

Date: 18 July 2010
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To: Members of the Overview and Scrutiny Co-ordinating Committee
(Councillors: Ray Bloxham; Peter Bowden; Bob Buxton; Iain Chubb;
Christine Drew; Roger Giles; Pat Graham; Steve Hall; Peter Halse;
John Humphreys; Stephanie Jones; David Key; Frances Newth;
Barry Nicholson; Marion Olive; Helen Parr; Bob Peachey; Ken Potter;
Graham Troman; Eileen Wragg; Steve Wragg)

Portfolio Holders
Other Members of the Council for Information
Chief Executive
Corporate Directors

Special Meeting of the Overview and Scrutiny Co-ordinating Committee

Thursday , 19 August 2010 – 6.30pm

Council Chamber, Knowle, Sidmouth

Members of the public are welcome to attend this meeting.

Members of the public will be invited, by the Chairman, to speak at each 'called in' item after these have been introduced and before being considered by the Committee. All individual contributions will be limited to a period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group. The public is advised that the Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

AGENDA

Page/s

1. To receive any apologies for absence
2. To receive any declarations of interest relating to items on the agenda.
3. To consider any items which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.

(Note: such circumstances need to be clearly identified in the minutes; Councillors please notify the Chief Executive in advance of the meeting if you wish to raise a matter under this item. The Chief Executive will then consult with the Chairman).

4. To agree any items to be dealt with after the public (including the press) have been excluded. There are no items that the officers recommend should be dealt with in this way.

5. Decisions made by a Portfolio Holder called in by Members for scrutiny in accordance with the Overview Procedure Rules under Part 4.5 of the Constitution. There is one item which has been identified: 5-7
- Agreement to the Council transferring a strip of beach and foreshore adjoining Pier Head to 'Eagle One' for the reinforcing of rock revetment to Exmouth Docks.
- The decision of the Portfolio Holder – Environment was printed in the 16 July edition of the Knowledge as set out below:
- "That the Council agrees to a transfer of a narrow strip of beach and foreshore at the Pier Head, Exmouth docks to 'Eagle One' for the placing of rock armour to reinforce the harbour wall on terms and conditions to be agreed"
- This item has been 'called in' to the Overview and Scrutiny Committee for reconsideration and scrutiny.
- The original report was confidential but to enable consideration in Part A, the confidential detail in the report has been omitted. The intention was for the report to seek authority to negotiate terms and conditions in respect of a possible transfer and **not** to seek authority to transfer at this stage. The Senior Estates Surveyor will verbally clarify this misunderstanding at the meeting.
6. Decisions made by the Executive Board called in by Members for scrutiny in accordance with the Overview Procedure Rules under Part 4.5 of the Constitution. There is one item which has been identified: 8-31
- Transfer of land at Lace Walk Car Park, Honiton to Honiton Town Council for a Community Centre.
- This item was determined at the meeting of the Executive Board on 14 July 2010 when the Board agreed:
- "1. that the transfer of 0.114 Ha of land at Lace Walk car park, Honiton to Honiton Town Council at less than 'Best Value' to facilitate a Honiton Community Centre on that site be not agreed, and
2. that Honiton Town Council be urged to seek an alternative site for the Community Centre"
- This decision was reported in the Knowledge newsletter dated 16 July and has been 'called in' to the Overview and Scrutiny Committee for reconsideration and scrutiny.
- The original report was considered in the confidential part of the agenda (Part B). To enable consideration in Part A, the confidential detail in the report in respect of value of the proposed site has been omitted. In addition, to further assist deliberations, the following have been attached:
- aerial photographs showing the Car Parks at Lace Walk, Dowell Street and Silver Street 15-17
 - correspondence from the Honiton Town Clerk, 19-20
 - e mail from Sheila McBrearty (Honiton resident) 21-22
 - Council answers (through EDDC press officer) to questions posed by the Honiton Recorder 23-24
 - Previous minutes in respect of the proposed new arts and community centre. 25-31

Members remember!

Members remember!

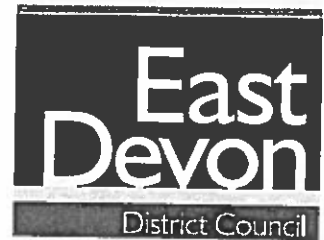
- You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless
 - a) you have obtained a dispensation from the Council's Standards Committee or
 - b) where Para 12(2) of the member Code of Conduct applies. [Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only to the extent the public are allowed the same rights. If you do remain for these purposes, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation, answered questions or given evidence.]
- The Code states that any member of the Executive Board or other decision-making committee or joint committee or sub-committee attending Overview and Scrutiny committees has a prejudicial interest in any business where that member was a member of the committee at the relevant time and present when the decision was made or other action was taken (whether or not implemented). Members with prejudicial interests should declare them and are allowed to remain in the meeting for the limited purposes set out in the Code para 12(2) – see last paragraph.
- You also need to declare when you are subject to the party whip before the matter is discussed.

Suggestions for questioning during an Overview and Scrutiny meeting

Below are some prompts which may help you to form your own questions to ask at an Overview and Scrutiny meeting. Your questioning technique is crucial in creating an atmosphere conducive to open answers. Avoid excessive interrogation and treat those being questioned with courtesy and respect; however don't be afraid to ask supplementary questions if you feel that you haven't been given a clear answer.

- **IS IT REQUIRED?** (do we have this, does it make sense to tackle it, do we really need it).
- **IS IT SYSTEMS THINKING?** (is it evidence based and designed around the customer demands)
- **IS THE INTENTION CLEAR?** (what are we actually trying to achieve)
- **ANY REAL OUTCOMES?** (are we actually, and measurably, achieving things for our customers).
- **WHAT IS THE COST?** (both time and money)
- **DOES IT COMPLY?** (have we checked that it meets our obligations, the law, any formal guidance, and any Council policy or resolutions).
- **OTHERS DO WHAT?** (how do other organisations tackle this, best practice)
- **EFFECTIVE AND EFFICIENT?** (how do we know we're doing things well, in a timely fashion, and at "best value")
- **WHAT IS THE RISK?** (any areas of risk for the Council)
- **ANYONE LOSE OUT?** (are there sections of the community who might be disadvantaged by this approach, or be less able to take advantage, than others)
- **DOES IT LINK?** (have we linked this to other, similar, pieces of work within or outside the Council)

Agenda item



Called in report of Portfolio Holder - Councillor G. Brown – Environment Portfolio Holder (date of report 8 June 2010 with the decision being made and reported in Knowledge on 16 July 2010)

10/0023

Agreement to the Council transferring a strip of beach and foreshore adjoining Pier Head to 'Eagle One' for the reinforcing of the rock revetment to Exmouth Docks

Summary

'Eagle One' has requested consent to place additional rock armour to the sea defences which protect the Exmouth Harbour wall.

Recommendation

That the Council agrees to a transfer of a narrow strip of beach and foreshore at the Pier Head, Exmouth docks to 'Eagle One' for the placing of rock armour to reinforce the harbour wall on terms and conditions to be agreed.

a) Reasons for Recommendation

To facilitate the strengthening of the protecting rock armour to the harbour wall.

b) Alternative Options

Not to agree to the transfer of the strip of beach and foreshore.

c) Risk Considerations

Not to agree to the transfer of the land could prejudice the future safety of the development of the proposed visitor centre at Exmouth Docks.

d) Budgetary Considerations

There will be a small capital receipt (to be negotiated) on completion of the land transfer. Eagle One will undertake to pay the Council's Legal & Surveyor's costs.

e) Date for Review of Decision

N/A

1 Main Body of the Report

- 1.1 'Eagle One' are due to construct the proposed visitor centre at Exmouth Docks and wish to strengthen the sea defences to provide adequate protection to the development. To do this they require to place additional rock armour on a strip of beach and foreshore in the Council's ownership.
- 1.2 It is proposed to transfer the freehold title of this strip of land to 'Eagle One' on terms and conditions to be negotiated.

