

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Executive Board
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 31 March 2010

Present:

Councillors:

Sara Randall Johnson (Chairman)
Graham Brown
Geoff Chamberlain
David Cox
Jill Elson
Mike Green
Peter Halse
Stuart Hughes
Andrew Moulding

Also Present:

Councillors:

David Atkins
Ray Bloxham
Peter Bowden
Iain Chubb
Andrew Dinnis
Paul Diviani
Chris Gibbings
Graham Godbeer
Douglas Hull

Steve Hall
Jim Knight
Frances Newth
Helen Parr
Tony Reed
Philip Skinner
Pauline Stott
Tim Wood

Also present:

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Diccon Pearse, Corporate Director
Karime Hassan, Corporate Director
Peter Jeffs, Corporate Director
Rachel Pocock, Head of Legal, Licensing and Democratic Services
Chris Lane, Democratic Services Officer
Mark Reilly, Head of Street Scene Services
John Tippin, Licensing Manager
John Golding, Head of Housing & Social Inclusion
Donna Best, Principal Estates Surveyor

Apology:

Councillor:

Ray Franklin

**Apologies
from non-
Executive
Board
members**

Councillors:

Vivienne Ash
Christine Drew
Malcolm Florey
Stephanie Jones

David Key
Ann Liverton
Graham Liverton

The meeting started at 5.30 pm and ended at 8.20 pm.

***176 Public Questions**

The Leader welcomed members of the public present.

***177 Minutes**

The minutes of the meeting of the Executive Board held on 3 March 2010 were confirmed and signed as a true record.

***178 Declarations of interest**

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Andrew Moulding	*184	Personal	Has a disabled son who lives in a sheltered home
Councillor Stuart Hughes	*188	Personal	Cabinet member for Highways & Coastline at Devon County Council
Councillor Stuart Hughes	*189	Personal	Member of Sidmouth Town Hopper Bus Working Party
Councillor Peter Bowden	*194	Personal	Member of the South West Regional Flood Committee

179 Up-date on previous minute

Revised Redundancy Policy and Procedure (min No 170 of 3 March 2010 refers)

The Chief Executive updated Members on changes to the revised redundancy policy resulting from further negotiations with Unison (change of weeks multiplier from 2 to 3 within the overall reduced maximum of 60 weeks). This requested change was to be seen against the merits of being able to agree redundancies on terms that minimised the likelihood of industrial tribunal claims. The Chief Executive recommended this change to the proposed policy as being workable, affordable and reasonable and an appropriate exercise of the statutory discretions.

RECOMMENDED that the negotiated change to the revised redundancy policy to take effect from June 2010 be agreed.

***180 Proposed Gypsy/Traveller transit site**

The Chairman agreed for this item to be taken as a matter of urgency in response to the Council's new legal duty to assess the housing needs for Gypsies and Travellers and to make adequate provision for sites in the area. The item was taken when the public had been excluded from the meeting.

***181 Exclusion of the Public**

RESOLVED: that the classification given to the documents to be submitted to the Board, including the urgent item referred to at Minute 178 (Para 3 Schedule 12a – information relating to the financial/business affairs of particular persons and the Council) be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

***182 Forward Plan**

The contents of the Forward Plan for the period 1 April to 31 July 2010 were noted. Some comment was made on the relevance of the Forward Plan, but it was acknowledged that there was a statutory requirement to produce one.

***183 Matters referred to the Executive Board**

There were no matters referred to the Executive Board by the Overview and Scrutiny Committees or the Council.

***184 Minutes of the meetings of the Overview and Scrutiny Committees**

The Board noted the minutes of the meeting of the following meetings:

- Service Delivery and Performance Overview/Scrutiny Committee 17 February 2010
- Economy Overview and Scrutiny Committee 25 February 2010
- Housing Review Board 4 March 2010
- Communities Overview and Scrutiny Committee 10 March 2010
- Overview and Scrutiny Co-ordinating 17 and 18 March 2010

The Chairmen of the Overview and Scrutiny Committees were invited to comment on the minutes and the work being carried out by their Committees. The Leader thanked the Chairmen and their Committees for their valued contribution. The Board requested that where items of expenditure were to be funded by the Housing Revenue Account that this be identified in the minutes of the Housing Review Board to avoid future confusion. Comment was also made on minute *47 resolution 8 of the Overview and Scrutiny Co-ordinating Committee as members wanted it made clear that the core strategy for the Local Development Framework had yet to be agreed and this resolution was not a policy decision of the Council.

