

Date: 16 October 2012  
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To:  
Members of the Overview and Scrutiny Committee (Mike Allen, Peter Bowden, Graham Brown, Peter Burrows, Derek Button, David Chapman, Deborah Custance Baker, Vivien Duval Steer, Roger Giles, Tony Howard, Stuart Hughes, John Humphreys, Sheila Kerridge, David Key, John O'Leary, Brenda Taylor, Graham Troman, Tim Wood, Eileen Wragg, Claire Wright, Tom Wright)  
Portfolio Holders  
Chief Executive; Deputy Chief Executives

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**Overview and Scrutiny Committee**  
**Thursday 25 October 2012 at 6.30pm**  
**Council Chamber, Knowle, Sidmouth**

Members of the Council who do not sit on this Committee are welcome to attend as observers. Members of the public are welcome to attend this meeting.

- There is a period of 15 minutes at the beginning of the meeting to allow members of the public to ask questions.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, the Chairman (Leader of the Council) will ask if any member of the public wishes to speak and/or ask questions.
- 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 Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Debbie Meakin (contact details at top of page).

A hearing loop system will be in operation in the Council Chamber. Councillors and members of the public are reminded to switch off mobile phones during the meeting.

**AGENDA**

**Page/s**

1. **Public question time** – standard agenda item (15 minutes)  
Members of the public are invited to put questions to the Committee through the Chairman. Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public
2. To confirm the minutes of the meeting of the Overview and Scrutiny Committee held on 27 September 2012. 4 - 12

3. To receive any apologies for absence.
4. To receive any declarations of interest relating to items on the agenda.
5. To consider any items which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.  
(Note: Councillors please notify the Chief Executive in advance of the meeting if you wish to raise a matter under this item, who will then consult the Chairman).
6. 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.
7. Decisions made by the Cabinet called in by Members for scrutiny in accordance with the Overview Procedure Rules under Part 4.5 of the Constitution. There are **no** items identified.
8. **Cabinet Agenda** Please refer to Cabinet agenda  
**Members are asked to notify in advance the Chairman or the Democratic Services Officer any Cabinet items they wish to debate.** Members to debate any issues of concern on the current Cabinet agenda in order for the Chairman to feed this back to the Cabinet at its meeting on the 31 October 2012. The website link to the Cabinet agenda will be e-mailed to Members on 22 October 2012.
9. **GP Commissioning – an update** verbal report  
Tamara Powderley, Head of Locality Commissioning, will give a presentation on how clinical commissioning has progressed.
10. **Parking Services Operational Review** 13 - 20  
Item previously referred to Cabinet on 3 October has been deferred to be considered alongside the following item on strategic car park recommendations.
11. **Strategic Car Park recommendations** 21 - 46  
Item previously referred to Cabinet on 3 October has been deferred for debate at this Committee. Recommendation on Woodbury Car Park (page 41) has been agreed by Cabinet and is not for debate.
12. **Sustainable Communities Act update** 47 - 55  
A report from the Chief Executive outlining the recent changes to the legislation.
13. **Forward Plan** 56  
Members are asked to note the Forward Plan.

## Decision making and equality duties

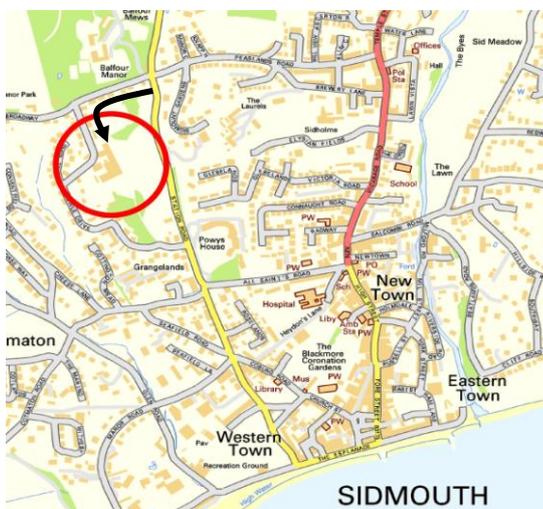
The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

- An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.
- Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.
- Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

## Members and co-opted members remember!

- You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.  
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

## Getting to the Meeting – for the benefit of visitors



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**From Exeter – 52A, 52B; From Honiton – 52B**

**From Seaton – 52A; From Ottery St Mary – 379, 387**

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the**  
**Overview and Scrutiny Committee held**  
**at Knowle, Sidmouth on 27 September 2012**

**Present:**

Stuart Hughes (Chairman)	Roger Giles
John Humphreys (Vice Chairman)	Sheila Kerridge
Mike Allen	David Key
Peter Bowden	John O'Leary
Graham Brown	Brenda Taylor
Peter Burrows	Graham Troman
Derek Button	Tim Wood
David Chapman	Eileen Wragg
Deborah Custance Baker	Claire Wright
Vivien Duval Steer	

**Officers:**

Richard Cohen, Deputy Chief Executive  
Ed Freeman, Development Manager  
Nigel Harrison, Economic Development Manager  
Debbie Meakin, Democratic Services Officer  
Mark Williams, Chief Executive

**Also Present**

**Councillors:**

Ray Bloxham	Stephanie Jones
Bob Buxton	Andrew Moulding
Iain Chubb	Frances Newth
David Cox	Helen Parr
Alan Dent	Philip Skinner
Jill Elson	Pauline Stott
Steve Gazzard	Ian Thomas
Martin Gammell	Phil Twiss
Graham Godbeer	Mark Williamson
Paul Diviani	

**Apologies:**

**Committee Members:**

Tony Howard  
Tom Wright

**Councillors:**

David Atkins  
Geoff Chamberlain  
Christine Drew

The meeting started at 6.30pm and ended at 9.45pm.

**\*17 Public Question Time**

There were no questions from the public at this point in the meeting.

**\*18 Minutes**

The minutes of the meetings of the Overview and Scrutiny Committee held on 26 July 2012 were signed and confirmed as a true record.

\*19 **Cabinet Agenda - Strategic Car Park Regulations**

In light of concerns raised by three Members, the Chairman felt that the item should be deferred until the Committee had considered the complex issues involved, and made recommendations for Cabinet to consider alongside the report. The Chief Executive informed the Committee that parts of the report relating to Woodbury were not contentious and the parish was keen to see a decision taken after very lengthy negotiations.

The Leader agreed to the Chairman's request.

**RESOLVED** that the report to Cabinet on 3 October on Strategic Car Park Regulations with the exception of the section of the report relating to Woodbury, be considered by the Overview and Scrutiny Committee on the 25 October 2012 before a decision is taken by Cabinet.

20 **The Rolle Centre – Managing the Project**

The Chairman welcomed Roy Pryke, Chairman of the Board of Rolle Exmouth Limited, accompanied by Roger Staker (Managing Director) and Deborah Hallet (Strategic Consultant). He gave the committee an extensive presentation of the plans for the Rolle Centre, showing them images of the complex. He outlined the many benefits that a restored Centre could provide to the community both locally, for the District, and further afield in providing vocational training, office space and room hire for multiple activities.

Rolle Exmouth Ltd.(REL), a not-for-profit organisation, currently lease the site for a small rent with the option to purchase it from the University of Plymouth at the end of the three year lease agreement. On purchase the rent would be returned. REL have set up an investment vehicle for the project but now faced an increased cost in excess of £4m to bring the site to a standard fit for purpose. In the short term, REL now needed to build on their current business plan to create an investment plan. Whilst the members of REL have a varied skills set, they needed the additional input of expertise to produce an investment plan to move on to capture further funds to realise the project.

Many Exmouth Ward Members spoke in support of the Rolle Centre project and of the wide reaching benefit to many sectors of the community. Many envisaged the benefits to young people in having vocational training close to home, alongside the benefits to people of all ages facing retraining in order to secure employment. The close links with REL and Bicton College were also welcomed. Ward Members also commended the REL team for the hard work and dedication over the past few years and wished them continued success in bringing the project to fruition.

The Member Champion for Business echoed the sentiments of the Exmouth Ward Members. The Committee felt that there should be positive support from the District Council to help the Rolle Centre become a reality.

**RECOMMENDED** that a positive consideration be given to offering assistance to the Rolle Centre project.

\*21 **East Devon Business Forum**

At this point of the meeting, the Chairman took public speaking.

Tony Green, a Sidmouth resident, asked why the Council listened to the East Devon Business Forum (EDBF) lobby, when, in his opinion, the EDBF has a key interest in planning matters. He also asked if the Committee felt that the current membership of the Forum risked the impartiality of the Members and if it also put officers into a difficult position. He informed the Committee that the Forum did not have a favourable public perception.

Graham Cooper, a Sidmouth resident, voiced his concern that the EDBF favoured development over employment and asked if the Forum had directly planned to influence the local plan in relation to employment land at Sidford.

Barry Curwen, a Sidmouth resident and small business owner, informed the Committee that he felt there was not enough distance between planning issues and the Forum. As a small business owner he felt that the reputation damage to the EDBF would stop other businesses joining it. He asked for a reform and a Task and Finish Forum to find an alternative that all businesses could join.

Steven Kendall-Tory, Chairman of the Sidmouth Chamber of Commerce, informed the Committee that he had canvassed his Chamber members and their opinion of the Forum was not favourable. They viewed the Forum as having access and influence over planning policy. He also felt that existing Chambers of Commerce, who work with a number of organisations, are a better source of information for the Council. He also asked for a reformation with a new name and constitution, alongside better representation.

Richard Eley, a business man of Sidmouth, welcomed the Vitality of High Streets Task and Finish Forum report on the agenda, and felt that effectiveness of such Task and Finish Forums could be applied to the EDBF. He commented on the effectiveness of Mid Devon Business Forum as a better example to follow and suggested their operation as a template in reviewing the current Forum.

Roy Stuart, Vice Chairman of the EDBF, reminded the Committee of why the Forum was set up and the contents of its constitution. He outlined the varied membership of the Forum. He told the Committee of the Forum's work in investigating the Atkins report and how their work found only 6 hectares of viable employment land. The Tym report more recently used had not been referred to the Forum. He had not seen or been consulted on employment land designated at Sidford. He reminded the Committee of the importance of the Forum, on a small budget, to assist in the current economic climate in providing strong links to other sectors, including the Local Enterprise Partnership (LEP).

Val Baker, of the Blackdown Hills Business Association and Associated East Devon Chambers of Commerce, spoke about her representation of those two associations on the EDBF. She explained her role in exchanging information for those small businesses who found it difficult to attend local Chamber of Commerce meetings, let alone the EDBF. She felt that the wide connections, including with Bicton and the Business Information Point, through the EDBF, were valuable for her to pass on the views of the associations she represented.

