed that the assessment of risk was by use of an algorithm and, whilst an assessor could manually override the system to increase the risk assessment, it would not be possible to lower the risk assessment as this was a DWP specification.

It was then:

RESOLVED

That Council be **RECOMMENDED** to approve the Risk Based Verification Policy (as set out in Appendix 1 of the presented agenda report).

E.86/13 TRANSFER OF PLYMPTON AND TOTNES CHAINS

Members were asked to consider a report that sought to transfer ownership of the chain that previously belonged to Plympton St Mary Rural District Council ('the Plympton chain') to Plymouth City Council. The report also sought approval to negotiating the gifting of the Totnes Rural District Council Chain to Totnes Town Council.

The Executive Portfolio Holder for Corporate Services introduced the report and advised Members that he would be likely to amend the recommendations but wanted to hear from a local Ward Member for Bickleigh and Shaugh before doing so.

The Ward Member for Bickleigh and Shaugh began by advising Members of the history of settlement in the western end of the District. The Rural District Council (RDC) had been formed under the Local Government Act of 1894 that comprised of Bickleigh, Brixton, Cornwood, Harford, Holbeton, Ivybridge, Newton and Noss, Shaugh Prior, Sparkwell, Wembury and Yealmpton Parishes. Whilst Plympton benefited from the Civic status of Plymouth City Council, 85% of the old RDC area still lay within South Hams and the chain represented their heritage. The Council should be mindful of the difficulties of creating new communities; a challenge that would most likely be presented once Sherford had been built. The chain would provide a symbol of history and civic pride that would help to create the new community. He concluded by proposing that the chain be made available on loan to Plymouth City Council until such time as Sherford, in conjunction with surrounding South Hams towns and parishes, were in a position to use it for the benefit of South Ham's residents.

The Executive Portfolio Holder for Corporate Services thanked the Ward Member for his comments, and proposed that the recommendation be amended to state that the Chain would be loaned (rather than gifted) to Plymouth City Council, subject to review in connection with the Sherford development. It was also agreed that the Totnes chain be treated in the same way and formally be loaned to Totnes Town Council.

It was then:

RESOLVED

1. That the Plympton St Mary Rural District Council Chain ('the Plympton Chain') be loaned to Plymouth City Council (PCC), with PCC taking on responsibility for insuring and appropriately securing it, with this arrangement being in place until it is reviewed in connection with the development of the Sherford new town; and
2. That the Totnes Rural District Council Chain ('the Totnes Chain') be formally loaned to Totnes Town Council.

E.87/13 WRITE OFF REPORT

Members considered a composite report that detailed the debts for all revenue streams within the Revenue and Benefits Service remit up to the value of £5,000, written off by the Head of Finance and Audit under delegated authority, and for those debts in excess of £5,000 for which permission to write off was sought.

The Lead Executive Member for Finance and Audit introduced the report and highlighted the key figures. The Lead Executive Member for ICT and Customer Services advised Members that approval of the Risk Based Verification Policy (E.85/13 refers) would help to reduce the need for write offs.

It was then:

RESOLVED

That in accordance with Financial Regulations, the Head of Finance and Audit has authorised the write-off of individual South Hams District Council debts totalling £45,754.54 as detailed in Tables 1 and 2 of the presented report, be noted.

E.88/13 REPORTS OF OTHER BODIES**RESOLVED**

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

a) **Corporate Performance and Resources Scrutiny Panel – 13 March 2014**

i) **CP&R.38/13 REVIEW OF THE CODE OF CONDUCT**

RECOMMENDED

That Council be **RECOMMENDED** that the South Hams Code of Conduct be amended as shown highlighted in the Appendix A document circulated at the Scrutiny Panel meeting.

ii) **CP&R.42/13 TASK AND FINISH UPDATES – Review of Opportunities for Income Generation**

RESOLVED

1. That the priority areas identified by the Scrutiny Panel for income generation be pursued, with officers being tasked with working up more detailed business cases where appropriate;
2. That the charging principles (as outlined in the presented agenda report to the Panel) be adopted and that the establishment of a programme for reviewing existing fees and charges and introducing new fees and charges utilising existing work-streams where possible be agreed;
3. That an 'in principle decision' to form a trading company (name and type to be agreed) in order to allow the Council to pursue appropriate business avenues at commercially advantageous points be considered;
4. That an allocation of a maximum of £25,000 for professional external assistance be approved to evaluate potential market opportunities with respect to income generation with a view to a final work award being delegated to the Corporate Director (Resources) in consultation with the Leader and Deputy Leader. The costs to be shared with West Devon Borough Council where joint trading opportunities are identified;
5. That sponsorship and advertising revenue potential be explored as detailed in the presented agenda report to the Panel;
6. That officers develop the concept of establishing a trading company in line with the developing business cases and a subsequent report on its formation and operation be brought back to Members for consideration.

b) **Economy and Environment Scrutiny Panel – 20 March 2014**

In respect of minute EE.39/13 'Presentation from South West Water', the local Ward Member for Salcombe and Malborough asked that thanks be noted for work undertaken in Salcombe being completed in time for the Easter period.

i) **EE.41/13 SALE OF RECYCLABLE MATERIALS FROM HOUSEHOLD COLLECTIONS**

RESOLVED

- a) That the Executive **RECOMMEND** to Council to take up the tender option (as set out in para. 3.2 of the presented agenda report to the Panel) for the sale of South Hams recyclable materials from household kerbside collections;