RESOLVED:

(1) that the following decisions be noted:

**Service Delivery
& Performance
O/S Cttee
Minute 37**

1. that the Quarterly Monitoring of Performance – 3rd Quarter 2009/10 report be noted.
2. that the Committee expresses its thanks to Tessa Adkins for her work in improving the report style.

**Service Delivery
& Performance
O/S Cttee
Minute 38**

1. that the Housing Service – Performance Measures Report for October to December 2009 report be noted.
2. that work continues to improve the end to end times for the housing service;
3. that consideration be given to improve communications with customers about any change in banding following the introduction of Devon Home Choice.

*184 **Minutes of the meetings of the Overview and Scrutiny Committees cont/..**

RESOLVED: (1) that the following decisions be noted: cont/..

- Service Delivery & Performance
O/S Cttee
Minute 39**
1. that the Development Management – Performance Measures Report for October to December 2009 be noted;
 2. that a review of how the pre-application service is being applied in practice be undertaken by the Head of Planning and Countryside Services;
 3. that data on the Enforcement Service and data relating to the Arboricultural Service be presented in the next performance measures report.

**Service Delivery & Performance
O/S Cttee
Minute 40**

that the Committee’s annual report presented to Council be combined within a joint report outlining the work of the four Overview and Scrutiny Committees.

- Service Delivery & Performance
O/S Cttee
Minute 42**
1. that the Forward Plan be noted;
 2. that a report on all preventable demand for the Customer Service Centre be presented to the June meeting;
 3. that Quarterly Monitoring of Service Plans and Performance Indicators – 4th Quarter 2009/10 be added to the June meeting.

**Economy
O/S Committee
Minute 20**

that the Devon County Council Cabinet Member for Education be requested to attend the next meeting of the Committee to discuss how the 16–19 skills agenda would be taken forward in East Devon.

- Economy
O/S Committee
Minute 22**
1. that the District Council’s Carbon Strategy be discussed at a meeting of the Committee in the new Council year;
 2. that the Committee supported funding for the New Growth Point Delivery team being secured as a matter of priority for the benefit of the District Council as a whole.

*184 **Minutes of the meetings of the Overview and Scrutiny Committees cont/..**

RESOLVED: (1) that the following decisions be noted: cont/..

**Economy
O/S Committee
Minute 23**

1. that the proposals in respect of the Town Management arrangements in Exmouth and Seaton to facilitate closer co-operation between retailers, the local authorities and other town centre stakeholders in Seaton, through the appointment of a Town Manager be supported;
2. that the governance arrangements for active town management be devised to reflect those currently in place in Exmouth and thereby secure the engagement of private, public and community stakeholders.

**Housing Review
Board
Minute 55**

that John Golding and Sue Saunders review the paper entitled "The registration process as operated by East Devon Council's Housing Needs Department" and report back to the next Housing Review Board meeting with a joint report as appropriate.

**HRB
Minute 56**

1. that feedback from the community working group of Millwey Rise, Axminster that they do not feel able to take on the management of the existing hall or fund raise for a new hall, be noted;
2. that likely extension of the lease to Millwey Rise Football Club, be noted;
3. that the award of a Play Builder grant for the proposed new play area at Millwey Rise, be noted;

**HRB
Minute 57**

1. that the Housing Review Board forward plan be noted;
2. that priorities and appropriate dates be considered by officers and added to the forward plan for the next meeting of the Board.

*184 **Minutes of the meetings of the Overview and Scrutiny Committees cont/..**

RESOLVED: (1) that the following decisions be noted: cont/..