1.3 This matter was considered by the Asset Management Forum at its meeting of 27 May 2010 which agreed the recommendation (min 10).

1.4 Authority is now required to open negotiations with 'Eagle One' for a transfer of the strip of beach & foreshore.

Legal Implications

There are no legal issues requiring comment assuming that the appropriate environmental consultations are carried out and approved at the planning stage, and in so far as the land involved is within the Council's freehold ownership

Financial Implications

The land transfer will generate a capital receipt. There are no other financial implications.

Background Papers

- Site plan
- Report to AMF meeting of 27 May 2010

Rob Speers Ext 1588
Senior Estates Surveyor

Portfolio Holder's Decision

Signed..... Dated

Members Remember!

You must declare any personal or prejudicial interests in an item. Make sure you give the reason for your personal interest, as this has to be included in the decision notice. If your interest is prejudicial you may not be able to make a portfolio holder decision on this item and should return the form to Member Services so that the matter can be referred to the Executive Board. If you are in any doubt please seek advice from the Legal and Democratic Services Section.

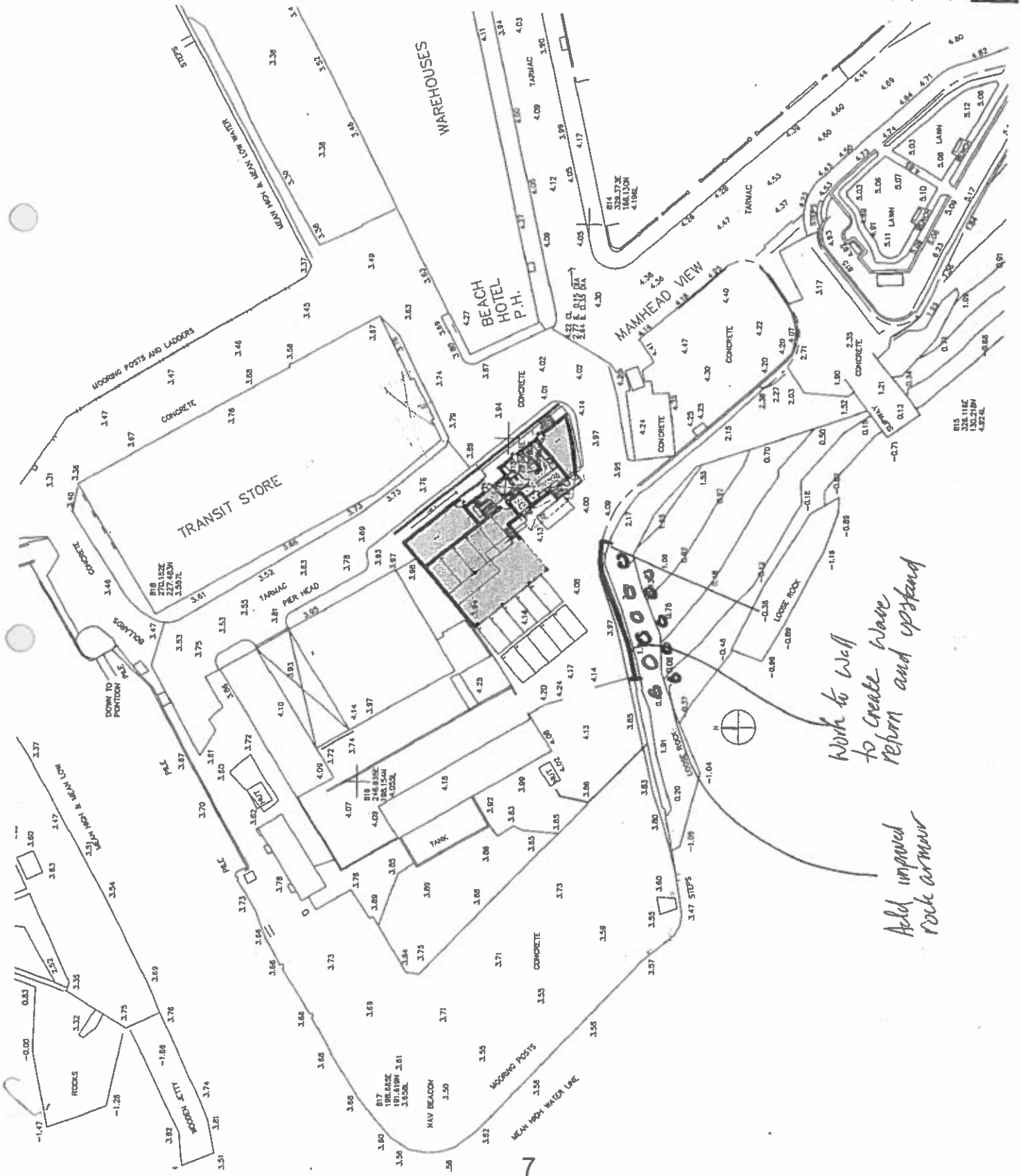
Notes:
 1. See site plan for details. If in doubt ask for clarification from the architect.
 2. All construction to be in accordance with the approved plans.
 3. All construction to be in accordance with the approved plans.
 4. All construction to be in accordance with the approved plans.
 5. All construction to be in accordance with the approved plans.
 6. All construction to be in accordance with the approved plans.
 7. All construction to be in accordance with the approved plans.
 8. All construction to be in accordance with the approved plans.
 9. All construction to be in accordance with the approved plans.
 10. All construction to be in accordance with the approved plans.

Overdown House
 5 Sheverson Park
 Fair Oak, Okla
 City: Norman, Okla
 Phone: 405-328-3732
 Fax: 405-328-3732
 E-mail: overdown@overdown.com

Site Plan
 June 2008
 1:500@A3

g|architects.co.uk

204 100 A



Work to wall to create wave return and upstand

Add improved rock armour

Agenda Item

Item 'called in' from Executive Board meeting of 14 July 2010

10/0006



Transfer of land at Lace Walk car park, Honiton to Honiton Town Council for a Community Centre

Summary

The proposal is for EDDC to transfer the freehold title of 0.114 Ha (0.28 acre) site at Lace Walk car park, Honiton to Honiton Town Council to facilitate the construction of a new community centre by EDDC, in partnership with Devon County Council and the Honiton Town Council.

Recommendation

To agree to the transfer of 0.114 Ha of land at Lace Walk car park, Honiton to Honiton Town Council at less than 'Best Value' than might reasonably be obtainable in the open market, subject to the Honiton Community Centre project proceeding

a) Reasons for Recommendation

To facilitate the construction of a new community centre to serve the Honiton community

b) Alternative Options

Not to agree to the transfer of this site to Honiton Town Council, but to retain ownership of the land and new community centre.

c) Risk Considerations

If the land is not transferred at nil consideration then it is likely that the community centre will not be built, and it is also unlikely that this Council will wish to retain responsibility for managing the facility.

d) Policy and Budgetary Considerations

A policy that audits the transfer of property assets to Town and Parish Councils at nil consideration is established with delegated powers granted to the Chief Executive Officer and Portfolio Holder for Resources.