\*21 **East Devon Business Forum (continued)**

Chris Lorimer, of the Rural Business Growth Network and director of the Exeter Chamber of Commerce, told the Committee of his positive experiences in attending the EDBF over the last 18 months. He gave the example of the Forum's assistance in preparing a Rural Growth Network bid, which went on to be accepted by the LEP, resulting in some significant funding for the East Devon area. He acknowledged that local Chambers of Commerce included members who were busy running their own businesses, and felt that it helped having a single organisation such as the Forum for Chamber representatives to attend.

Greg Page-Turner of the Federation of Small Businesses (FSB), gave the Committee statistics relating to the 1,000 FSB members in the East Devon area. His representation on the Forum of the FSB helped to raise a number of issues that his members faced, including issues such as rural broadband. He felt that the Forum was an excellent vehicle for communicating with business.

David Henley, Principal of Bicton College, found his attendance at the EDBF to be a useful opportunity to listen to the views of businesses, especially in establishing skills gaps and industry needs. He quoted a number of useful presentations he had heard at the EDBF and how the Forum helped stimulate discussion between many organisations.

David Hinshellwood of Business Information Point saw the Forum as a communication vehicle, and felt there were direct benefits to local businesses as a result of the links made via the Forum.

Councillor Graham Troman explained to the Committee his reasons for bringing the item for debate, making some suggestions for improvements to refresh the Forum:

- Encourage wider membership, taking into account all sizes of business from small trader to larger corporations;
- Encourage meetings to be held in each town;
- Look to a new name to revitalise the image of the Forum;
- The Forum should hold an AGM at the Council Offices as a showpiece event;
- Encourage the Chairman to be an independent, not an elected Member of the Council;
- Find a clear strategic direction for the Forum;
- Consider a self-financing mechanism so the Forum could operate without funding from EDDC after a three year period.

Councillor Troman recommended that exploring these options was best met by setting up a Task and Finish Forum. This was seconded by Councillor Peter Bowden.

Councillor Graham Brown, current Chairman of the East Devon Business Forum, welcomed the proposal and gave his support to provide information to a Task and Finish Forum. He informed the Committee that it had been difficult at times in getting attendances from sectors across the District; and that he was elected as Chairman, not self-appointed.

\*21 **East Devon Business Forum (continued)**

He made clear to the Committee that the Forum never discussed individual planning applications and he refuted allegations made towards the Economic Development Manager. He told the Committee that the Atkins report had been a desk exercise, investigated by the Forum with site visits and further investigation to provide a list of viable sites that resulted in 6 hectares of employment land being identified. He encouraged the Committee and others present to attend the EDBF and see the positive work it does for the District.

Councillor Mike Allen as Chairman of the former Local Plan Panel made clear to the Committee that the EDBF had no influence over the size of employment land in the current draft local plan. He commended the work by the Forum and supported the concept of a Task and Finish Forum.

Councillor Claire Wright outlined evidence to the Committee that she had raised at Council on 25 July in support of her motion to withdraw financial, officer and administrative support from the EDBF.

Councillor Graham Godbeer, Portfolio Holder for Economy, reminded the Committee that it was crucial to continue dialogue with the business community in order to provide jobs for the District's young people leaving fulltime education.

The Chairman reminded the Committee that a Task and Finish Forum could only make recommendations to the EDBF, as it was a separate entity from the Council. He also suggested that a Task and Finish Forum could look at the wider remit of how the Council engages with business, including but not exclusively looking at how the East Devon Business Forum could increase membership, and suggest topics for their agendas.

- RESOLVED**
1. that a Task and Finish Forum be set up to look at how the Council engages with business, including looking at how increased membership of the East Devon Business Forum could be encouraged, and make suggestion of topics for their agendas that would assist the Council in obtaining a comprehensive view of the needs of business;
  2. that the Forum consist of Councillors Graham Troman, Mike Allen, Vivien Duval Steer, Claire Wright, Steve Gazzard and Peter Burrows.

22 **Vitality of High Streets and Town Centres Task and Finish Forum**

Councillor Tim Wood presented his Forum's final report to the Committee. He reminded Members of the acute problem of decline for many town centres nationally. Key factors affecting town centre trade were set out in the report. He highlighted the deterrent of high parking charges and the imbalance of rates between town centre shops and out-of-town retail parks. The Forum felt that the concept of the town centre was worth retaining for the social benefits and the benefits to those using public transport or walking to purchase goods. He considered the Mary Portas report to only offer a sticking plaster solution to a much bigger issue.

22 **Vitality of High Streets and Town Centres Task and Finish Forum (continued)**

Many Members spoke in support of the report and debated the recommendations presented. Councillor Mike Allen felt that recommendation (11) relating to reducing the town centre size may not be appropriate in all cases. He felt that other measures such as helping shops improve their product offer could be utilised instead. Members supported a considered view of pay-on-exit parking and a suggestion was made of providing a hotline to help get empty properties back into use.

The Chairman thanked Councillor Tim Wood and the Forum Members for the extensive report.

- RECOMMENDED**
- 1 raise awareness of the right to appeal a rateable value to local businesses, particularly in respect of recent supermarket builds in the Seaton and Ottery St Mary Town areas;
  - 2 promote advice on how businesses can get help with business rates, covering both the appeal process to the Valuation Office, and the business rate reliefs available;
  - 3 that the Council pursue with Government the case for either introducing a rateable value increase on the basis of private parking spaces or allowing councils to make an annual charge for such spaces;
  - 4 explore the viability of pay on exit schemes at the Council's car parks located close to town centres; and introduces a pay by phone system as an interim step to offer the choice to users to top up their parking ticket;
  - 5 those town centres with difficulties for very short term parkers should be looked at with a view to providing some extra parking spaces for stops of half an hour;
  - 6 plans should be pursued for the provision of extra parking close to the town centres of Exmouth and Sidmouth, possibly involving the building of multi-storey car parks in those locations;
  - 7 in a review of parking charges, consider the provision of periods of much cheaper or free car parking, such as having the first half hour free, to encourage more substantial numbers of shoppers into the town centres; and consider coach parking fees and arrangements to encourage coach operators to bring passengers into towns;

**22 Vitality of High Streets and Town Centres Task and Finish Forum (continued)**

- 8 lobby Government to permit councils to obtain income either from rating income or more specific charges from out of town shops and retailers providing free parking, with such income being used to reduce town centre parking charges;
- 9 ensure robust monitoring both of charity shops to ensure the permitted proportion of new goods to second hand goods for sale is not exceeded; and of farm shops to ensure the percentage of local goods sold meets the requirements set out in policy E15 of the Local Plan;
- 10 work with and stimulate town councils to develop their own vision for the development of shops or activities that might act as a magnet to encourage visitors and shoppers to their town centre;
- 11 where appropriate, modify planning policies to reduce the size of town centre shopping areas to enable the smaller number of shops to be fully commercially viable;
- 12 work with the County Council and town councils to prioritise improving signage to and in towns to highlight location of town centres and key attractions;
- 13 Where there are empty premises over shops, it is recommended that the District Council, under its Empty Homes Strategy, takes a more proactive stance in investigating, where possible, with the owners of premises what possibilities there might be for their empty premises being brought into residential use.

**23 Progress on Ward Member Satisfaction with Planning Task and Finish Forum resolutions**

Ed Freeman, Development Manager, presented his report outlining the implementation of the resolutions from the Forum, now all implemented. He reiterated the outstanding offer for refresher training for any Member He voiced his concern to the growing trend for Members waiting for the 3 day consultation period on draft officers reports before making any comment on the application. This affected the time taken to deal with an application and in some cases caused significant delay.

Councillor Peter Bowden, Chairman of the Forum, reminded Members of the work of the Forum in getting a better interaction between Members and officers and urged Members to use their right to comment early on.

**23 Progress on Ward Member Satisfaction with Planning Task and Finish Forum resolutions (continued)**

Some issues with ensuring officers' draft reports reached Members with adequate time were raised, and noted to be actioned.

- RESOLVED** that Members acknowledge the report and the implementation of the resolutions of the Ward Member satisfaction with Planning Task and Finish Forum;
- RECOMMENDATION** that the Ward Member consultation process be amended such that Members only received a copy of the draft report with 3 days to comment if they have already commented on the application within the initial consultation period, allowing one month before implementation to publicise this change to Members.

**\*24 Planning enforcement resource and workload update**

Ed Freeman, Development Manager, presented his report outlining the current workload and staffing resource for planning enforcement cases. The Committee was pleased to see that vacancies had now been filled, if only recently.

- RESOLVED** that Members acknowledge the planning enforcement resource report and a further update be made by March 2013.

**\*25 Update on Arts and Culture Task and Finish Forum**

The Committee noted the outcome of the Forum report at Cabinet on 5 September 2012. Councillor John O'Leary, Chairman of the Forum, updated the Committee on the meeting of the Environment Think Tank where a number of the Forum's recommendations had been referred.. The Think Tank had begun discussions on the formulation of an Arts and Culture Forum. Councillor John O'Leary was actively involved with the Think Tank discussions, and would report to the Committee on progress.

**\*26 Quarterly monitoring of performance – 1<sup>st</sup> quarter 2012/13**

Councillor Ray Bloxham, Portfolio Holder for Corporate Business, highlighted the new style of report that outlined progress against the Council's promises in the Council Plan.

He also spoke on the sickness absence target, explaining to Members the degree of medium term sickness levels. In response to a question, the Chief Executive assured the Committee that the Council took a proactive approach in offering counselling for medical conditions such as depression and stress.

In response to a question about replacing the Carbon Management Officer, the Committee was reminded of the financial pressures and no assurances could be made at this stage to fill the vacant post.

**\*27 Forward Plan**

Members noted the Forward Plan for the Committee.

The Community Infrastructure Levy Task and Finish Forum meeting would be delayed until mid November, pending further legislation being published. Recording of meetings did not yet appear on the Forward Plan as research was still underway for the report.

Chairman ..... Date .....

## **Agenda Item 10**

### **Cabinet Agenda Item 11**

**3 October 2012**

**AE/smep**



## **Parking Services Operational Review**

### **Summary**

In addition to a more strategic review of our car parking assets we have now carried out an operational review. We have identified a number of opportunities to make small changes in our operation that will improve the range of services on offer and at the same time will protect this important revenue stream.

### **Recommendations**

The following recommendations have been identified as ways in which we could make some relatively straightforward operational changes to the way in which we will manage our car parks next year. These are changes that can be implemented on a temporary and experimental basis. A more comprehensive strategic review of our car parking assets is being coordinated by the Principal Estates Surveyor and recommendations arising from that exercise will be presented to you separately after consideration by the Asset Management Forum.