**HRB
Minute 58**

1. that the Sheltered Housing Task and Finish (TaFF) recommendations regarding all identified sheltered housing properties to be decommissioned be approved;
2. that the timetable for a decommissioning process be applied to commence in April 2010 on a 1, 3 and 5 year programme as set out in the Sheltered Housing TaFF recommendations;
3. that any sheltered schemes where, during the assessment process, it was agreed that redevelopment possibilities exist, be considered during the five year programme and in more detail for redevelopment potential, subject to available funding;

4. that the Sheltered Housing TaFF proceed to stage two of the decommissioning process, covering cost and legal implications.

**HRB
Minute 59**

1. that the report on Tenant Scrutiny be referred to the Tenant and Leaseholder Customer Panel (TaLCP) for consideration and comment;
2. that a further report detailing the proposed local options and arrangements for tenant scrutiny, taking into account feedback from the TaLCP, be brought to a future meeting of the Board.

**HRB
Minute 60**

that the work of the Estate Management Section and the recent improvements outlined in the accompanying report be noted.

**HRB
Minute 61**

that the report on Benchmarking be noted.

**HRB
Minute 62**

that the report on Income Management of Rent be noted.

**HRB
Minute 63**

that the report on Repairs Performance monitoring and safety checks and servicing of gas appliances be noted.

**HRB
Minute 64**

that the report on Empty Properties be noted.

*184 **Minutes of the meetings of the Overview and Scrutiny Committees cont/..**

RESOLVED: (1) that the following decisions be noted: cont/..

**Communities
O/S Committee
Minute 36** That, in response to the Place Survey findings (Residents Influencing Decisions) a special meeting of the Communities Overview and Scrutiny Committee be arranged to invite all Councillors to find a way forward in creating positive resident perception of the District's Councillors and the Council.

**Co-ordinating
O/S Committee
Minute 46** that the Committee's satisfaction with the Local Development Framework (LDF) consultation arrangements for the core strategy, be noted.

**Co-ordinating
O/S Committee
Minute 47**

1. that it be acknowledged that the production of a core strategy that proposed 1000 dwellings fewer at Cranbrook and 1000 more in the rest of East Devon than the Regional Spatial Strategy (RSS) requirement ran the risk of being found "unsound" at examination;
2. that the LDF Panel provide a robust evidence base to justify not producing a core strategy in conformity with the RSS;
3. that any alternative approach to accepting the RSS figures for Cranbrook and Area of Search 4b and exceed the figure for the rest of East Devon be thoroughly tested before adoption;
4. that the option of a second new community be not supported;
5. that the principle of an urban extension at Pinhoe be supported, with recognition that the capacity of the B3181 through Pinhoe to accommodate additional traffic is the major constraint to the level of housing development that can be accommodated;
6. that the development option involving land at Redhayes/Blackhorse be supported and the proper infrastructure planning for the whole of the growth area taken into account so as not put at risk the effective delivery of housing in Cranbrook;
7. that moderate growth for Axminster be preferred and further responses from the consultation exercise be taken into account to reach a realistic number of dwellings in the core strategy;

*184 **Minutes of the meetings of the Overview and Scrutiny Committees cont/..**

RESOLVED: (1) that the following decisions be noted: cont/..

8. that 1200 dwellings in the core strategy for Exmouth be preferred with the expansion of the Liverton Business Park and a new mixed use/employment area at Lovering Farm. (A mechanism needed to be considered to link all new development in Exmouth to contribute to improved public transport in the A376 corridor);
9. that 500 dwellings in the core strategy for Honiton be preferred in light of limited scope for residential development to the south west, and highways issues that would need resolving to develop land to the west for residential and employment development. (The prohibitive cost of the an A35 Eastern by-pass to Honiton was acknowledged);
10. that a policy be devised to reflect the Council's desire to meet local housing need which may result in some villages taking growth and others nil or modest growth.

**Co-ordinating
O/S Committee
Minute 48**

that the allocation for employment land in the core strategy be agreed and that over-provision of employment land on the A3052 corridor be guarded against to protect the environment of the area and to ensure employment is delivered at the settlements in East Devon.