The transfer of this site will involve the loss of 39 long stay parking spaces with the resultant loss of revenue of £9,705 per annum (at 2008/9 income figures).

The Council has given a commitment to the Honiton Town Council to contribute a capital sum of £333,000 towards the build cost and an annual sum of £20,000 towards the running costs of the centre.

Positive Impact Overall!

Young People.

Meeting our Diversity and Equality duties.

Providing more service at same cost.

e) Date for Review of Decision

Not applicable

1 Main Body of the Report

- 1.1 Funding has been made available for the construction of a new community centre on EDDC owned land at Lace Walk car park, Honiton, partly through a capital contribution of £333,000 from the District Council, Sect 106 funding, and funding from Honiton Town Council.
 - 1.2 It is proposed that the site will be transferred, freehold at nil consideration, to Honiton Town Council (as authorised by the Executive Board at its meeting of 27 November 2002 – min 119 (2))
 - 1.3 As the proposal is to transfer the land at nil consideration it is a requirement (under the provisions of the Local Government Act 1970) that land subject to a transfer at '*less than Best Value*' than might reasonably be obtained if offered for sale on the open market', be considered by the Council
 - 1.4 As this sum is below the £250,000 threshold for SDLT (stamp duty land tax) no tax will be payable, however SDLT would be payable if the land and community centre building were to be transferred in one transaction.
 - 1.5 On 22 November 2005 EDDC entered into a contractual arrangement with Honiton Town Council which committed this Council to contributing a capital sum, by way of grant, of £333,333 towards the cost of constructing the community centre (to include architects fees) together with an annual contribution of £20,000 towards the running costs of the centre..
 - 1.6 Minute 119 (2) of the Executive Board meeting of 27 November 2002 stated that the £333,333 building grant was to be made in addition to the transfer of the land.
 - 1.7 The loss of the 39 car parking spaces could be alleviated by undertaking a re-modelling of the Lace Walk short stay car park to provide an additional 7 spaces although this has not been costed and there is no budget provision for this.
-

Legal Implications

It was originally envisaged that the Community Centre would be developed by a voluntary organisation in which case the land would have been let under a 125 year lease. As the development is now being taken over by the Town Council, and substantially developed with loan money it would seem reasonable that the freehold should be transferred, and also consistent with the proposed community centre development at Sidmouth. The Transfer would not be completed until the Building contract has been let and work about to start. It should also contain appropriate restrictive covenants.

Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained sets out the framework under which the council may agree to dispose at less than market value. The terms of the Consent mean that specific consent by the Secretary of State is not required for the disposal of any interest in land which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. Where applicable, authorities should also have regard to their community strategy.

Financial Implications

The loss of annual capital receipt and revenue needs to be weighed against the positive impact of a community centre in Honiton.

Of the £333,333 approved in EDDC capital programme, £34,000 was transferred to HTC during 2005 with additional expenditure of £12,203 on consultants fees in 2009/10 leaving a balance of £287,130.

Consultation on Reports to the Executive

This matter has been the subject of wide consultation and various committee reports. A detailed planning application is currently under consideration.

Background Papers

- Plan of community centre site at Lace Walk
- Copy of legal agreement between EDDC & HTC dated 28 July 2005 (previously circulated with Executive Board report)
- Executive Board meeting of 27 Nov 2002 (min 119)

Rob Speers Ext 1588
Senior Estates Surveyor

Executive Board
14 July 2010

***118 DISCRETIONARY RATE RELIEF: SPORTING CLUBS**

Consideration was given to a report by the Corporate Director – Economy regarding the financial implications of granting 20% stage 2 relief to all sporting clubs in East Devon, as requested by the Discretionary Rate Relief Sub-Committee at its meeting on 24th January 2002.

RESOLVED that relief provided under the scheme be extended by awarding 20% top up relief to all clubs.

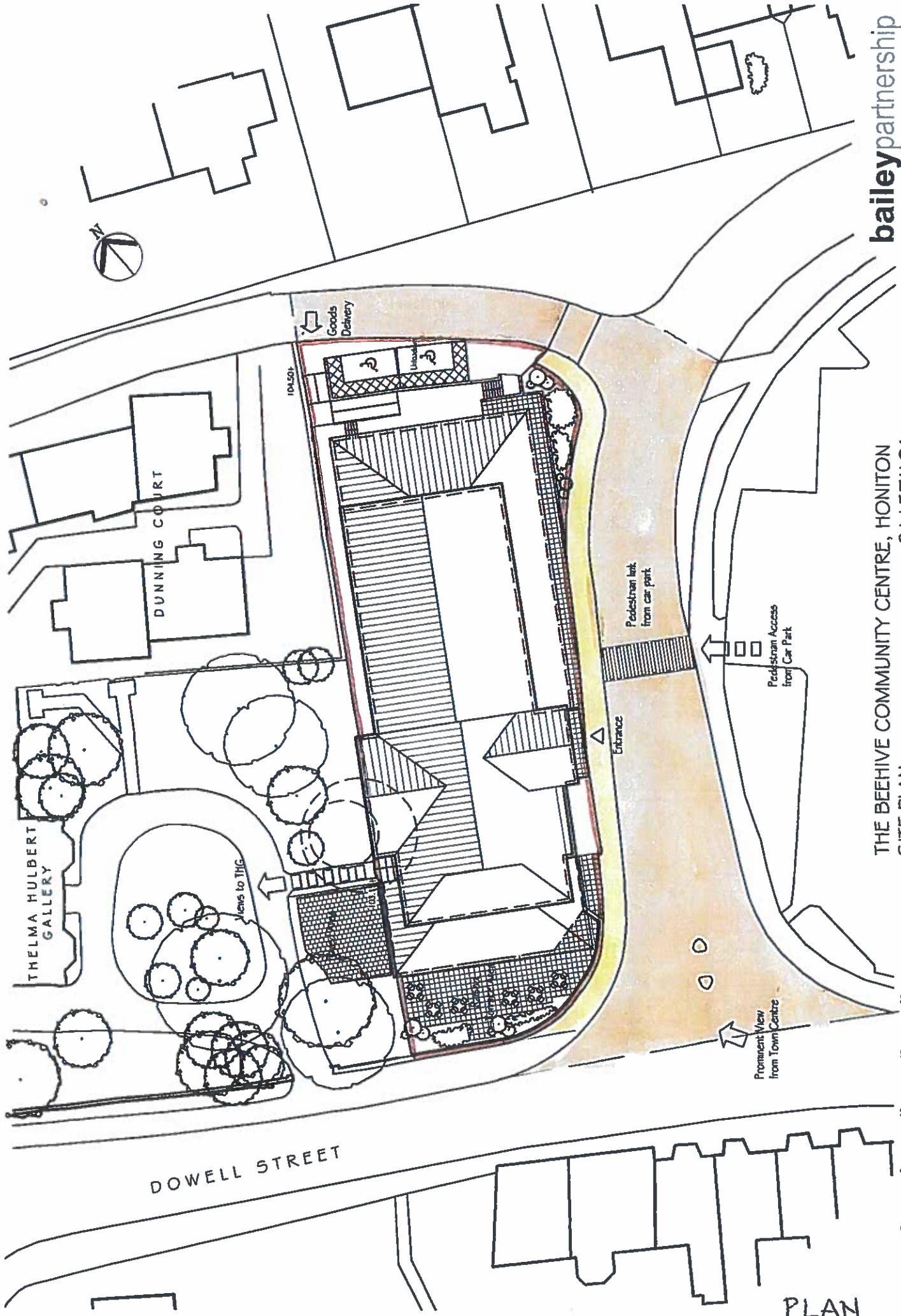
(Councillors A T Moulding, Mrs P A Stott, D G Button, R G Franklin and P A Diviani declared personal interests as office holders or members of local sporting clubs).