- 1. Introduce a summer season half price tariff in Exmouth's under used long stay car park in Maer Road.**
- 2. Promote and manage the use of Maer Road car park for overnight parking by camper vans and motor homes (subject to obtaining any planning consent that may be required).**
- 3. Offer weekly East Devon car parking permits for sale through Sandy Bay and Ladram Bay to encourage holiday makers to visit Exmouth.**
- 4. Continue to restrict parking in all short stay car parks to a maximum stay of 3 hours.**
- 5. Carry out a review of permit charges.**
- 6. Introduce cashless payments in all pay and display car parks using a "start/stop" payment format.**
- 7. Modify the Parking Places Order to allow trading (but only by authorised or licensed traders) to take place in car parks.**
- 8. Modify the Parking Places Order to allow overnight sleeping in car parks in campervans and motor homes for a defined maximum stay.**
- 9. Remove the restriction that prohibits any vehicle from staying longer than 24 hours in any East Devon car park to enable long stay customers to park for more than one day at a time.**
- 10. Seek tenders for the 46 remaining Sidmouth town centre reserved parking spaces.**

**a) Reasons for Recommendation**

To respond to issues identified within the community, to seek to manage our parking assets in the best possible way and to protect the revenue derived from parking income.

**b) Alternative Options**

The car parking on offer throughout East Devon has grown and evolved over many years and there is a case for commissioning a comprehensive parking needs assessment combining both strategic and operational considerations.

This report makes no attempt to replicate that approach and it does no more than identify and evaluate a number of opportunities that should help us to better manage our parking services operations. The “do nothing” option clearly exists and must be viewed in the context of falling revenues over the last two years.

**c) Risk Considerations**

There will be risks associated with the proposed changes, in particular the suggestion that we should experiment with a half price tariff in Maer Road in Exmouth and the risks associated with the omission of any of the measures advocated by Sidmouth Chamber of Commerce. Rather than persuading people to park for longer or to use our car park in preference to other alternatives, the half price tariff may only displace existing customers from our full price tariff car parks with consequent further erosion of revenue income. In Sidmouth the costs and benefits of various charge scenarios are difficult to evaluate and with the exception of the cashless start stop option, the “do-nothing” at this stage is being proposed as the safest option for Sidmouth.

**d) Policy and Budgetary Considerations**

There are no policy or budgetary considerations.

**e) Date for Review of Decision**

October 2013

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**1 Main Body of the Report**

The Council’s Principal Estates Surveyor has been working with the Asset Management Forum and is bringing forward a series of strategic recommendations relating to the future of our car park assets under the asset management programme. In parallel with that, the Environment Health and Parking Services Manager has been asked to consider what can be done operationally in the short term to protect or improve the revenue income being generated by these assets.

This report has been written within the broad context of the ongoing economic downturn, the work of the Vitality of High Streets and Town Centres TAFF, representations made by Town and Parish Councils, Chambers of Commerce and individuals.

The Council’s public car parks portfolio currently amounts to 56 sites of which 43 are actively managed on a pay and display, permit or reserved bay basis and it is the ongoing management of these assets with which the remainder of this report is concerned.

The strategic value of these other car parks will be considered elsewhere.

## **2 Discussion - Responses**

In the autumn of 2011 we wrote to all Town and Parish Councils and Chambers of Commerce seeking their responses to a number of questions concerning car park management from both an operational and strategic point of view.

The consultation responses are considered below alongside other operational factors:

### **Exmouth**

Exmouth Town Council has suggested that the parking meters on Queen's Drive need to be managed by one authority to save confusion and unnecessary fines.

They also advocate a simple cross East Devon Tariff to encourage tourists. (note there is already a 7 day permit allowing parking in any East Devon car park for just £21.00).

They also request the standardisation of long stay fees for summer/winter rates. (note: The fees are reduced in the winter because demand is significantly less. If the charges were standard throughout the year, they would almost certainly be closer to the summer charges than the winter charges).

Exmouth Transport Partnership has suggested that a number of changes could prove to be of benefit for the town's traders, residents and visitors whilst still protecting or even enhancing the important revenue income currently being derived from parking:

The Town Council suggested that long stay car parks could be made more use of and recommended a charge of just £2-£3 per day with no overnight fee. The Transport Partnership has called for a half price (50p per hour) tariff in low use car parks such as Maer Road car park. The Town Council would support this view noting that car park revenue has reduced so suggest the short stay charges be reduced equating to 50p per hour to reduce customer resistance. (note: the falls in revenue were resultant mainly from seafront car parks. The two short stay shoppers' car parks at London Inn and Imperial Road are very well used and the London Inn car park in particular is usually at full capacity most days during the peak hours. This would seem to indicate that the charges do not necessarily deter use of the town centre car parks).

1. Encourage the use of Maer Road car park for overnight use by camper vans and mobile homes
2. Offer weekly East Devon car parking permits for sale through Sandy Bay and Ladram Bay to encourage holiday makers to visit Exmouth
3. Remove the restriction that prohibits any vehicle from staying longer than 24 hours in any East Devon car park
4. Allow short stay parking in the main town centre car parks (London Inn and Imperial Road) to be extended to 4 hours from 3 hours (to enable shoppers to spend more time exploring Exmouth's range of shopping facilities)

Budleigh Salterton Town Council requested pay and display machines where drivers can pay by the hour or for 30 minutes with a minimum of 50 pence being preferable. This is now in operation in most East Devon pay and display car parks.

## **Sidmouth**

Sidmouth Chamber of Commerce and Sidmouth Town Council have both made a number of suggestions as to how the Council's off-street parking offer could be improved for the benefit of the town:

The Chamber of Commerce has described the perception of our car parks as "...desolate areas of uniform tarmac that are simply a cash cow for the local authority..." If this is correct, we need to try to change this perception. It is common ground that Sidmouth's car parking offer needs to be seen as part of the town centre shopping experience.

The Chamber has recognised that there are difficulties in accurately presenting and interpreting car park use data particularly in respect of spaces occupied by permit holders and has called for a "...degree of experimentation..." in terms of our current charging regimes.

They add that they "...cannot stress too strongly that this is not a case of the Council's finances versus the traders' aspirations. We are convinced that many of our proposals will achieve increased income for the Council and for business..."

They comment on the last district-wide price increase in 2010 and claim that it was almost exclusively responsible for a significant decline in car park usage and, by extension.

"...East Devon's loss of customers and business..." adding to this anecdotal evidence from Sidmouth traders who have "...reported a big increase in complaints from visitors concerning car park charges, often saying how much cheaper things were in their locality. One local camp site operator confessed that he felt obliged to tell visitors that parking in Lyme Regis was much cheaper than in Sidmouth when they requested suggestions for how they should spend their day..."

They conclude by stating:

"...car park charges in East Devon have reached a tipping point: any increase in charges would produce a corresponding drop in usage. In other words, increasing charges would bring no benefit to the EDDC budget, and would cause considerable damage to our town centre economies..."

Our consultation asked the Chamber of Commerce a number of specific questions and their response has been formulated by a number of contributors including 54 businesses who all completed the questionnaire and they present the responses on the basis that they are "...very likely to be representative of business opinion in the town..."

The full report is available on request but their recommendations are summarised below:

Should the short stay parking restriction stay as 3 hours maximum stay or could it be increased to 4 hours?

The Chamber is clear in its view that an increase would be extremely popular for traders and they also claim that our revenue income would rise by perhaps £20,000.

Should there be a pay and display system in operation at the Manor Pavilion?

The Chamber concluded that there is no logical reason for charging at Manor Road whilst offering free parking at the Manor Pavilion, and 66% would support this operational change provided there is a double ticketing arrangement for customers of the Manor Pavilion, as any disincentive to use the facility is very undesirable.

We have been advised by the Town Council that there is a perception in the town that the charges in Manor Road remain the same throughout the year. In fact, during the winter, charges are reduced from 1 November to 31 March. In the winter months the Chamber of Commerce recommend that collecting parking fees in Manor Road is "...a very inefficient way of raising revenue..." and they suggest that Manor Road should be made free from 1 November each year with charging starting again on 1 March the following year, adding that the offer of free parking in Sidmouth would also appeal to shoppers, especially in the run-up to Christmas, and could stimulate considerable extra business.

Finally, the Chamber strongly advocates the introduction of a dedicated summer shuttle bus operating between the Manor Road car park and the seafront. They estimate the cost of providing the shuttle at £26,000 per year but suggest that they would anticipate "...a significant increase in usage..." although they acknowledge some uncertainty over displacement from other paying car parks. They conclude that:

"...the cost of running the service might be completely offset by the increased revenue from the car park. More realistically, the required 'subsidy' might be somewhere in the region of £5-10,000."

### **Axminster**

In response to the consultation there was support from Hawkchurch Parish Council for offering double ticketing to enable local businesses to refund their customers parking charges. We understand that an informal customer parking refund arrangement is currently in place at the CO-OP but we have also investigated the feasibility of introducing double tickets into the machines in West Street car park.

Our initial enquiries suggest that the additional cost to the Council of simply purchasing the extra tickets required has been estimated on the basis that we currently buy around 3 million tickets per year at £0.00405 per ticket issued (£4.05 per 1000) to service all of our car parks and in recent years we have sold a little over 120,000 tickets per year from the West Street short stay machines, so the estimated cost of this initiative in broad terms would be around £500 per annum.

### **Honiton**

In response to the consultation, Honiton Town Council suggested that Silver Street car park is underused. However, the development of the new Community Centre on the site of the existing Dowell Street car park is due to start in January 2013. With no on-site parking available throughout the construction phase, which we expect to be the majority of 2013, the use of Silver Street may well increase.

The Town Council also suggested that some local businesses would take up an opportunity for discounting car park costs against purchases in their shops. They also long stay parking represented good value for money but thought that permits should be better advertised. They felt that our information boards are currently confusing. The Town Council also stated that they would welcome the opportunity

to supply weekly car park permits as well as the local tourist information centre. Finally, we are asked to consider whether free of charge parking days could be introduced on “down days”.

### **Ottery St Mary**

The Town Council queried how many coaches use the car park as they were concerned about the charges. At present, it is claimed that coaches tend to use Otter Nurseries rather than the car park. Could this be related to the charges or the facilities available at Otter Nurseries? Both Payhembury Parish Council and Ottery St Mary Town Council would support the Council in making coach parking free.

### **Permits**

East Devon’s parking permits are currently among the least expensive in the county. They are also valid for use in a number of car parks so it is actually very difficult to accurately estimate the extent to which any one car park is being used by permit holders and therefore difficult to accurately estimate the true revenue income being earned from each individual car park.

It is proposed that we should begin a review of the way in which we sell parking permits and we will now open up a short period of consultation with existing permit customers to better understand the way in which they currently use their permits and to assess the impact of any review.