**Co-ordinating
O/S Committee
Minute 52**

that the final version of the Annual Report be agreed by the Chairman and Vice-Chairman of the Overview and Scrutiny Co-ordinating Committee.

**Co-ordinating
O/S Committee
Minute 53**

that the forward plan for the Overview and Scrutiny Co-ordinating Committee be noted.

(2) that the following recommendations be approved:

**HRB
Minute 56**

1. that funding of the running costs of the Millwey Rise centre continue to be met by EDDC for as long as possible, and at least until major repair work required to the fabric of the building has been undertaken;
2. that the rental charge of the community centre be considered as part of the rent review for other community centres;

*184 **Minutes of the meetings of the Overview and Scrutiny Committees cont/..**

RESOLVED: (2) that the following decisions be approved: cont/..

**HRB
Minute 56**

3. that the team leading on moving the play area be given the authority to work with the Play Builder grant project team from Devon County Council, with delegated authority being given to the Head of Housing and Social Inclusion to enter into any necessary contractual arrangements;
4. that the land currently occupied by the play area be included within the lease to the Football Club, if extended, once the new play area has been installed;
5. that any opportunities arising from the Local Development Framework be explored for securing the long term future of a community centre.

**Communities
O/S Committee
Minute 32**

1. that in order to maximise links with Young People, the Member Champion collate a list of all Outside Bodies that Councillors work with in East Devon, that involve Young People

that the Member Champion for Young People and the Member Champion for Culture explore crossovers in their roles for sport and leisure activities.
2. that the Member Champion considers meeting with officers on a regular basis to discuss issues affecting Young People in East Devon.
- 3.

**Communities
O/S Committee
Minute 33**

that Francesco Ferrari attend a future meeting of the Communities Overview and Scrutiny Committee to give a visual presentation of Social Zest to Members.

*184 **Minutes of the meetings of the Overview and Scrutiny Committees cont/..**

RESOLVED: (2) that the following decisions be approved: cont/..

**Communities
O/S Committee
Minute 34**

1. that issues regarding equality and play be referred to the Rationalisation Committee.
2. that the Council ensures that the Local Development Framework Panel properly recognises the importance of a robust PPG17 analysis and that feedback be given to the Communities Overview and Scrutiny Committee on the future strategy for the provision of play and recreation space.
3. that a comparative study be undertaken on the number and nature of the District's play facilities with other similar Authorities.
4. that Members scrutinise Leisure East Devon (LED) on the provision of affordable sporting and leisure facilities for young people in the District.
5. that the Council engage with Town and Parish Councils to determine what facilities they have, what may be lacking and to encourage them to carry out consultation with their communities and young people.
6. that a section be included on the EDDC website to list all sports, play and leisure facilities in the District.
7. that Section 106 money be maximised for the provision of play and recreation space throughout the District.
8. that EDDC engage with partner Authorities, such as Health, to promote the importance of play and sports provision in East Devon.
9. that the Council create a mechanism to support rural locations with advice and help with funding applications for Town and Parish Councils so that they may purchase and maintain their own equipment.
10. that it be noted that in addition to skate parks, other sporting activities for young people exist, such as badminton in village halls and tennis.

**Communities
O/S Committee
Minute 35**

- that an easily accessible 'Youth' section be created on the EDDC website.

***184 Minutes of the meetings of the Overview and Scrutiny Committees cont/..**

RESOLVED: (2) that the following decisions be approved: cont/..

**Communities
O/S Committee
Minute 37** that the contents of the report outlining the Council's core aspirations for rural communities be noted.

**Communities
O/S Committee
Minute 38** that the contents of the report outlining the actions agreed following a Communities Think Tank held on 17 February 2010 be noted.

**Co-ordinating
O/S Committee
Minute 56**

1. that the proposals outlined in the Seaton's Voice presentation be supported and welcomed and the desire to move the plans forward as quickly as possible be recognised;
2. that issues to be resolved be noted – including the needs of Seaton Town Council; the need for a future Town Manager for Seaton; how the project will be funded both in the short and long term and the implications for the Council as landlord;
3. that a Liaison Group be formed as soon as practicable, initially for the relevant officers and Members (including Ward Members) to work through all the outstanding matters and to consult with interested parties and to report back to the Co-ordinating Committee;
4. that a Special Meeting of the Overview and Scrutiny Co-ordinating Committee be called when the Working Party has concluded the work of its remit.