***119 HONITON: PROPOSED COMMUNITY AND ARTS CENTRE**

Consideration was given to a report by the Arts Development Officer regarding a revised proposal for transferring the funding and land agreed by the District Council for earlier schemes to provide a Community and Arts Centre in Honiton.

A letter from the Town Mayor of Honiton Town Council dated 27th November 2002 on the subject was circulated at the meeting to members of the Board.

- RESOLVED**
- (1) that the Dowell Street site identified on the plan appended to the report be agreed as the site for a new Community Arts Centre to be provided by Honiton Community Centre Association (HCCA) and Honiton Town Council (HTC);
 - (2) that the capital sum agreed by the District Council (£333,333 plus the land on which the development is planned) be transferred to the new phased proposal, subject to:
 - (i) the architect appointed by HCCA/HTC having the necessary expertise to ensure specifications for the building comply with the requirements of professional touring companies taking into account such matters as acoustics, lighting, flooring etc.
 - (ii) the Business Plan being revised to accommodate the financial implications of a Phased project.
 - (iii) the granting of the necessary planning consent.
 - (3) that the agreed revenue funding for the project from the District Council be increased from £20,000 to £22,000 per annum subject to disposal of the lease of Mackarness Hall, Honiton;
 - (4) that an elected member and the Arts Development Officer be nominated to join the Project Working Group;
 - (5) that the District Council's commitment be reviewed in 3 year's time.