In principle I will be suggesting that permits will be valid only in a specified car park or specified car parks and that the permit cost will be a function of the actual pay and display income currently being generated per space in the car parks in which it allows the holder to park. The permit will continue to offer regular customers a cheaper alternative to pay and display but is likely to generate significant revenue.

In 2011/12 we sold 6744 permits generating a net income of £401,500. Pay and display is generally charged at £1 per hour. The cost of an annual permit for one area is only £109 which in pay and display terms is just over £2 per week. For an extra £1 per week customers can extend this to enable them to park in every car park in East Devon. This provides an opportunity for further revenue generation in 2013/14.

It is currently possible to purchase a permit for a period of either six or twelve months and there is a very significant peak in demand each spring, primarily from repeat customers buying a like for like replacement for the coming season (April to September) or year. It is therefore proposed that from 1 April 2013 customers will be offered the option of purchasing their seasonal or annual permit with a validity extending into a second and third year. The advantages to the Council are the likelihood of increased revenue in 2013/14 along with a significant reduction in the admin burden with lower postage and printing costs. The benefit to the customer is a guaranteed “no price increase” in 2014 and 2015.

### **“Cashless” Payment Options for pay and display car parks**

Payment by mobile phone has now become established as an inexpensive way of offering our customers flexible cashless payment options. The competition that has emerged in the market has now begun to drive down the set-up and operating costs to the extent that we are now recommending that East Devon enters into a contract with a mobile phone payment service available for all pay and display car parks. There are a number of options but the one that offers most flexibility to visitor and shoppers is the “start-stop” option currently being offered by [Parkmobile](#).

This will effectively allow our customer to use our existing pay and display car parks as they would a “pay on exit” car park, right up to the maximum stay period for that car park as defined in our Parking Places Order. Customers start their parking session on arrival and end their session when they leave. They are then charged according to the current tariff for precisely the amount of time they have used. If they wish to stay for the maximum permitted period they do not need to “end” their session and the computer ends it automatically and debits the maximum daily charge from their account. The collection costs amount to around 2% of revenue which compares favourably with costs associated with ticket machines and coin handling. Unlike pay on exit there are no initial infrastructure costs.

### **Motor homes and Campervans**

The representations suggesting that overnight sleeping in motor homes and campervans could be accommodated in Maer Road car park could be equally relevant for other coastal long stay car parks. It is suggested that if successful in the first year, we could then explore the option that some of these facilities might be developed into a fully serviced option with electric hook-ups, water supply, sewage pump out and on-site showers and toilets on offer in future years.

### **Allowing “trading” within our car parks.**

We have had a number of approaches from small local enterprises seeking to acquire a “car washing” concession to offer car wash/valeting services to our car park customers.

The existing East Devon Parking Places Order prohibits such activities, in fact prohibiting any vehicle from entering any car park for any purpose other than to park their car within it.

### **Reserved Parking in Sidmouth**

Following the recent sale of the small York Street car park and the development of the Northcotts car park, the number of town centre reserved parking spaces in Sidmouth has now gone down from 73 to 46. All 46 remaining spaces are currently let on licences for a fee of £480 per year to residents (£960 to non-residents). More than 50 people, some of whom were recently displaced from the Northcotts car park are now on the waiting list for one of these premium spaces. In the town centre we provide a further 340 short-stay and over 300 long-stay spaces in off street car parks for pay and display and permit holder customers. The issue was discussed at Asset Management Forum on 12 July where it was agreed that mindful of the revenue income currently being generated in the nearby Ham car park from pay and display customers (over £1400 net per space per year), there is now an opportunity to review the allocation and charging regime for these spaces. The suggestion is now that we now give notice to existing customers and formally invite tenders from persons interested in the remaining 46 spaces with a recommendation that tenders should be of a minimum value of £1500 per space.

### **Maximum stay in short stay car parks**

Representation from both Sidmouth and Exmouth have advocated an increase in the maximum permitted stay from 3 hours to 4 hours. This is based on both anecdotal evidence from businesses suggesting that customers have said they have to leave because their parking ticket is about to expire along with informal inspections revealing that car parks have spaces available during the afternoons. Both of these observations are not disputed but the availability of some spaces is

clearly beneficial to the town and the risk of blocking these spaces by longer stay customers increases in proportion. Finally, experience elsewhere suggests that all day parking by people working in the town is possible with a 4 hour maximum stay, enabling cars to be move from one short stay car park to another during lunch breaks whereas the 3 hour restriction is more likely to encourage all day customers to use long stay alternatives.

### **Legal Implications**

There are no specific legal implications contained within the report however Legal Services is currently reviewing changes to the Parking Places Order with the Environmental Health and Parking Services Manager and these will be reported at a later date.

### **Financial Implications**

The financial implications are contained within the report, with the exception of;

Recommendation 1 – Introduction of the summer season half price tariff may see an increase in revenue, but adversely a reduction.

Recommendation 2 – The use of overnight parking for Camper Vans & Mobile homes will possibly see an increase in revenue, though this may be off-set by the additional staffing costs to monitor the car parks overnight. Currently there is no provision in the budget for such costs, and it would be subject to the Special items process for 2013/14. If this is successful the possibility of providing shower & toilet facilities etc in these car parks, would require the Capital Bids process.

Recommendation 5 – Review of parking permit fees will require additional comments at a later stage.

### **Consultation on Reports to the Cabinet**

SMT; All Town/Parish Councils; Chamber of Commerce; Exmouth Transport Partnership; Asset Management Forum

### **Background Papers**

[Car Parks Review](#)

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Andrew Ennis – ext. 1583  
Environmental Health & Parking Services Manager

Cabinet  
3 October 2012

## **Agenda Item 11a**

**Cabinet Item 12a**

**03 October 2012**

**12/1207**



### **Asset Management Plan Delivery**

#### **Car Park Review (A-B)**

##### **Summary**

The Council's Corporate Property Asset Management Plan 2009-12 provides that a car park review be undertaken. The Off Street Car Parks Review (the Review) sets out information relating to all aspects of the Council's car parks.

Please note that these recommendations relate only to strategic asset holding and not operational aspects such as parking charges or payment options. Operational implications of the Review will be reported to Cabinet at a later date. Owing to the number of car parks in the Council's ownership, the recommendations will be made in a series of reports taking blocks of towns and villages in alphabetical order. This report will include Axminster, Beer, Budleigh Salterton and Broadclyst.

##### **Recommendations**

1. That Axminster Town Council is invited to identify possible opportunities to acquire sites to increase car parking available in the town, make proposals to improve arrangements for coach parking, and propose a signage plan in liaison with the District and County Council.
2. That the Principal Estates Surveyor be given authority to enter into and conclude negotiations with the Co-op to secure a fee for advertising signage installed at West Street Car Park, Axminster.
3. That the underused coach parking spaces at Poplar Mount Car Park be converted to 5 car parking spaces.
4. That the Principal Estates Surveyor be given authority to negotiate and conclude the disposal of the Victory Hall Car Park at Broadclyst to the Parish Council in consultation with the Portfolio Holder Economy.
5. Renew the lease held by Budleigh Salterton Town Council on Upper Station Road Car Park based on a commercial rental level.

##### **a) Reasons for Recommendation**

The reasons for making the recommendations are set out in the Off Street Car Park Review 2010/11 and in the main body of this report.

##### **b) Alternative Options**

Not to accept the recommendations of the Asset Management Forum.

### **c) Risk Considerations**

The risks are set out in the Review and main body of this report.

### **d) Policy and Budgetary Considerations**

The Asset Management Plan provides a strategic overview for the Council's use of property. To ensure that the Council can be confident in good practice, many of the initial tasks set out the plan relate to a review of its existing stock so that a greater understanding around the reason for holding property assets, their costs, income generation and their contribution to the Council's priorities and objectives, can be better understood. The Car Parks Review is part of the delivery of this Plan.

### **e) Date for Review of Decision**

June 2012

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## **1 Main Body of the Report**

- 1.1 The Off Street Car Parks Review (the Review) sets out issues around operational matters as well as more strategic matters, along with a catalogue of car parks in the Council's ownership. This work has been carried out in consultation with the appropriate Town and Parish Councils and was considered by Overview & Scrutiny in October 2010 and subsequently by Cabinet.
- 1.2 Further consultation has been undertaken with the Town and Parish Councils and Chambers of Commerce in 2011. Feedback from the consultation, together with additional investigation on particular sites, has led to the following recommendations being agreed by the Asset Management Forum.
- 1.3 It is no longer financial viable for the Council to continue to subsidise free car parking provision. Therefore where Town and Parish Council's have made a representation for the continued provision of free car parking and where it has been made clear that the implementation of charging arrangements would not be supported, the recommendation will be to dispose of the asset to the relevant Town or Parish Council. These organisations will then be in a position to raise whatever precept is necessary to manage and maintain these car parks adequately.

### **2.0 Axminster – (page 52-53 of the Off Street Car Parks Review)**

#### **2.1 West Street Car Park**

- 2.2 West Street car park is the largest town centre car park in Axminster with some 122 pay & display parking spaces plus seven lock up garages producing a further £2,100 per annum rental income. The car park is held by way of the freehold title with a restrictive covenant that it shall ...not be used for a petrol filling station or garage. The land is also subject to a vehicular right of way to the adjacent supermarket. The car park has a site area of 1.323 acres (including the public toilets).

The Town Council advised that this car park is used by people visiting the Axminster Medical Practice and the need to pay for car parking to visit the doctor's surgery can be distressing for some patients.

The Town Council also suggested a one way circulation realignment of the car park.

### **2.3 South Street Car Park**

- 2.4 South Street car park is a town centre shoppers' pay & display car park with some 36 spaces.

The 0.232 acre site is surrounded by other town centre commercial development including the former derelict 'Websters Garage'. The Council has entered into an agreement to facilitate a comprehensive redevelopment which would incorporate replacement car parking provision.

### **2.5 Coombe Lane Car Park**

- 2.6 Coombe Lane long stay car park has 87 pay & display parking spaces. This car park enjoys a special low tariff of 50p for 1 hour, £1.00 for 2 hours and £1.50 for up to 24 hours. The 0.507 acre site is held by way of the freehold but is subject to a vehicular and pedestrian right of way to the adjoining Coombefield Veterinary Hospital.

### **2.7 Poplar Mount Car Park**

- 2.8 Poplar Mount car park is a pay & display car park with 72 space. The 0.509 acre site is held freehold and is subject to vehicular rights of way to Oak House and the Council owned Poplar Mount flats. The car park is accessed via an access way from Chard Road and has no road frontage.

### **2.9 Other issues/Options raised by Axminster Town Council**

- 2.10 Additional car parking is required in the town.