- b) That any changes considered necessary to the terms as highlighted in the presented report to the Panel be delegated to the Head of Environment Services in consultation with the Executive Portfolio Holder for Environment Services; and
- c) That a letter be sent on behalf of the Panel to the Prime Minister expressing the concerns in respect of European interference in the day to day management of local authority matters.

ii) **EE.42/13 HOUSEHOLD WASTE AND RECYCLING COLLECTION GUIDE REVIEW**

RECOMMENDED

That Executive **RECOMMEND** to Council that:

1. the changes to recycling and waste collection guidance (as detailed in section 2 of the agenda report presented to the Panel) be approved and the circumstances in which developments in technology and resource levels will be required to enable a full introduction of specific changes be recognised;
2. any changes considered necessary to the guidance (appendix 1 of the presented report to the Panel) be delegated to the Head of Environment Services in consultation with the Executive Member for Environment Services.
3. the impact of delivering a Phase 2 of the waste review project at a later date following further guidance from Central Government be considered.

c) **Community Life and Housing Scrutiny Panel –27 March 2014**

i) **CLH.43/13 (c) TASK AND FINISH GROUP UPDATES – YOUTH ENGAGEMENT**

RESOLVED

1. That the Executive **RECOMMEND** to Council the establishment of a Young Person's Working Group consisting of five Members who meet quarterly and are appointed to at the annual meeting of Council in May; and

2. That the Youth Forum continue to be Member led and operate without any budget implications for the Council.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.81/13 (a), E.84/13, E.85/13, E.88/13 (a) i, E.88/13 (b) i, a, E.88/13 (b) ii and E.88/13 (c) i 1, WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 8 MAY 2014, WILL BECOME EFFECTIVE FROM 5.00PM ON TUESDAY 6 MAY 2014 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 11.00 am)

Chairman

APPENDIX A**QUESTIONS AND RESPONSES FOR EXECUTIVE 24 APRIL 2014**

1. *Will SHDC transfer the 4.5 hectares of development land in the West Dart Scheme to its own Admirals Court site so as to free more land for residential units in the phase 1 scheme?*

Transferring the 4.5 hectares of development land from the West Dart Scheme is inappropriate for this development for two reasons. Firstly, the Admiral's Court site is already totally allocated to employment land and secondly, the amount yet to be developed is less than 4.5 hectares.

2. *Will SHDC insist on some higher density housing such as 1 bedroom maisonettes so as to maximise the number of residential units in the West Dart phase 1 scheme?*

SHDC always seeks to maximize the use of any proposed development. Clearly this has to take into account Government Guidance and the normal material planning considerations. There will, of course, be a need for a mix of size and relationship between market and affordable housing. There are two drivers here. One, the local market and need, and the other, the fact that there is no policy which could enable us, even if we wanted to, to influence certain sizes of dwelling. As a Local Planning Authority, we have to consider each application on its merits.

3. *In view of the David Coutie and GV Gimley housing needs figures for Dartmouth, and the duty of SHDC to deliver 405 affordable houses in Dartmouth before 2026, will SHDC only allow a phase 1 scheme of 210 affordable homes to progress if a clear phase 2 scheme is possible?*

Policy D1 of the Dartmouth Site Application DPD does refer to the provision of four hundred and five dwellings. However it does NOT specify any percentage of affordable houses.

SHDC has no policy which can connect different phases of any development unless conditioned.

4. *Does SHDC have a clear idea what constitutes affordable homes in Dartmouth's low rent economy and will SHDC examine the possibility of land trusts and prefabricated building technology to provide homes at the right price for Dartmouth?*

I would refer you to the National Planning Policy Framework definition of 'Affordable Housing'. In a nutshell this says that 'affordable' value will depend on the local housing market but will be less than the equivalent market housing value. This Council fully supports any acceptable method of construction, both in material specification or in development process such as Community Land Trust. The aim is always to obtain the best value in price and AH percentage.

5. *Is SHDC aware that there are 300-400 expensive properties already for sale by Dartmouth estate agents and that Dartmouth does not need any more houses in this price bracket?*

Within the West Dart proposal, the affordable housing element will include different products which the Council will do its best to ensure that the overall need for the area is matched as far as is possible. This will include opportunities to rent or buy an affordable property. As far as market housing is concerned, the LPA will seek to ensure that an optimum balance between scale and density is achieved, but does not have any remit to interfere with pricing.

6. *If £20m - £50m will be needed to build the affordable homes which Dartmouth needs, will SHDC investigate every avenue of funding in order to achieve this?*

SHDC is continually looking for innovative ways to keep housing prices as low as possible. In conjunction with our Housing Association partners, we will work towards a funding package which will maximize the affordable housing level. In this respect the proposed West Dart development is no different from any other major development in the South Hams.

7. *Will SHDC be helping to operate an advice service for Dartmouth applicants to access the government's Homes to Buy 1 and 2 schemes?*

The Council's Affordable Housing Team is available, as usual, to give advice to those in need of affordable housing.

8. *In view of the short 13 week period after which SHDC must respond to a complex planning application for the West Dart scheme, is SHDC anticipating work loads and completing as much work as possible in advance?*

As the question implies, there is much detailed work involved in processing any major housing development application. SHDC is committed to providing the resources necessary to respond to work load. However, it should be noted that Government now allows for an extension to the thirteen week target subject to agreement between the LPA and the applicant.