***185 Recycling and Refuse Partnership Board minutes**

The minutes of the meeting of the Recycling and Refuse Partnership Board held on 3 March 2010 were noted. Particular note was made of the decision to issue a press release to include information on the Council's strict enforcement of "lids down" on wheeled bin collections with an accompanying reference made to the Health and Safety Executive's instruction on this matter. Reference was also made to the new depot at Greendale Barton, which would be open towards the end of April.

RESOLVED:

- (1) that no side waste should be collected (other than at EDDC's discretion such as during the Christmas period) or wheeled bins with open lids be emptied;
- (2) that the standard letter sent to residents to explain the Council's policy on wheeled bin collections be re-worded to clarify the danger of open wheeled bin collections be re-worded to clarify the danger of open wheeled bin lids to operatives and machinery;

*185 **Recycling and Refuse Partnership Board minutes cont/..**

- (3) that the Waste and Recycling Manager conduct research into the costs charged by other waste authorities for additional/non-standard waste collections;
- (4) that the customer Services Manager be given clear instructions on the advice to be given to residents;
- (5) that the customer Services Manager report timeframes back to the Board for the possible introduction of an on-line 'request for service' ICT system;
- (6) that the press release to be issued on 19 March include information on the Council's strict enforcement of 'lids down' on wheeled bin collections, with an accompanying reference made to the HSE's instruction on this matter;
- (7) that Rick Aldridge, SITA forward a copy of SITA's equality policy to Peter Jeffs, Corporate Director.

*186 **Member Development Working Party**

The minutes of the meeting of the Member Development Working Party held on 1 March 2010 were noted. Members congratulated Diana Vernon, Chris Lane and Hannah Jarvis of the Democratic Services Team and Councillor Ann Liverton, Member Development Champion on achieving the South West Council's Charter for Member Development.

RESOLVED:

- (1) that the Head of Housing and Social Inclusion revisit the standard wording on the letters from the rental officers to advise where tenants facing court action/eviction can go for further help,
- (2) that Ward Members be provided with useful advice to help them respond to tenants in their Ward who have rent arrears and who are facing court action/eviction,
- (3) that dealing with difficult and sensitive issues be included in the Member Development Forward Programme,
- (4) that for a trial basis, agenda reports, including those to note/for information, in respect of the Overview and Scrutiny Committees (including Housing Review Board) be limited to a maximum of 4 pages with additional/background information summarised within the body of the report together with 'clickable' links to supporting information,
- (5) that, report writers be encouraged to make better use of technology available, in particular, the power-point projector, as a means of displaying information/graphics relevant to their reports at meetings,
- (6) that ICT investigate how to protect confidential information on the Members' Page of the Council web site so that this can be accessed electronically by Members only,
- (7) that identified information currently in the Council's year book, be made available and kept up-to-date on-line with the remaining information being included in the year book and distributed to Councillors and staff.

187 **Hackney Carriage and Private Hire Licensing – Proposed Fee Increases for 2010/2011**

Members considered the report of the Licensing Manager which showed the current fee structure in respect of Private Hire and Hackney Carriage licensing fees charged by East Devon District Council and sought authority to increase those fees from 1 June 2010 in order to continue to recover the cost to the Council for carrying out its regulatory responsibilities.

RECOMMENDED that the proposed licensing fees set out in Appendix A to the report for Hackney Carriages and Private Hire Licences be recommended for approval by Full Council and

- (1) that the proposed scale of fees be introduced from the 1 June 2010 for both private hire and hackney carriage licences;
- (2) (a) that notice be given in accordance with Section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976 of the proposed variation of licence fees determined by the Council for this year;
- (b) that should objection be received resulting from the notice and not withdrawn delegated authority be granted to the Chief Executive in consultation with the Leader of the Council
 - (i) to consider the objection(s) as provided by Section 70 and;
 - (ii) to set a further date not later than two months after the first specified date on which the variation shall come into force with or without modification.