2.11 An accessible coach park is required. The Poplar Mount car park is supposed to make this provision but is not used by the coach operators as it is difficult to access. At present, they tend to go to a lay-by at Trinity Square. In addition, the railway car park has now been redesigned so that there is no parking for coaches. Could a slip way to the side of Coombe Lane car park be incorporated (in) and then out to Musbury Road?

- 2.12 The Flamingo School car park is currently used on weekends and non-school days.

2.13 The signage directing traffic to car parks is not good. Could this be improved? (Would also be good to indicate how many spaces are available in each car park). Big P's with arrows at high level (rather than bumper level) may be more useful.

2.11 Considered that a lot of people are not aware of what is covered within the permits available and wonder if EDDC should advertise better. The Chamber of Trade may be a good forum through which to highlight availability. In addition, perhaps the weekly permits available for visitors to the area could be advertised by way of leaflets at various accommodation providers.

### **3.0 Beer (Page 54-55 of the Off Street Car Parks Review)**

#### **3.1 Beer Cliff Car Park**

- 3.2 Beer Cliff car park is a pay & display seasonal, grass cliff-top car park accommodating 300 vehicles. The car park has an area of 4.219 acres and is held

freehold subject to a covenant that ...the land shall only be used as a car park and shall be kept as an open area with no buildings (other than a public convenience or attendant's hut). This car park is underused in the winter owing to its location but is free between November and March.

### **3.3 Coach Park**

3.4 The Coach Park at Beer is currently the subject of an asset transfer to Beer Parish Council at no charge.

### **3.5 Dolphin Car Park**

3.6 The Dolphin car park is the main central car park in Beer with a site area of 1.17 acres and 230 spaces. This car park is heavily used all year round and is an essential asset for Beer. The car park is held freehold but is encumbered in part by South West Water below ground sewers and tanks. There is also a legal right of access to the Doctor's surgery.

The Parish Council have confirmed that this is a very well used car park – by visitors during the day particularly in the summer, and at night by the residents. However, the Parish Council would not support any decking of the car park to increase capacity.

### **3.5 Other issues/Options raised by Beer Parish Council**

3.6 The coaches drop off in the town and then park in the Coach Park. Some also park in the Causeway drop off point. Recommend status quo.

3.7 The Parish Council have previously discussed the possibility of getting rid of double yellow lines. This has never been taken further with Devon County Highways.

3.8 The Parish Council have considered the problem of short term parking availability but have not been able to identify any possible addition bits of land that could be used.

## **4.0 Broadclyst (Page 34 of The Off Street Car Parks Review)**

### **4.1 Victory Hall Car Park**

4.2 This car park is the only car park owned by the Council in the village. The 0.32 acre site is held by way of freehold interest but is subject to a restrictive covenant, for the benefit of the National Trust, that it shall not be used other than as a public car park and that no buildings are erected on the land.

The Parish Council has advised that the 41 spaces are used by visitors to the Victory Hall (owned by the Broadclyst Parish Council) together with patients using the Doctors' surgery and the Clyst Caring Day Centre (volunteer staff and car drivers bring/collecting people). In addition, the car park is used by parents taking and collecting young children at the primary and preschool. The Parish Church has no parking on site and the car park is therefore used by the congregation. At night, the car park is used by local residents as there is no safe on-road alternative for over-night parking.

The Parish Council estimates that between 150 and 200 cars use the 41 parking spaces weekdays in term time and that between 8.45 am and 9.30am it could be

filled twice over. At present, in addition to the main car park, there are 7 public spaces in the small National Trust car park which is designated specifically for the village post office/shop and for users of the public toilets. The Parish Council has been working with National Trust and Devon County Council to look at opportunities for additional car parking spaces at peak school start/finish times, but pedestrian safety issues remain unresolved and these discussions are now on hold.

Although the car park could potentially derive a small revenue income (estimated at £4,961 per annum), at an estimated running cost of £150 per space of £6,150 per annum plus the cost of installing a ticket machine at £4,500, the implementation of pay and display would not provide a net revenue income.

In addition, the Parish Council have looked at the use of the car park in some detail and it is clear that the car park being available for parents picking up and dropping off children at no charge/ without having to spend time buying tickets is of great community benefit in terms of safety of local residents and the children attending the schools.

However, while the Parish Council has put forward a strong case to have the car park remain free of charge, they are not prepared to assist in the running costs. The Parish considers that having taken over the maintenance of the public toilets in the village, no further financial burden should be paid for through the precept.

#### **4.3 Other options/issues raised by Broadclyst Parish Council**

4.4 In addition, parking and traffic safety problems also occur at the other end of the village around Clyst Vale Community College during drop off and collection times. The small council owned residents' car park (for Woodbury View) nearby, is oversubscribed owing to the extra homes that have been built let alone absorb any additional car parking.

4.5 The Parish Council welcomes the new information sign in the car park for its clarity. The renewed signs for the disabled 'blue badge' parking spaces, along with the ground markings have been much appreciated.

4.6 Existing signage directing traffic from the B3181 into the car park often suffers from overgrowth of greenery and is not as obvious as it could be from both directions. The Parish Council have requested that Devon County Council Highways review this issue.

#### **5.0 Budleigh Salterton (Page 35-38 of The Off Street Car Parks Review)**

##### **5.1 Upper Station Road**

This car park is owned by way of the freehold interest by the Council and has been leased to the Budleigh Salterton Town Council since April 1974 at a current rent of £500 per annum. The car park has 109 spaces. The current rent is £500 per annum and BSTC are responsible for all repairs and maintenance of the car park, including the boundary hedges and fences. At the moment, the Town Council are holding over on their lease but there is a provision in the lease that it may be determined at any time by either party giving to the other party not less than six months notice in writing to that effect.

BSTC offer the car park as a free service to its residents. There is no provision in the existing lease to prevent BSTC charging car parking fees. The car park is

primarily used by those who work in the town and shoppers. No other town centres in East Devon benefit from the subsidy of a free shoppers car park.

The title is subject to restrictive covenants limiting use of the land to public car parking. In 2007, Officers identified that there was a potential to create a pay and display car park if the lease to BSTC was not renewed. At the time, concern was raised by both BSTC and Clinton Devon Estates (who benefit from restrictive covenants applicable to the site) as to the legality of EDDC considering the introduction of pay and display to the car park. Subsequently, the Council sought Counsel's opinion of the matter.

Counsel was of the opinion that EDDC could charge a reasonable sum for the use of the car park by the public and that there was no reason to suppose that standard car parking charges would not be considered reasonable.

The lease to BSTC could be terminated with six months notice. Under the Landlord & Tenant Act 1954, the Council can refuse to renew a lease under certain circumstances. One reason for being able to refuse a new tenancy is that the Landlord wishes to occupy the premises themselves. Compensation would be payable to BSTC equal to two times the rateable value totalling £11,400.

If the Council were to terminate the lease to use for their own purposes as a pay and display car park, the initial equipment set up costs are estimated at £4,500. The car park, based on the annual revenue returns for the Rolle Mews car park in the town, is estimated to have a revenue producing capacity of around £60,000 per annum.

Another alternative is that the Town Council are offered a new lease at a rent which reflects the revenue projections as a pay and display car park. This would enable the Town Council to continue to make the free car parking provision if it wished to do so.

## **5.2 Lower Station Road Car Park**

The car park is held by way of a freehold interest by the Council and is subject to a public footpath. It is currently operated by the Council as a pay and display public car park offering parking for 38 vehicles. The income potential is detrimentally affected by being adjacent to the Upper station Road free car park. The car park could be considered for redevelopment in the future, in conjunction with the adjacent workshops.

## **5.3 Brook Road Car Park**

The car park is held by way of the freehold title and is not encumbered by any abnormal restrictions. This small site of 0.12 acre provides 15 car parking spaces and is operated as a free car park. The car park is too small to be considered as a pay and display car park but could be considered for redevelopment, subject to the grant of a planning permission. The car park is primarily used as a shoppers' car park, and is adjacent to public toilets run by the Council.

## **5.4 Lime Kiln Car Park**

The car park is located at the eastern end of the Sea Front and is a pay and display car park offering 422 spaces. This 2.32 acre freehold site lies within the flood plain and is susceptible to inundation from the sea. Part redevelopment of this site has

therefore not been explored to date. This car park is excluded from the rating list as it serves the adjoining open space and beach (an exempt category).

#### 5.5 Rolle Mews Car Park

This 45 space pay and display shoppers' car park is situated close to the High Street in the town centre and is conveniently located for the town's beach. There are no recommendations for changes to this site.

#### 5.6 Other issues/Options raised by Budleigh Salterton Town Council

5.7 Machines where drivers can pay by the hour or for 30 minutes with a minimum of 50 pence are preferable. (This is an operational issue which will be considered as part of the Parking Services Operational Review).

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### **Legal Implications**

The detailed terms of any disposal should be subject to consultation with the legal team.

Where a restrictive covenant prevents development, there are a number of ways it could be removed or modified. If members are keen to investigate this on any particular site the potential can be considered in detail with the Estates team.

### **Financial Implications**

The financial implications are detailed within the report

### **Consultation on Reports to the Executive**

The initial Review document incorporated consultation with the Town and Parish Council when drafted in 2009. Further consultation with not only the Town and Parish Councils, but also the East Devon Chambers of Trade and Commerce, was undertaken in 2011.

### **Background Papers**

- [The Off Street Car Parks Review 2011/12](#)

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Donna Best  
Principal Estates Surveyor

Cabinet  
03 October 2012

## **Agenda Item 11b**

**Cabinet Item 12b**

**03 October 2012**

**12/1207**



### **Asset Management Plan Delivery**

#### **Car Park Review (C-E)**

##### **Summary**

The Council's Corporate Property Asset Management Plan 2009-12 provides that a car park review be undertaken. The Off Street Car Parks Review (the Review) sets out information relating to all aspects of the Council's car parks.

Please note that these recommendations relate only to strategic asset holding and not operational aspects such as parking charges or payment options. Operational implications of the Review will be reported to Cabinet at a later date. Owing to the number of car parks in the Council's ownership, the recommendations will be made in a series of reports taking blocks of towns and villages in alphabetical order. This report will include Colyton, East Budleigh and Exmouth.

##### **Recommendations**

- 1. That the Council continue to provide the Car Park facility at Colyton.**
- 2. That the Principal Estates Surveyor be given authority to negotiate and conclude the disposal of the East Budleigh Car Park, along with the public conveniences, to the Parish Council.**
- 3. To terminate the lease at Pines Road Car Park, Exmouth and sell on the open market.**
- 4. To formalise the arrangements for LED to control and manage the Esplanade Car Park, Exmouth, in consultation with the Portfolio Holder, Economy.**
- 5. That the Principal Estates Surveyor be given authority to negotiate and conclude the disposal of Jarvis Close at Littleham Cross, along with the public conveniences, to Exmouth Town Council.**
- 6. To continue to provide free car parking to the users of the Elizabeth Hall public hall prior to any future redevelopment of the site.**
- 7. To note that the majority of the Council owned car parks in Exmouth fall within the remit of the Exmouth Town Centre and Seafront Masterplan, the planning framework adopted to support the regeneration of Exmouth.**

**a) Reasons for Recommendation**

The reasons for making the recommendations are set out in the Off Street Car Park Review 2010/11 and in the main body of this report.