DOWELL STREET

DUNNING COURT

THELMA HULBERT GALLERY

Goods Delivery

Pedestrian link from car park

Prominent View from Town Centre

Pedestrian Access from Car Park

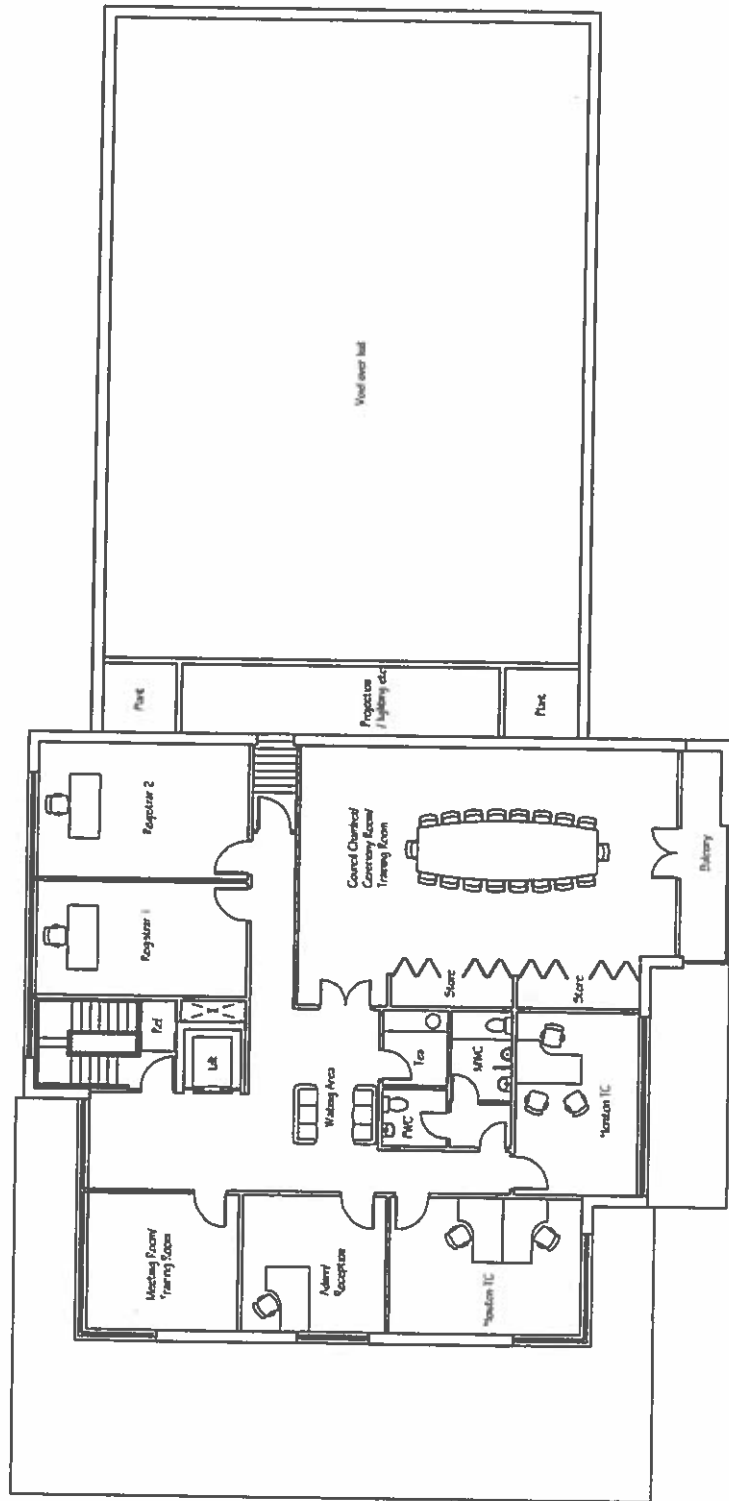
Entrance

THE BEEHIVE COMMUNITY CENTRE, HONITON
2115710A
SITE PLAN

0m 5m 10m 15m 20m

PLAN 1

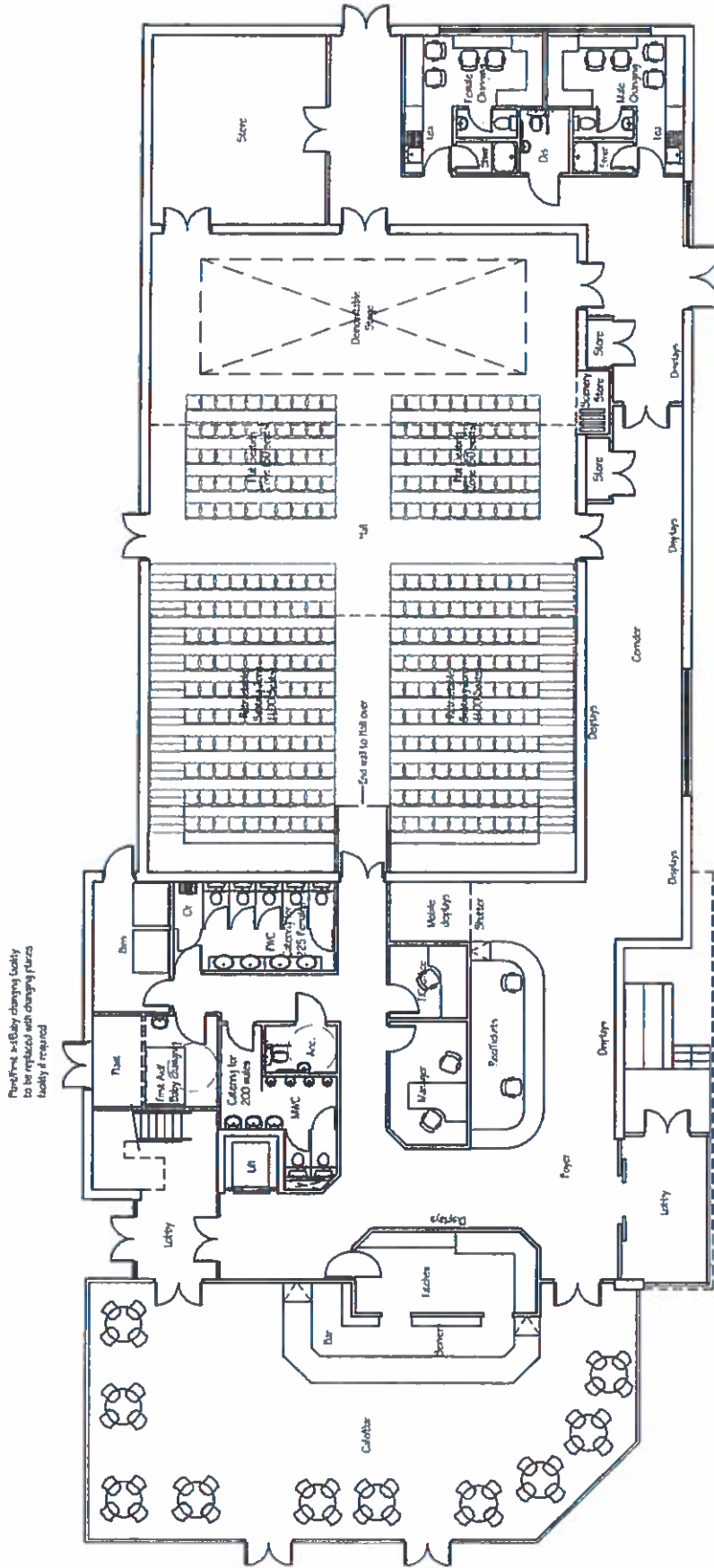
baileypartnership
CONSTRUCTION AND PROPERTY CONSULTANTS



PLAN 3

THE BEEHIVE COMMUNITY CENTRE, HONITON
 21157/12B





PLAN 2

THE BEEHIVE COMMUNITY CENTRE, HONITON
GROUND FLOOR 21157/11B



Lace Walk - Long Stay Car Park

Map Tile: ST1500NE Full Reference: ST1592 0074



Dowell Street - Long Stay Car Park

Map Tile: ST1500NE Full Reference: ST1585 0079
Scale 1:1250



Silver Street Car Park / Live stock market

Map Tile: ST1600NW Full Reference: ST1624 0083

Scale 1:1250

Diana Vernon

From: Mark Williams
Sent: 28 July 2010 08:38
To: Honiton Town Council Clerks
Cc: Cllr Miss S M Randall Johnson; Nick Stephen; Diana Vernon
Subject: Site for Community Centre

Dear Lyn,

Following on from the Town Clerk's meeting this is just to confirm that the 'decision' not to go ahead to transfer the proposed site to the Town Council is suspended pending a 'call-in' to the Overview & Scrutiny Co-ordinating Committee. This is scheduled to be held on the 19th August.

As the 'proper officer' I'm presently minded to recommend that the item be discussed in exempt session because it involves land dealings (as per the original report) but I do understand that in order to allow local members and interested parties to speak this is under discussion. Although I won't be present there is a briefing meeting with the Chairman this Friday when a view will be taken. Even if the papers do come out as 'orange' papers it will be for the committee to decide whether it does wish to deal with the matter in exempt session. I will let you know more on this matter next week.

If I can provide you with any more information please let me know.

Regards,

Mark

28 July 2010

Mr Mark Williams
Chief Executive
East Devon District Council
Knowle
Sidmouth EX10 8HL

Dear Mark

Following the meeting of the Town Council's Policy committee yesterday evening I have been instructed to write to you to express this Council's deep concern regarding the sequence of events leading up to and following the District Council's Executive Board decision on 14 July regarding the proposed Honiton community complex. The Town Council would ask that you and the Leader of the Council/Chairman of the Executive Board attend a meeting to discuss with our Members the rationale behind the decision, the current situation and the options that are now felt to be available. The next scheduled meeting of the Town Council is during the evening of Monday 13 September which may be a suitable date as it follows the next Executive Board meeting on 1 September; however we would be happy to call an extraordinary meeting during the month of August so that the Town Council's views may be heard in advance of the Executive Board and in this case I would be grateful if you would let me know possible dates in August during the evening when you and Cllr Randall Johnson are both available.

In particular the Town Council would be interested to hear the District Council's views on the following :

- Why has the official notification of the decision other than via publicly available newsletters and minutes only been received today.
- Why a project personally promoted by Cllr Randall Johnson leading to the engagement and involvement of EDDC officers has been put at risk by this decision.
- Why a project which is the subject of a Memorandum of Understanding signed by both Councils has been put at risk by this decision.
- Why the concept of partnership working between the two Councils has been ignored to the extent that no input was requested from the Town Council prior to the decision being taken.
- Why the District Council has permitted and encouraged the use of funding and officer time from both Councils on a project to the point of it being put forward for planning permission before withdrawing its offer of land.
- Why land that has for some years been identified by the District Council as "the only available option" has now been deemed inappropriate.
- Why this decision has now led to Honiton having no publicly available hall with full disabled access and provision following the return to St Paul's church of the Mackarness Hall.

- Why credence has been given to a poorly attended town poll when a previous town poll in Exmouth was not given the same level of support by EDDC.
- Confirmation that the levels of funding from S106, EDDC capital grant and EDDC revenue grant remain in place for use by the Town Council to provide community facilities.
- How the concept of partnership working between the two Councils can ever recover from this decision.

I look forward to hearing from you shortly.

Yours sincerely

Lyn Hargood
Town Clerk

From: Sheila McBrearty
Sent: 30 July 2010 12:54
To: Mark Williams
Cc: Diccon Pearse; 'Bennett, Belinda'; 'gafrere'
Subject: proposed "Beehive" community complex Honiton

I applaud the decision of your Committee to withdraw the offer of the leasehold land at Dowell Street for the building of a community "complex".

Early in 2003 I foresaw that the effects of the Disability Act October 2003 would cause the closure of a lot of meeting places in Honiton and I was enthusiastic about the proposed building of a community hall (sic). At the inaugural meeting held by Cllr Vernon Whitlock who declared "It WILL happen" in February 2003, and subsequent meetings, I was allocated to the fundraising sub-committee. Consequently I spent time and money investigating ways and means of raising funds, but I needed to know how much money was required to be raised. I telephoned the Managing Director of the firm in mid-Devon who built the highly successful village hall at Hatherleigh, which fulfilled all that was required of a village hall – a large hall capable of sub-division, staging, kitchen and toilet facilities. The estimate was £600,000 – for the same square footage intended for Honiton's building. This was rejected on the grounds that it "was not grand enough". A public meeting was held in Mackarness Hall to allow the folks of Honiton to see the Architects' plans for a £1 million structure, which seemed very grand. At the end, the Architects' Rep said "of course, you won't get this for £1 million – which completely destroyed the whole purpose of the exercise. Cllr Whitlock declared that what was needed was a place Honiton could be proud of, with raked seating, staging which would accommodate the London Philharmonic, or other prestigious Symphony Orchestras, to which the whole of the West of England would want to come. (and if they did, where would they park?) There would be five changing rooms which could be used by clubs and societies – no attention being paid to the fact that the largest was some three metres by four metres. (standing room only?). Despite proposed legislation, and plans by so called qualified Architects, the first thing I noticed when looking at the plans in the company of the previous Town Clerk was no provision for disabled parking! Revised plans (more expense) allowed for two cramped spaces very far removed from the nearest entrance to the proposed – now called Community 'Complex', even with the labelled "Wedding Entrance" – and necessitating the cutting down of two or three ancient trees in the grounds of the Thelma Hulbert building. The revised cost was £2.4 million or so, but educated estimates took the cost to beyond £4 million. During this time I was cut off from further committee meetings – probably for asking too many pertinent questions. A Business Plan was mentioned, but was it ever ratified?