*188 **Flooding Risk to Sidmouth Through the effects of Coastal Erosion at Pennington Point/Salcombe Hill Cliff – Update**

Richard Eley, from the Sidmouth Chamber of Commerce referred to concerns about commissioning another report as the rate of erosion of Pennington Point was well known. He was concerned that Royal Haskoning were being invited to carry out the survey as he considered that Sidmouth had lost confidence in them. However, he welcomed the Pathfinder project as an opportunity to get the project on track.

Jeremy Woodward, Secretary of the Vision Group for Sidmouth reported that he welcomed the engagement of East Devon District Council in the Pennington Point flooding risk and was concerned that a meeting of all stakeholders should be held to discuss the best way forward. He stated that he considered the SMP2 policy which recommended managed retreat had made a significant step forward. However, he was concerned over how the District Council would manage the retreat and what resources they had available to them.

Members considered the report of the Head of Street Scene which indicated that following recent cliff falls on the weekend of the 20/21 February, a visual inspection had been carried out by Devon County Council in association with East Devon District Council and Royal Haskoning. As a result, the coastal footpath from Alma Bridge eastwards had been closed due to the new fall undercutting the loose material supporting the footpath. The Head of Street Scene Services confirmed that Graham Smith from Teignbridge District Council had offered to talk to the District Council on aspects of the SMP2 policy.

*188 **Flooding Risk to Sidmouth Through the effects of Coastal Erosion at Pennington Point/Salcombe Hill Cliff – Update cont/..**

It was noted that currently Devon County Council was working to install temporary steps as a means of reopening the footpath before Easter. The intention was to draw up a more permanent solution in the future. East Devon District Council was installing a new cliff fall warning sign, opening discussions with local interested parties and stakeholders and working towards an updated assessment/study to get a better idea of the rate of erosion and its impact on the East of Sidmouth.

The Deputy Leader of the Council suggested that a stakeholder meeting be held with all stakeholders for clarity. The situation at Pennington Point was well known and it was considered that another report to reflect the current situation not necessarily be helpful. Councillor Stuart Hughes, Ward Member felt that there was a case for carrying out necessary emergency work and having an urgent meeting with the Environment Agency.

RESOLVED

1. that meetings separate to the Pathfinder project meetings be arranged with the Environment Agency and other stakeholders to assess the need for/agreement on any emergency work or other works at Pennington Point;
2. that the Executive Board noted the possible future requirements:
 - a) To establish the new cliff position, river bed and foreshore levels;
 - b) That a new LiDAR survey be carried out to determine the rate of erosion at Pennington Point by comparison with the last LiDAR survey;
 - c) To assess the risk of flooding through coastal erosion and its impact on the east of Sidmouth;
 - d) Generally to determine any future action required.

*189 **Sidmouth Hopper Bus**

Members considered the report of Diccon Pearse, Corporate Director on a grant application of £5,000 received from Sidmouth Town Council towards the 2010 operating costs of the Sidmouth Hopper Bus.

Members noted that responsibility for Concessionary Bus Fares would pass to Devon County Council from 2011/12

RESOLVED

1. that a contribution of £5,000 be made to Sidmouth Town Council towards the cost of the Sidmouth Hopper Bus for 2010;
2. that Sidmouth Town Council be informed that as responsibility for Concessionary Bus Fares would pass to Devon County Council then they should look towards making other arrangements for 2011/12.

190 **Right to Request Time to Study Policy**

Members considered the report of the Learning & Development Manager on the new statutory right for employees to request time off from work to train or study. The report explained the right and outlined the Council's proposed policy to ensure compliance with the legislation which came into effect from 1 April 2010.

RECOMMENDED that the Right to Request Time to Study Policy be adopted.

*191 **Performance Monitoring Report April 2009 - Feb 2010**

Members considered the report of the Communications and Improvement Manager which set out performance information for the 09/10 financial year until February 2010 to enable the Council to monitor the performance of selected performance indicators and identify any service areas where improvement was necessary. Members raised the issue of staff sickness absence and it was noted that the levels of staff absence had levelled out and improvements were now being made to the figures. A report on the year end figures for staff absence would be made to the next meeting of the Board.