**b) Alternative Options**

Not to accept the recommendations of the Asset Management Forum.

**c) Risk Considerations**

The risks are set out in the Review and main body of this report.

**d) Policy and Budgetary Considerations**

The Asset Management Plan provides a strategic overview for the Council's use of property. To ensure that the Council can be confident in good practice, many of the initial tasks set out the plan relate to a review of its existing stock so that a greater understanding around the reason for holding property assets, their costs, income generation and their contribution to the Council's priorities and objectives, can be better understood. The Car Parks Review is part of the delivery of this Plan.

**e) Date for Review of Decision**

June 2012

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**1 Main Body of the Report**

1.1 The Off Street Car Parks Review (the Review) sets out issues around operational matters as well as more strategic matters, along with a catalogue of car parks in the Council's ownership. This work has been carried out in consultation with the appropriate Town and Parish Councils and was considered by Overview & Scrutiny in October 2010 and subsequently by Cabinet.

1.2 Further consultation has been undertaken with the Town and Parish Councils and Chambers of Commerce in 2011. Feedback from the consultation, together with additional investigation on particular sites, has led to the following recommendations being agreed by the Asset Management Forum.

1.3 It is no longer financially viable for the Council to continue to subsidise free car parking provision. Therefore where Town and Parish Council's have made a representation for the continued provision of free car parking and where it has been made clear that the implementation of charging arrangements would not be supported, the recommendation will be to dispose of the asset to the relevant Town or Parish Council. These organisations will then be in a position to raise whatever precept is necessary to manage and maintain these car parks adequately.

**2.0 Colyton – (page 56 of the Off Street Car Parks Review)**

**2.1 Dolphin Street Car Park**

2.2 Dolphin Street car park is primarily a visitors' and shoppers' pay and display car park with 61 parking spaces. The 0.47acre site is held by way of the freehold with a covenant prohibiting certain uses including a petrol filling station. The provision of this car park as a service to the village is important given that on-street car parking is a problem, partly due to on-street spaces being taken up by those working in the shops and parking all day. It is therefore recommended that the Council continue to provide this car park facility.

### **2.3 Other issues/options raised by Colyton Parish Council**

- 2.4 On street parking is a problem in Colyton as those working in the shops take up the car parking all day? This is something that the Parish Council are taking up with local businesses. This will include a discussion around whether or not businesses would consider purchasing car park permits for their staff, get an idea of how many might consider this along with the price they might be prepared to pay. Might the cheap resident's permits be then extended to the owners and employees of the shops around the market?
- 2.5 It was felt that there could be opportunities for better advertising of the weekly permits available to visitors to the area. Could the Council work with the Hoteliers Association and Tourist Board in this respect?

### **3.0 East Budleigh – (page 39 of the Off Street Car Parks Review)**

#### **3.1 East Budleigh Car Park (also known as Hayes Lane Car Park)**

- 3.2 This car park offers 32 spaces, is held by way of the freehold title by the Council and is currently provided at no charge. The Parish Council advise that the car park is mainly used by residents as the majority of the surrounding houses do not benefit from off road car parking or garaging. The car park is often used by visitors, primarily as a meeting point for walkers. In addition, the car park is used by the Church congregation, particularly for weddings, and by users of the Village Hall. The car park is therefore not heavily used in the day, but is full at weekends and at night.

It is estimated that the car park could be converted to a pay & display car park at a cost of £4,500. The estimated revenue income would be £3,872 per annum. However, given the characteristics and infrastructure of the village, there would be concerns around any increase in on-street car parking which could proved detrimental to traffic flows – particularly in the summer.

### **3.3 Other issues/options raised by East Budleigh Parish Council**

- 3.4 Car parking for residents of the Village is evidently a problem and, being part of an Area of Outstanding Beauty, opportunities for the creation of further car parking areas is limited. However, the Parish Council are planning to approach Clinton Devon Estates who are the primary landowner in the area, to explore any possibilities.

### **4.0 Exmouth (Page 25-32 of the Off Street Car Parks Review)**

#### **4.1 Imperial Road Car Park**

- 4.2 Imperial Road car park provides a total of 316 parking spaces; this short stay car park is split into two sections. The land is owned by the Council by way of a freehold interest in the title but is encumbered, in part, by a large underground sewage collection tank and sewer pipes which will prohibit any form of development of the major park of the car park. However, where development may be possible, the land is subject to a restrictive covenant limiting the height of any development fronting Imperial Road to two storeys in height and any dwellings constructed must be to a superior quality.

The Exmouth Town Centre and Seafront Masterplan has identified this car park to be incorporated within a regeneration scheme.

#### **4.3 Royal Avenue Car Park**

4.4 Royal Avenue car park is a long stay car park, coach and lorry park providing 176 car parking spaces together with 44 off-road parking spaces for visiting lorries and coaches.

The Exmouth Town Centre and Seafront Masterplan has identified this car park to be incorporated within a regeneration scheme.

#### **4.5 London Inn Car Park**

4.6 London Inn car park is heavily used being the closest to the town centre. The car park provides 150 spaces.

In 2008, a feasibility study was carried out to explore the possibility of decking the car park to increase the number of spaces available. A budget has been built into the Council's Capital Programme to advance this work but the project was put on hold subject to masterplanning work being undertaken.

The Exmouth Town Centre and Seafront Masterplan identified this car park to be incorporated within a regeneration scheme for retail expansion.

#### **4.7 Queen's Drive Car Park**

4.8 Queen's Drive car park situated on the seafront and provides 198 car parking and 12 coach parking spaces and serves the adjacent leisure businesses and visitors. The car park is located within an area currently designated for regeneration and is held by way of a freehold interest in the land.

The Exmouth Town Centre and Seafront Masterplan identified this car park to be incorporated within a regeneration scheme.

#### **4.9 Queen's Drive Echelon**

4.10 Queen's Drive Echelon, although essentially on-street car parking, this area is classed as a car park and is subject to a Parking Places Order. Charges apply from 1 May to 30 September and the 78 spaces are well used by beach visitors.

#### **4.11 Foxholes Cliff Car Park**

4.12 Foxholes Road car park provides 201 spaces and is located on the seafront chiefly serving visitor to the beach. The land is held by way of freehold.

The Exmouth Town Centre and Seafront Masterplan identified this car park to be incorporated within a regeneration scheme.

#### **4.13 Maer Road Car Park**

4.14 Maer Road car park provides 334 spaces; this car park is primarily used by visitors to the beach and is underutilised. The land is held by way of the freehold subject to an

agricultural right of way and also a right of way in favour of South West Water Ltd to its adjoining sewage pumping station.

The site has potential for development. However, it has been agreed that this car park may provide a suitable alternative coach park should the Royal Avenue car park be developed at a future date.

The Exmouth Town Centre and Seafront Masterplan identified this car park to be incorporated within a regeneration scheme.

#### **4.15 Jarvis Close Car Park**

4.16 Jarvis Close car park is a short stay shoppers' car park serving the Littleham Cross community and shops. It has just 12 spaces and is a non-fee paying car park. This car park is too small to make pay and display a viable option. The land is held by way of a freehold interest with no abnormal covenant and therefore has potential for alternative uses. However, it is considered an important amenity for local shoppers and essential support for the local businesses.

#### **4.17 Pines Road Car Park**

4.18 Pines Road car park is a small shoppers' car park {approx 31m<sup>2</sup> (334ft<sup>2</sup>)} serving the neighbourhood shops at Pines Road. The car park is held by way of a freehold interest and is leased to the developer of the shop units at a peppercorn rent, following a premium payment of £3,000 at the commencement of the 25 year lease in September 1987. It is recommended that the car park be offered on the open market for sale. It is anticipated that the most likely buyer will be the existing tenant to enable the retention of car parking facility. Any sale will be subject to a clawback provision should planning permission be granted in the future for an alternative use which provides any uplift in value.

#### **4.19 Camperdown Car Park**

4.20 Camperdown car park essentially serves the local residential community and water related uses. There are 31 car parking spaces and 14 car/boat trailer combination spaces. During the winter months, the car park is also used for boat storage.

The Exmouth Town Centre and Seafront Masterplan identified this site for regeneration.

#### **4.21 Elizabeth Hall Car Park**

4.22 Elizabeth Hall car park is currently a Pay and Display Parking Places Order on this free car park but it remains a free car park. This is to facilitate free car parking for users of the public hall.

A pay and display machine could be installed and charges applied daily between 8am and 6pm. This would then increase the availability of car parking on the seafront and assist the level of subsidy provided by the Council.

Further, the Council has identified the redevelopment of the Elizabeth Hall site as a priority project.

#### **4.23 Esplanade Car Park**

4.24 Esplanade car park is currently reserved for patrons of the Pavilion, who are permitted to park free of charge when visiting the Pavilion.

There is currently a Pay and Display Parking Places Order on this free car park and it is monitored by a private parking enforcement company. A pay and display machine could be installed and charges applied. Should LED wish to continue the free parking subsidy to their patrons, a double ticket issue machine could be installed. On presentation of the voucher at the Pavilion, a refund of the minimum payment charge could then be made. To do this, different tickets to those used across the rest of the district would need to be purchased.

It is anticipated that the provision of more car parking on the seafront for the use of the public, and not just users of the Pavilion, would be viewed as a good thing by local residents.

LED currently offer free parking facilities as part of the contractual terms with event holders. The free parking facility caters for cast, crew and technical support as well as lorries and coaches for larger shows and events. At present, in the region of 350 events are held at the Pavilion a year and LED maintain that if they were no longer able to maintain control over the use of the car park, there would be a detrimental impact on the venue with a loss in acts such as Centre stage and the Royal Marine Band Concerts. A significant impact on bookings and revenue would potentially necessitate an increased subsidy to LED from the Council.

#### **4.25 Town Hall Car Park**

4.26 The Town Hall car park is held by way of the freehold title and comprises 39 spaces. Charges apply on Saturdays and Sundays only (but not on bank holidays). During weekdays the car park is for the exclusive use of Exmouth Town and District Council staff, along with Devon County Council who lease the first and second floors of the Town Hall.

#### **4.27 Other issues/options raised by Exmouth Town Council**

4.28 Issues and options raised or proposed by the Town Council related only to operational matters and will be dealt with under a separate report.