Other architects were appointed for revised plans, and a different Business Plan drawn up. I don't know if this has yet been finalised.

You are probably aware of considerable press coverage regarding the unsuitability of the site – (1) taking away 42 car parking spaces. It has been quoted, "Honiton's population is expanding rapidly and we need a Complex". Conversely, we need these 42 car parking spaces for the rapidly growing population! (2) without the Complex, I have taken over forty minutes to exit Lace Walk car park on to Dowell Street, which simply can't cope with present traffic flow. What about extra traffic if the Complex were to be built on this site? This road to Cullompton is often congested with very heavy lorries and oil tankers. (3) soaring costs for what should be a simple project include: two lots of Architects' fees; consultants to propound on the theories of acoustics; garden designers; et al.

Despite all my written requests for costs incurred so far I have received no information. Some time ago I heard that £116,000+ had been spent, including a "gift" of £60,000. Who is/was accountable for financing?

Similarly, I have requested the names of those on the "committee" or, the names of those responsible for taking decisions about the Beehive – which I described in the Honiton Recorder as being a very appropriate name for the stings involved. Again, my request has been ignored.

Cllr Whitlock wants to hold to account those responsible on EDDC for withdrawing this offer of land. Shouldn't the boot be on the other foot?

I propose it is time for a full investigation into what has been going on, especially when the citizens of Honiton voted against the "present" proposal, and yet Cllr Whitlock is alleged to have said it will go ahead anyway, despite the poll results. Where is democracy?

Once again, congratulations to your Committee for exercising common sense – something sadly lacking during the relevant discussions of the past seven years.

If a suitable out of town site is obtained I will be first, among many others, to support a sensible utilitarian structure with dedicated car parking. However, who will be up to scratch in spearheading what is needed?

Sheila McBrearty

27 July Honiton Recorder on Community Centre

Why was the town council never told what was being proposed?

The recommendation in the report put before Members was that they should agree to transfer the land at Lace Walk to the town council at less than market value. In the event, Members did not agree to go along with that recommendation. The town council would no doubt have been aware of the officers' recommendation but could clearly not have known until after the event how the Members would decide once they had debated the issue on the evening of 14 July.

Why was the town council not officially told of the decision and why did it have to find out from the district council's newsletter The Knowledge?

EDDC procedures call for decisions to be published in The Knowledge so they can be seen by all Members. Should the required number of Members request that the decision is "called in" (as has happened in this case), the decision goes into abeyance until a new discussion is held. It was therefore perfectly in order that the town council was not immediately told officially of the decision because it had no immediate effect.

Why did the district council always claim the Lace Walk car park site was the only suitable site in the town and now says a new site needs to be found?

It is true that the site has been the preferred location for the community centre for as long as anyone can remember. That does not mean it will necessarily remain so for ever more. Circumstances change and, with the scheme proposed for Lace Walk site not finding favour in the town poll, EDDC's Members felt it was worth asking the co-ordinating committee to consider an alternative site that might find more favour in the town.

Who made these decisions in the first place and on what were they based?

The decisions taken by EDDC in the past have been well-documented and would have been taken in good faith based on the best understanding of circumstances at the time, after a democratic vote on each occasion.

Why did the district council allow the town council to proceed with a planning application when this decision was on the cards?

No-one knew that this decision was on the cards. Up to and including the debate at Executive Board on 14 July, the received wisdom was that the community centre project would proceed on the Lace Walk site, once all the necessary formalities had been completed. One such formality was EDDC's agreement to part with the land, which Members decided on 14 July not to proceed with.

Was this done just for the money?

This question is somewhat disingenuous. Members took the decision not to transfer the land after a debate ranging over a number of topics. Any disposal of the Council's assets, particularly at a time of extreme economic stringency, has to demonstrate sound commercial judgement and must represent good value for money for council tax payers. Members would have been mindful

of this aspect when making their decision, but other arguments would also have influenced their thinking, not least the recent public poll.

Why didn't district officers involved in the proposals say there was a problem?

As we have stated above, no one knew there was "a problem" until after the matter had been debated, at which time Members decided not to approve the land transfer.

Why is the district council suddenly concerned about the loss of car parking in Honiton when it always said this was not a problem and alternative spaces would be found?

The impact of losing this land on availability of car parking spaces had always been a consideration. In the past it had been felt that substitute spaces could be found nearby in Owell Street. On this occasion, Members clearly felt that the loss of spaces was more of an issue than at first thought.

Will the district council reimburse the town council for all it has spent, believing the district council supported its plans - probably about £200,000?

This question is premature, given that the question of the land transfer is to be debated again and at this time there is no formal decision to veto the transfer and also no guarantee that the project is no longer viable in some form or another. However, it should be pointed out that any professional fees paid out by the town council have come from money advanced to them by EDDC as part of its support package.

Will the money promised by the district council - about £333,000 - remain available for its proposed use in Honiton or will it now be spent elsewhere?

Given that the £333,000 was earmarked as a contribution towards a Honiton Community Centre, it would be wrong to assume at this stage that the money is now lost to Honiton or will be spent elsewhere.

How can the district council justify doing what it has done for Sidmouth when pulling out of their agreement for Honiton?

Each case has to be taken on its merits at the time when the issue comes up for a decision. The prolonged delay in getting to a position where Honiton Town Council was in a position to request the transfer may have been a factor. The Sidmouth scheme has been fortunate enough to reach critical mass more quickly and is much less controversial within the community.

49 **HONITON: PROPOSED NEW ARTS AND COMMUNITY CENTRE (cont)**

A letter dated 27th November 2001 from the Honiton Community Centre Association, which requested that the present funding commitment of £333,333 be allocated to the Honiton Community Centre Association and that other funds be found to assist the Town Council in their purchase of the Pannier Market, was circulated at the meeting.

A key point as to feasibility of the site, which needed further investigation, was the ability to extend upwards the building at the Pannier Market site as a right of light of the neighbouring owner might be affected.

RECOMMENDED that if Honiton Community Centre Association (HCCA) is prepared to take on the full costs of building conversion, the Council agree:

- (1) To transfer the present funding commitment of £333,000 capital and £20,000 revenue from Dowell Street to the Pannier Market site, (increasing the revenue contribution by an additional £2,000 to take into account inflation raises since 1998 and in line with the revised Business Plan) subject to an acceptable final scheme being developed.
- (2) To withdraw the Council's previous commitment of the additional £80,000 contribution of the land value for Dowell Street, as this is not transferable.
- (3) To an interest-free loan of £250,000 to Honiton Town Council (HTC) being the first tranche of the £333,333 capital sum referred to above which would be repayable over a 7 year period should HTC and the HCCA not meet the terms and conditions set and agreed by the Treasurer in consultation with the Chairman of the Policy Committee.
- (4) The £250,000 loan, along with the remaining £83,333 (total £333,333) to be released as a grant once agreed key milestones are reached in the projects development, the terms and conditions to be agreed by the Treasurer in consultation with the Head of Leisure Services and the Chairman of Policy Committee.