RESOLVED that the performance and proposed remedial action against these Performance Indicators for the 2009/10 financial year until February 2010 be noted.

*192 **East Devon Strategic Housing Land Availability Assessment**

Members considered the report of the Senior Planning Officer on the East Devon Strategic Housing Land Availability Assessment. It was noted that the Council was required to produce a Strategic Housing Land Availability Assessment (SHLAA) and update it at least annually as part of the Annual Monitoring Report exercise. The first draft for East Devon had been produced and was available in the Members' Area and on the Council's web site.

The SHLAA was a technical assessment of land in a specific area that was likely to be available and capable of development for housing in a certain time frame. The SHLAA report would not be a Local Development document, but would be an important technical document in the evidence base for the Local Development Framework. The identification of potential housing sites in a SHLAA did not indicate that the site would be allocated for housing in development plan documents or that planning permission would be granted for new housing. The SHLAA did not seek to judge the relative merits of sites or consider current or future planning policy.

The SHLAA indicated that there was a good supply of potentially developable land around the existing towns and rural settlements to meet strategic housing requirements. More work was required to consider the constraints identified in potential strategic housing sites around Exmouth and to consider how to deal with sites with planning permission where development had not commenced.

The SHLAA had been produced through cooperation with an independent SHLAA Panel and in accordance with Government advice and the agreed methodology for SHLAA production in the Exeter housing market area sub-region. SHLAA Panel membership was undertaken on a voluntary/unpaid basis and for which was no budget provision.

At its meeting on 30 March 2010 the SLHAA Panel endorsed the East Devon SHLAA April 2010 as being representative of the advice provided to the Council by key stakeholders. This endorsement provided a basis for the Council to publish the SHLAA report as a technical evidence base document to inform the preparation of the East Devon LDF. The SHLAA provided a creditable and robust assessment, consistent with national guidance, of the potential supply of land for future housing development through the identification of site. This would inform the preparation of Development Plan documents for the East Devon area.

Members welcomed the SHLAA as an important part of the Local Development Framework; it had been undertaken in a very thorough way with all the sites considered having been the subject of site inspections. The correction in paragraph 1.7 of the report that the number was potential developable sites should be 173 not 45 as mentioned in the report was noted.

*192 **East Devon Strategic Housing Land Availability Assessment cont/..**

- RESOLVED**
- (1) that the SHLAA report be endorsed as part of the evidence base to inform the production of the Core Strategy as part of the Local Development Framework,
 - (2) that the SHLAA Panel be thanked for their work on the East Devon SHLAA.

*193 **Change of use and zoned area on the Exmouth Imperial Recreation Ground to allow Kite – Surfing / Boarding activities**

Members considered the report of Peter Jeffs, Corporate Director regarding the change of use and zoned area on the Exmouth Imperial Recreation Ground to allow kite-surfing/boarding activities. It was noted that currently there was a byelaw in place restricting the use of vehicles on pleasure grounds within the District. The term “vehicles” in the byelaw includes kite buggies and boards.

After several incidents and complaints, signs reminding users of the byelaw had been erected on the Imperial Recreation Ground during June 2009. After press reports and complaints from one commercial outlet, a meeting was held between Streetscene, Exmouth Chamber of Commerce and other kiting stakeholders. Following this meeting a code of conduct to reduce potential danger to other pleasure ground users had been drawn up by the stakeholders, in agreement with the Streetscene Portfolio Holder and the Head of Streetscene.

- RESOLVED**
- (1) that an area be designated within the ‘Imperial Recreation Ground’ for kite boards, kite buggies and traction kites, (see Map 1 included with the agenda report),
 - (2) that signage be placed at relevant points indicating the area designated and the code of conduct,
 - (3) that it be noted that ‘Exe Kite Boarders Association’ had written a code of conduct in consultation with East Devon District Council Officers and that the Association will enforce this code of conduct with assistance from the Council to ensure safe use of the Recreation Ground. (See appendix 2 Code of conduct included with the agenda report.).