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#### **Legal Implications**

The detailed terms of any disposal should be subject to consultation with the legal team.

Where a restrictive covenant prevents development, there are a number of ways it could be removed or modified. If members are keen to investigate this on any particular site the potential can be considered in detail with the Estates team

#### **Financial Implications**

The financial implications are detailed within the report

## **Consultation on Reports to the Executive**

The initial Review document incorporated consultation with the Town and Parish Council when drafted in 2009. Further consultation with not only the Town and Parish Councils, but also the East Devon Chambers of Trade and Commerce, was undertaken in 2011.

### **Background Documents**

- [The Off Street Car Parks Review 2011/12](#)
- [Exmouth Town and Seafront Masterplan](#)

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Donna Best  
Principal Estates Surveyor

Cabinet  
03 October 2012

## **Agenda Item 11c**

**Cabinet Item 12c**

**03 October 2012**

**12/1207**



### **Asset Management Plan Delivery**

#### **Car Park Review (F-O)**

##### **Summary**

The Council's Corporate Property Asset Management Plan 2009-12 provides that a car park review be undertaken. The Off Street Car Parks Review (the Review) sets out information relating to all aspects of the Council's car parks.

Please note that these recommendations relate only to strategic asset holding and not operational aspects such as parking charges or payment options. Operational implications of the Review will be reported to Cabinet at a later date. Owing to the number of car parks in the Council's ownership, the recommendations will be made in a series of reports taking blocks of towns and villages in alphabetical order. This report will include Honiton, Lympstone, Ottery St Mary and Newton Poppleford.

##### **Recommendations**

- 1. That Silver Street Car Park, Honiton, be earmarked for a full investigation of development options on completion of the new community centre.**
- 2. To offer the freehold interest in the Underhill Car Park, Lympstone, along with public conveniences, to the Parish Council.**
- 3. That options for partial development of the Land of Canaan Car Park, Ottery St Mary, be considered following a three year period monitoring demand.**
- 4. To offer the freehold interest in the School Lane Car Park at Newton Poppleford, along with public conveniences, to the Parish Council.**

##### **a) Reasons for Recommendation**

The reasons for making the recommendations are set out in the Off Street Car Park Review 2010/11 and in the main body of this report.

##### **b) Alternative Options**

Not to accept the recommendations of the Asset Management Forum.

##### **c) Risk Considerations**

The risks are set out in the Review and main body of this report.

#### **d) Policy and Budgetary Considerations**

The Asset Management Plan provides a strategic overview for the Council's use of property. To ensure that the Council can be confident in good practice, many of the initial tasks set out the plan relate to a review of its existing stock so that a greater understanding around the reason for holding property assets, their costs, income generation and their contribution to the Council's priorities and objectives, can be better understood. The Car Parks Review is part of the delivery of this Plan.

#### **e) Date for Review of Decision**

June 2012

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### **1 Main Body of the Report**

- 1.1 The Off Street Car Parks Review (the Review) sets out issues around operational matters as well as more strategic matters, along with a catalogue of car parks in the Council's ownership. This work has been carried out in consultation with the appropriate Town and Parish Councils and was considered by Overview & Scrutiny in October 2010 and subsequently by Cabinet.
- 1.2 Further consultation has been undertaken with the Town and Parish Councils and Chambers of Commerce in 2011. Feedback from the consultation, together with additional investigation on particular sites, has led to the following recommendations being agreed by the Asset Management Forum.
- 1.3 It is no longer financial viable for the Council to continue to subsidise free car parking provision. Therefore where Town and Parish Council's have made a representation for the continued provision of free car parking and where it has been made clear that the implementation of charging arrangements would not be supported, the recommendation will be to dispose of the asset to the relevant Town or Parish Council. These organisations will then be in a position to raise whatever precept is necessary to manage and maintain these car parks adequately.

### **2.0 Honiton – (page 48-51 of the Off Street Car Parks Review)**

#### **2.1 Silver Street Car Park**

- 2.2 Silver Street car park is situated to the north of the High Street adjacent to the Livestock Market and is primarily used as a shoppers' and commuters' car park. Access is permitted for livestock lorries accessing the Livestock Market on market days. The Pay & display car park offers 90 parking spaces.

As the freehold site of the car park adjoins the Livestock Market held by the Council by way of a long lease, and being well located to the High Street, there is potential for redevelopment of the combined sites whether in whole or in part. The area of around 1 acre comprising the Livestock Market is currently subject to a business tenancy which would have to be terminated. The freeholder of the premises would also be required to consent to any redevelopment proposals. Initial discussions were held with both parties and previously it has been considered that redevelopment would be inappropriate given the strategic importance of the livestock market. However, more recently this importance has diminished and the cattle market is now used only as collection centre for animals who are then moved to market for sale.

Responses to consultation on the future use of this car park were mixed. Yarcombe Parish Council, the Honiton and District Chamber of Commerce and Industry and Broadhembury Parish Council all considered that the car park should remain in its existing use. However, one of the Ward Members considered that the car park should be considered, in conjunction with the cattle market, for alternative uses such as community facilities or the expansion of the College facilities.

The Town Council suggested that the car park was under-utilised and questioned whether usage could be increased by mixing the balance of long and short stay places and making improved signage for the car park.

The car park site, which is held by way of a freehold title with no abnormal covenants, occupies a site of around 0.5 acres.

### **2.3 Lace Walk Car Park**

2.4 Lace Walk car park is primarily a short stay shoppers' pay & display car park offering 197 spaces and a smaller long stay car parking area with 39 spaces. This smaller car park was previously considered as a site for a proposed Honiton Community Centre.

The car park is held by way of the freehold but is subject to certain rights of access to the Lace Walk development. The short stay car park occupies an area of around 1.45 acres and the long stay car park a site of around 0.25 acres.

The Town Council are concerned that the new alignment in the car park does not work well and are receiving complaints. In particular, it is considered that pedestrian safety is a problem, especially with the TIC currently located in the middle of the car park. It is also felt that the cut through to the long stay car park/Thelma Hulbert Gallery/community complex needs formalising. The Town Council felt that this would be an appropriate car park to pay on exit. These are operational issues and will be dealt with under cover of a separate report.

### **2.5 King Street Car Park**

2.6 This car park is a short stay shoppers' pay & display car park with 35 spaces. The car park, which occupies a 0.20 acre site (excluding the adjoining public toilets), is held freehold with no abnormal covenants.

The response to consultation was that the car park should remain in its existing use.

### **2.7 Dowell Street Car Park**

2.8 Dowell street car park is a pay & display long-stay car and coach park offering 61 spaces. This 0.96 acre site is held by way of a freehold title but is subject to pedestrian rights of way to the adjacent Magistrate's County and County Council buildings.

This car park serves as an overspill car park at times when the Lace Walk car park is at capacity.

The Council has agreed to transfer the car park into the ownership of the Town Council to facilitate the development of a community centre.

## **2.9 New Street Car Park**

2.10 New Street car park is a split site located at either side of Jerrard's Close. It offers a total of 82 pay & display spaces and the site is held by way of the freehold with no abnormal covenants other than being subject to certain rights of way over the northern section of the car park. The north car park has an area of 0.21 acres and the southern car park, an area of 0.25 acres.

## **2.11 Other issues/suggestions raised by Honiton Town Council**

2.12 The main coach drop off point is at Dowell Street where there is no toilet. Could there be a drop off point in Lace Walk? The TC are currently trying to get Devon County Council to put a layby on each side of the High Street. There is a loading bay outside the Mackarness Hall which is used by coaches, but it is considered that it would be better to have a specified setting down point.

2.13 Additional car parking is required at the Eastern end of the town, perhaps with a park and ride provision. Other park and ride provision could be made for Heathpark – for businesses based at western end and could be based on extension of existing town bus.

## **3.0 Lympstone (page 33 of the Off Street Car Parks Review)**

### **3.1 Underhill Car Park**

3.2 Underhill Car Park is the only public car park in Lympstone and provides 84 spaces. The land is held by way of a freehold interest with no abnormal covenants. The car park is primarily used by local residents and during the summer season, this use is increased by visitors.

The Parish Council would like to take ownership of car park and envisage using the income to assist with subsidising the running of the adjacent public conveniences.

## **4.0 Ottery St Mary (page 46-47 of the Off Street Car Parks Review)**

### **4.1 Land of Canaan Car Park**

4.2 The Land of Canaan car park is a large long stay pay & display car and coach park offering 121 spaces. This 1.23 acre site is held by way of a freehold title with a restriction that no buildings shall be erected of more than 30ft in height. The car park has a special low tariff to encourage usage and it is under-utilised. Coach parking is charged at 85p for each hour and £8.50 for up to 24 hours. The coach tickets are transferable to other coach parks in the District.

There is scope for some development on the car park but it is envisaged that the impact of the new Sainsbury's store will increase the use of the car park, particularly by the Sainsbury's staff and the Coleridge Medical Centre patients. Development potential would be limited by the car park lying within a flood zone 3 but could be considered again in the future subject to car parking demand.

### **4.3 Hind Street Car Park**

4.4 Hind Street car park has recently been leased to Sainsbury's Supermarket. The lease is for a period of 150 years from 2011. The lease arrangement has secured revenue income for the Council during this period and facilitated free short term car parking for the town centre.

### **4.5 Brook Street Car Park**

4.6 Brook Street car park is primarily used by visitors to the adjacent public hall and by local residents. It is a pay & display car park with 33 spaces. The 0.20 acre site is held freehold and is subject to a pedestrian right of way to Yonder Street and to the rear of The Institute (public hall).

### **4.7 Other issues/suggestions raised by Ottery St Mary Town Council**

4.8 The car parking available in car parks in Ottery St Mary is considered sufficient.

4.9 On street car parking: The Town Council has made a representation to Devon County Council to consider the following:

- a) The police have moved to new premises and this has released 4 spaces which could be put back to public car parking.
- b) There are two on-street taxi spaces in Mill Street. There is not a specific taxi company in Ottery and it is requested that this provision is reduced to one space.

4.10 Could machines be updated to accept credit card payment for parking?

### **5.0 Newton Poppleford (page 39 of the Off Street Car Parks Review)**

#### **5.1 School Lane Car Park**

5.2 School Lane car park is held by way of the freehold title and offers 33 spaces which are currently provided free of charge. There are various rights of access over the car park. The Parish Council would like the car park to remain free of charge and advise that it is well used by the Doctor's surgery, Cemetery users, shoppers, the church, school teachers and by night, local residents.

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### **Legal Implications**

The detailed terms of any disposal should be subject to consultation with the legal team.