(Councillor Miss V Ash declared a non-pecuniary interest in this matter and reserved the right to speak but not to vote thereon).

50 **RESURFACING OF CONCRETE TRUNK ROADS WITH QUIETER MATERIALS - OUTCOME OF CONSULTATION**

Consideration was given to a report by the Chief Executive regarding notification from the Highways Agency that its consultation as to the proposed criteria for resurfacing concrete roads had now been completed. In effect the response confirmed the original intention prior to consultation. The Transport Minister had not accepted that the A30 Exeter - Honiton should be treated as a special case as requested by the Council, for reasons including that misleading information was given as to predicted noise levels for the new road at the Public Inquiry, and that the Government should provide money to rectify the problem with the A30 immediately.

101 **DEVON TRAVEL AND TRANSPORT PLAN**

The report of the Chief Engineer & Planning Officer was considered on the Government's White Paper on the future of transport – "A New Deal for Transport – Better for Everyone" which had been discussed by the East Devon Partnership Committee on 16th November 1998.

It was noted that in future, the annual capital bidding process, through the existing Transport Policies and Programme (TPP) would be replaced by 5 year Local Transport Plans. The first 5-year plan would commence in 2001. The County Council had already initiated a consultation process on travel and transport related matters and the results would be included in a Draft Plan which was to be produced for comment prior to submission to the Government in July 1999.

Areas where the District Council was already involved were considered.

- RECOMMENDED**
- (1) that with the addition of the words "is the start of this process in this Council" at the end of para.2.4.i, the report be forwarded to the County Council as this Council's initial response on the Devon Travel and Transport Plan consultation.
 - (2) that in due course, as the Plan develops, reports be presented to the appropriate Committee to consider their input into the Plan.

102 **HONITON COMMUNITY CENTRE SITE, DOWELL STREET**
(Policy Minute No 103 of 8.4..98 refers)

The Chief Engineer & Planning Officer reported on an enquiry from the Honiton Community Association as to the value of the site of the long-stay portion of the Lace Walk Car Park which, the Committee had previously indicated, could be made available for the construction of a community centre. The information was required to enable the figure to be included in the costing of the scheme and for fund raising issues. A value had been arrived at taking account of car parking income and as an alternative, residential development value.

RECOMMENDED that the value of the 0.31 acre site on the Lace Walk Long-Stay Car Park, Honiton, be agreed at £80,000.

(Councillor Miss V Ash declared a non-pecuniary interest in this item and took no part in the consideration or voting thereon).

103 **CORPORATE COMMITMENT TO SUSTAINABLE DEVELOPMENT**

The report of the Chief Engineer & Planning Officer was considered on the Local Agenda 21 Sub-Committee's Statement of Commitment to Sustainable Development which had been supported and adopted by the Environment and Planning Committee and now recommended for inclusion in the Council's Strategy for the Future.

RECOMMENDED that the Statement of Commitment to Sustainable for Development (Appendix E hereto) be supported and adopted and included in the 7th Edition of the Council's Strategy for the Future.

102 **EXMOUTH JOINT WORKING PARTY (cont)**

- RECOMMENDED**
- (1) that an Exmouth Joint Working Party be formed to replace the Exmouth Lottery Bids Joint Working Party, the Exmouth Seafront Working Party and, subject to the County Council's agreement, the Exmouth Traffic, Parking and Road Safety Plan Members' Working Group.
 - (2) that the Council appoint Members to sit on the Exmouth Joint Working Party and the County Council and Exmouth Town Council be invited to be represented.

103 **HONITON: PROPOSED ARTS AND COMMUNITY CENTRE**

Consideration was given to a joint report by the Chief Engineer and Planning Officer, Chief Executive and the Treasurer regarding giving a clear indication to the Honiton Community Centre Association about the level of support which the District Council would give, especially financially, to this project to enable the Association to develop further the options so far produced or to revise such options as the case might be.

- RECOMMENDED** that the Council meet one-third of the capital cost of the proposed Centre up to a capital cost of £1 million, that is £333,333 plus the value of the land and meet revenue costs up to £20,000 per annum., subject to an acceptable scheme being developed.

(Councillor A J Tootill declared a non-pecuniary interest and withdrew from the meeting throughout discussion and voting thereon. Councillor Miss V Ash also declared a non-pecuniary interest. She said she would speak in the debate and refrained from voting).

*104 **EXCLUSION OF THE PUBLIC**

- RESOLVED** that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the descriptions set out on the agenda, is likely to be disclosed.

105 **RETIREMENTS**

Consideration was given to a report by the Chief Executive regarding the indications by the Chief Health and Housing Officer (Mr P M D Billington) and the Chief Engineer and Planning Officer (Mr J Oliver) that for personal reasons they wished to retire early. The Council had accepted that in view of the time scale and number of members of the Management Team eligible to retire in a 6 year period, it was in the interests of the Council to plan the process and had designated both Deputies as Chief Officer designate.

*74 **EXMOUTH, FORMER OUTDOOR SWIMMING POOL (cont)**

- RESOLVED** (1) a) that the former outdoor pool be demolished retaining the shops along the front of the site and the former pump room;
- b) that the site be laid out temporarily as a garden;
- c) that the works be carried out at the earliest opportunity;
- (2) that the Capital Programme be amended to allocate £15,000 in the current financial year and £15,000 in the 1997/98 Capital Programme to facilitate the proposed works to the former outdoor pool.

75 **ECONOMIC DEVELOPMENT STRATEGY**

Consideration was given to a report by the Chief Engineer and Planning Officer regarding a draft updated version of the Council's Economic Development Strategy.

RECOMMENDED that the Economic Development Strategy be adopted and the Chief Engineer and Planning Officer, in consultation with the Committee Chairman, be given authority to finalise the document.

76 **HONITON: PROPOSED COMMUNITY CENTRE**

Consideration was given to a report by the Chief Engineer and Planning Officer regarding a site for the proposed Honiton Community Centre.

- RECOMMENDED** (1) that the Committee's decision of 5th July 1995 (Minute No 15) be reaffirmed and that the Community Centre Association are not restricted to site A;
- (2) that land shown as B with part of land shown as A on the sketch plan with the Chief Engineer and Planning Officer's report be considered for release by the District Council should the final feasibility study and design conclusions warrant this.

(Councillors Miss V Ash and A J Tootill declared non-pecuniary interests in this matter which they reserved the right to speak but not to vote.)