*194 **Enmainment of Watercourses**

Members considered the joint report of the Chief Executive, Peter Jeffs- Corporate Director and Head of Street Scene on the enmainment of watercourses. It was noted that the South West Regional Flood Defence Committee had agreed in principle to the enmainment of four watercourses in East Devon. There was a potential financial burden that would pass from the Council to the Environment Agency. As a consequence, the Environment Agency had requested a commuted sum of £90,000 from the Council for the transfer.

Members considered that the Environment Agency was the more appropriate agency to take over these responsibilities as this had a much more thorough enforcement regime at its disposal than the district Council.

- RESOLVED**
- that the payment of a commuted sum of £90,000 to the Environment Agency to enable the Enmainment of a 8.25 km length of watercourses in the Otter catchment area be approved with the sum being paid over two financial years at £45,000 a year.

*195 **Report of Exemption to Contract Standing Orders to extend the Annual Gas Safety Check and Servicing of Council owned gas appliances, with Westway Heating Limited**

Members considered the report of the Housing Services Manager on a request for an exemption to Standing Orders to extend the annual Gas Safety Check and Servicing of Council owned gas appliances with Westway Heating Limited for a period of 6 months by Deed of Variation. It was noted that the Council was currently undertaking a joint procurement exercise with Mid Devon District Council.

RESOLVED that the extension to the current contract with Westway Heating Limited be approved.

*196 **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, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B)

*197 **Seaton Regeneration Programme Board**

Members received and considered the minutes of the Seaton Regeneration Programme Board held on 17 February 2010.

Members discussed related issues including exploring the recruitment of a Town Manager for Seaton, membership of the Board, youth provision, land disposal issues and Heritage Lottery Funding bids.

(Councillor Jim Knight who was at the meeting as an observer declared an interest in this item as a Member of the Town, District and County Council).

*198 **Seaton Business Development Unit**

Members considered the report of the Economic Development Manager on land availability for the construction of the Seaton Business Development Unit. The Council were attempting to find funding to make this development happen.

RESOLVED that it be noted that although land may be available to accommodate the construction of the Seaton Business Development Unit at a site close to the preferred location identified in the Seaton Business Development Unit Feasibility Study – Final Report, November 2008, in the present circumstances East Devon District Council was unlikely to be able to commit additional financial and other resources to the further progress of the Seaton Business Development Unit.

*199 **Beach Gardens, Exmouth**

Members considered the report of the Principal Estates Surveyor on responses received following the advertisement of the Council's intention to dispose of public open space with planning permission at Beach Gardens, Exmouth as required under the Local Government Act 1974. The Principal Estates Surveyor also reported on the issues around marketing considerations and timescales.

*199 **Beach Gardens, Exmouth cont/..**

- RESOLVED**
- (1) that the Council does not proceed with the marketing of part of Beach Gardens, Exmouth,
 - (2) that the Corporate Director be authorised to negotiate with Clinton Devon Estates with regard to outstanding issues on the basis set out in the report.

*200 **Land at Peak Hill, Sidmouth**

Members considered the report of the Senior Solicitor which summarised the options and liabilities for the Council as regard ongoing maintenance of land adjacent to Peak House, Peak Hill, Sidmouth. Concern was expressed that this land did not deliver any of the Council's goals.

- RESOLVED**
- that the request for works to be carried out be noted and that the Council consult with the local community as to whether the land adjacent to Peak House, Peak Hill, Sidmouth would be suitable for use as allotments.

*201 **Proposed Gypsy/Traveller transit site**

The Chairman agreed for this item to be taken as a matter of urgency in response to the Council's new legal duty to assess the housing needs for Gypsies and Travellers and to make adequate provision for sites in the area.

- RESOLVED**
- that authorisation be given to start negotiations with the owners of Hawkwell Park Gypsy/Traveller site Hawkchurch for the purchase of a lease for the provisions of a transit site and to submit an application for gypsy/traveller site grant to the Homes and Communities Agency.

Chairman

Date