*77 **EXCLUSION OF THE PUBLIC**

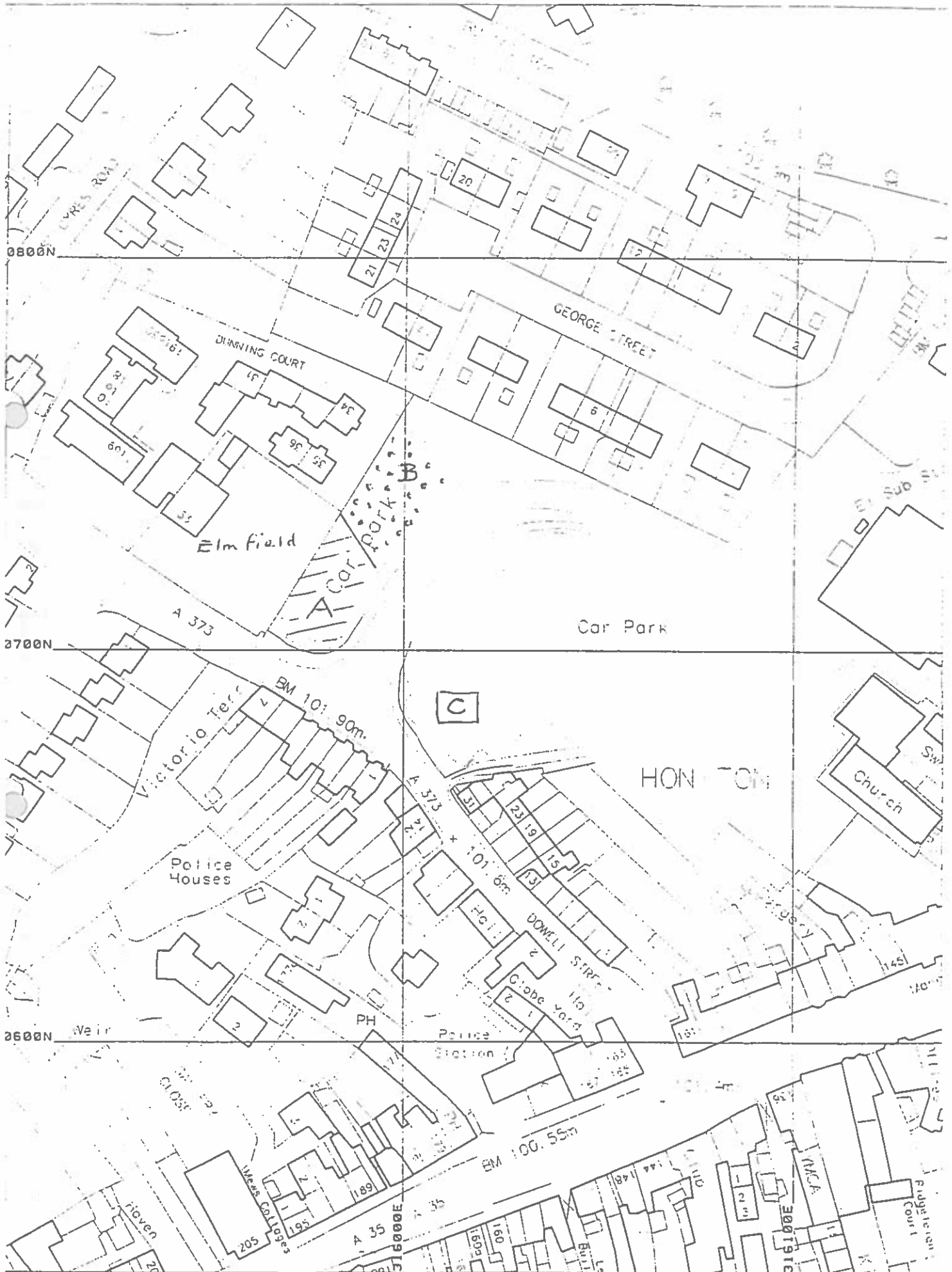
RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the descriptions set out on the agenda, is likely to be disclosed.

78 **CONFIRMATION OF CHAIRMAN'S DECISIONS - EXEMPT INFORMATION**

RECOMMENDED that the action of the Chairman on the following matters be confirmed:-

Exmouth: Shop 'Horizons', The Esplanade

Agreeing to the renewal of the agreement with Mrs Wakefield for the shop fronting the former outdoor pool until 31st March 1997 on a monthly basis at a rent set out in the report and not subject to a Court Exclusion Order as the Council would have grounds for repossession if it wished to re-develop.



15 **HONITON COMMUNITY CENTRE - PROGRESS REPORT**
(Minute No 93 of 5.4.95)

The Chief Engineer and Planning Officer reported the outcome of a meeting held on 3rd July 1995 between the Honiton Town Centre Working Party and representatives of the Honiton Community Centre Association. It was also attended by Town Council Members. The representatives of the Association had indicated that their preferred site lay within the Lace Walk Car Park on the left hand side of the main entrance where the number of car parking spaces which would be taken up by the proposed community centre would be minimised. The architect acting for the Association had currently estimated that approximately 20 spaces would be lost.

RECOMMENDED that subject to the following qualifications and to the receipt of a satisfactory feasibility study, the site on the left hand side of the main entrance to the Lace Walk Car Park, Honiton be made available to facilitate the construction of a community centre:-

- (a) If the Council agree to make the site available its value is such that it would need to be taken into account when assessing any future financial contribution by the District Council towards the costs of the project.
- (b) Any agreement in principle at this stage needs to be subject to the obtaining of planning permission, the negotiation of detailed terms and conditions for the disposal of the land concerned and to the District Council being satisfied that the Association has access to the necessary funds to enable the project to proceed.
- (c) An agreed period of notice needs to be given to the District Council to enable it to consider the need to maintain the overall level of parking provision within the town and to take the appropriate action to rectify any perceived deficiency prior to the site being made available.

(Councillor Miss V Ash declared a non-pecuniary interest in this item on which she reserved the right to speak but not to vote).

16 **SEATON: WEST WALK - SUPPLEMENTARY ESTIMATE**

Consideration was given to a report by the Treasurer regarding a request from the Environment and Planning Committee for a supplementary estimate to be granted to enable urgent works to be carried out to a wall to the west of West Walk, Seaton which had been undermined by the action of the sea.

RECOMMENDED that a supplementary capital estimate of £15,000 be approved for the Environment and Planning Committee coast defence works, to enable emergency works to be carried out to the wall to the west of West Walk, Seaton.

17 **CAPITAL PROGRAMME**

Consideration was given to a report by the Treasurer regarding the actual capital expenditure for each Committee for 1994/1995 and its financing.

- RECOMMENDED**
- (1) that the updated Capital Programme be approved.
 - (2) that the financing of the capital expenditure for 1994/1995 be as set out in paragraph (b) of the Treasurer's report.

91 USE OF CONSULTANTS

Consideration was given to a report by the Management Team regarding the employment of consultants in connection with the Capital and Revenue Programmes.

- RECOMMENDED**
- (1) that the report be noted.
 - (2) that the employment of external consultants be continued whilst to do so remains cost effective.
 - (3) that the present establishment of the architectural and engineering design sections be not increased at the present time unless it becomes cost effective to do so as a result of sustained increases in the capital and revenue programmes.

92 AREA PLANNING COMMITTEES - EVENING MEETINGS

Consideration was given to a report by the Management Team regarding the consequential implications of the Council's decision to propose evening rather than afternoon Area Planning Committee meetings.

- RECOMMENDED**
- (1) that the Management Team's report and recommendations be referred to the next Policy Committee meeting for consideration and determination by the new Council and
 - (2) that in the meantime Area Planning Committee meetings continue to be held on the days and at the times (2.30 pm) as originally programmed and recommended by the Policy Committee at its February 1995 meeting.

(Mr J Oliver declared a pecuniary interest in this matter and withdrew from the meeting throughout the discussion and voting thereon).

93 CAR PARKING IN HONITON

Consideration was given to a report by the Chief Engineer and Planning Officer regarding whether to secure additional land for car parking and/or a change of policy to increase parking provision in the centre of Honiton, thus enabling a site for community facilities to be made available if and when required.

- RECOMMENDED** that the following be agreed in principle:-
- (1) the acquisition of land for extra car parking and/or amending policy so as to secure no overall loss of parking and
 - (2) allocating an area of land within an existing car park for a community facility without commitment at this stage to a specific site subject to a more detailed report at a later date on the financing of such a project and identification of a suitable site.
 - (3) a meeting be arranged between the Honiton Town Centre Working Party and representatives of the Honiton Community Centre Association.

Chairman Date