Where a restrictive covenant prevents development, there are a number of ways it could be removed or modified. If members are keen to investigate this on any particular site the potential can be considered in detail with the Estates team

### **Financial Implications**

The financial implications are detailed within the report

## **Consultation on Reports to the Executive**

The initial Review document incorporated consultation with the Town and Parish Council when drafted in 2009. Further consultation with not only the Town and Parish Councils, but also the East Devon Chambers of Trade and Commerce, was undertaken in 2011.

### **Background Documents**

- [The Off Street Car Parks Review 2011/12](#)

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Donna Best  
Principal Estates Surveyor

Cabinet  
3 October 2012

## **Agenda Item 11d**

### **Cabinet Agenda Item 12d**

**03 October 2012**

**12/1207**



## **Asset Management Plan Delivery**

### **Car Park Review (P-Z)**

#### **Summary**

The Council's Corporate Property Asset Management Plan 2009-12 provides that a car park review be undertaken. The Off Street Car Parks Review (the Review) sets out information relating to all aspects of the Council's car parks.

Please note that these recommendations relate only to strategic asset holding and not operational aspects such as parking charges or payment options. Operational implications of the Review will be reported to Cabinet at a later date. Owing to the number of car parks in the Council's ownership, the recommendations will be made in a series of reports taking blocks of towns and villages in alphabetical order. This report will include Seaton, Sidmouth and Woodbury.

#### **Recommendations**

1. **To note that the Council is in negotiation with the Town Council with regards the future of the Manor Pavilion and car parking will be an integral part of these discussions.**
2. **That a lease be offered to Sidmouth Town Council for Church Street Car Park, Sidford to enable the car park to be provided free of charges.**
3. **To offer the freehold interest of Manor Estate Yard car park, Sidbury to Sidmouth Town Council.**
4. **To offer the freehold interest of Woodbury car park, including the public toilets, to Woodbury Parish Council.**

#### **a) Reasons for Recommendation**

The reasons for making the recommendations are set out in the Off Street Car Park Review 2010/11 and in the main body of this report.

#### **b) Alternative Options**

To not accept the recommendations of the Asset Management Forum.

#### **c) Risk Considerations**

The risks are set out in the Review and main body of this report.

#### **d) Policy and Budgetary Considerations**

The Asset Management Plan provides a strategic overview for the Council's use of property. To ensure that the Council can be confident in good practice, many of the initial tasks set out the plan relate to a review of its existing stock so that a greater understanding around the reason for holding property assets, their costs, income generation and their contribution to the Council's priorities and objectives, can be better understood. The Car Parks Review is part of the delivery of this Plan.

#### **e) Date for Review of Decision**

June 2012

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### **1 Main Body of the Report**

- 1.1 The Off Street Car Parks Review (the Review) sets out issues around operational matters as well as more strategic matters, along with a catalogue of car parks in the Council's ownership. This work has been carried out in consultation with the appropriate Town and Parish Councils and was considered by Overview & Scrutiny in October 2010 and subsequently by Cabinet.
- 1.2 Further consultation has been undertaken with the Town and Parish Councils and Chambers of Commerce in 2011. Feedback from the consultation, together with additional investigation on particular sites, has led to the following recommendations being agreed by the Asset Management Forum.
- 1.3 It is no longer financial viable for the Council to continue to subsidise free car parking provision. Therefore where Town and Parish Council's have made a representation for the continued provision of free car parking and where it has been made clear that the implementation of charging arrangements would not be supported, the recommendation will be to dispose of the asset to the relevant Town or Parish Council. These organisations will then be in a position to raise whatever precept is necessary to manage and maintain these car parks adequately.

### **2.0 Seaton – (page 57-59 of the Off Street Car Parks Review)**

#### **2.1 Harbour Road Car Park**

- 4.2 This is primarily a visitor car park and is very well used during the summer months. The car park currently provides 51 short stay spaces and 316 long stay places. The car park site of 3.105 acres is held freehold but is subject to a right of way for the benefit of the Seaton Tram Co for the duration of its lease of the terminus and track.

The car park forms part of the area designated for regeneration and as part of the redevelopment proposals, will incorporate the siting of a new visitor centre for the town. It is currently anticipated that the car park will become long stay only, as short stay parking has been provided within the adjacent supermarket scheme. This has resulted in a reduction of income from ticket sales for the Council.

#### **2.3 Orchard Road Car Park**

- 2.4 The Orchard Road car park is a pay & display shoppers' car park being situated close to the town centre. It offers 168 parking spaces and is held by way of the freehold but is subject to a public footpath right of way from Old Beer Road to Stock Lane, and access rights to a number of properties adjacent to the car park. The car park has an area of 1.107 acres.

## **2.5 Harbour Road Coach Park**

2.6 9 coach parking spaces are provided and there is a generally low level of use at any given time.

## **2.7 Town Hall (Marsh Road) Car Park**

2.8 The car park has 20 spaces, is not a pay and display car park and is reserved for permit holders only. The car park is generally not well used and the Town Council advises that people get confused and believe that they can park in the allocated 9 spaces at Marsh Road (adjacent to the public toilets) as well as the main Town Hall car park. The 9 spaces at Marsh Road are allocated between the Town Council, Seaton's Voice staff and the Museum. One has been retained for use by Council staff and contractors. Day permits have been issued to Seaton Voice, to distribute to those hiring facilities at the hall.

In addition, the Town Council provided feedback from users that there would be a preference for a timeless permit rather than the 2 hour limit.

## **2.9 Other issues/suggestions raised by Seaton Town Council**

2.10 It was felt that charges are generally in line with other districts.

2.11 It was felt that the coinage system was outdated and the Town Council particularly like the idea of the mobile phone payment option. (This issue will be dealt with under the Parking Services Operational Review).

2.12 It was considered that none of the car parks in the town were surplus to requirements.

2.13 A problem with buses to different areas in the district going to different places was raised. In particular, problems for traders were caused by buses waiting in the High Street and the subsequent oil getting traipsed into the shops. The County Councillor had written to Devon County Council to request that the buses wait in the designated coach parking area at the Underfleet and discussions were to be held with Stagecoach about a setting down point.

## **3.0 Sidmouth (Page 40-45 of the Off Street Car Parks Review)**

### **3.1 Ham East Car Park**

3.2 The car park is held by way of the freehold interest by the Council and currently offers 74 pay and display parking spaces within a site area of 0.274 acres.

The car park serves the Tourist Information Centre and the Swimming Pool. It also provides vehicular access to the Council's operational garages and to the Sidmouth Lifeboat premises.

This area of Ham Lane, together with the premises fronting the Esplanade, has recently been subject to a development opportunities study undertaken by community representatives. The Council will now shortly need to decide how to take this initial work on to the next stage.

### **3.3 Ham West Car Park**

- 3.4 The car park is the main central visitors' and shoppers' car park offering 192 spaces within a site area of 1.085 acres.

The car park is held by way of freehold title but is encumbered by high voltage electricity cables which would require reposition in the event of any development of the site. The car park has recently been subject to a development opportunities study undertaken by community representatives. The Council will now shortly need to decide how to take this initial work on to the next stage.

### **3.5 York Street Car Park**

- 3.6 This small car park offers 6 privately leased car parking spaces producing an income of £2,520 per annum. This 0.169 acre site is held freehold but is subject to a 9ft wide pedestrian right of way to the rear of the adjoining houses. The frontage onto York Street is too narrow to permit any form of development. A sale has recently been agreed to dispose of the site.

### **3.7 Mill Street and Northcott's Car Park**

- 3.8 These two car parks are non-operational car parks where the spaces are let out to local businesses and residents under annual reserved spaces licences. The Mill Street car park has 46 reserved spaces.

The Northcott car park has 22 reserved spaces which provided an income of £9,240 2009/10. However, if the current proposal to develop part of the site for 11 social housing units proceeds, there will be a net loss of 10 parking spaces.

### **3.9 Roxburgh Car Park**

- 3.10 The Roxburgh short stay car park was converted to a pay & display car park between 8am and 6pm daily commencing on the 29 March 2010. Prior to this date it was reserved for the exclusive use of annual permit holders between 8am and 2pm Monday to Saturday, but duelled as a pay & display public car park in the afternoons between 2pm and 6pm. It offers 75 parking spaces.

The 0.725 acre town centre site is owned by way of the freehold title with no abnormal covenants but is subject to access right to an electricity substation and cable easements.

### **3.11 Manor Road Car Park**

- 3.12 The Manor Road car park is a visitors' long stay and coach park providing 307 parking spaces. The car park is most heavily used during the summer season and occupies an area of around 2.46 acres. The land is held freehold and is subject to a restrictive covenant that no buildings shall be erected west of a line running north to south across the site.

### **3.13 Temple Street Car Park**

- 3.14 Temple Street car park is a small shoppers' free car park offering 30 spaces of which 11 are reserved for local businesses and residents. There is no recorded income but it is estimated that the income from a pay and display system would be in order of

£4,000 per annum. This may however result in shoppers reverting to road side parking and cause traffic management problems. The car park is held freehold, and is accessible via an access in the ownership of Oxfam, with the Council having a restricted right of way. Consultation responses from both Sidmouth Town Council and the Chamber of Commerce highlighted that there are some abuses of the reserved spaces and a case for marginally increasing the number of these spaces. Both highlighted enforcement issues and recommend more monitoring. However, it was considered that the car park should remain free and subsidised by the Council.

### **3.15 Manor Pavilion Car Park**

3.16 This car park offers around 20 spaces and is operated as a private car park for staff, visitors and customers of the Manor Pavilion. Both the Town Council and the Chamber of Commerce recognise that the car park is currently misused and would be in support of creating additional public car parking with a double ticketing arrangement put in place for Pavilion customers.

### **3.17 Church Street Car Park, Sidford**

3.18 Church Street car park is primarily a shoppers' car park but is also used by patients attending the adjacent medical practice. Pay & display is operative between 9.00am and 6.00pm. It provides 52 parking spaces. The land is held by way of the freehold but is subject to pedestrian rights of way and a vehicular right of way to the adjoining Sidford Medical Practice.

The Town Council consider that this car park should be made available free of charge or with at least some dedicated spaces for the medical practice and local residents. There is no on-street car parking in Sidford but for the residential area. However, the access lane/entrance to the car park becomes congested and the question was raised as to whether or not this area could be yellow lined and enforced. The access lane does form part of the area governed by the Parking Places Order and is in the ownership of the Council. If not available free of charge at all times, the Town Council queried whether or not there could be a free period. However, where this has been piloted elsewhere before, it's found that youths abuse the machines and use up all the ticket paper. The charges are minimal here (20p per ½ hour, 40p 1 hour).

If the Town Council wish to enable this car park to be provided free of charge, it is recommended that a lease be offered to them on the basis that it will cover any loss in revenue to the Council.

### **3.19 Manor Estate Yard, Sidbury**

3.20 The Manor Estate Yard car park is a small free car park providing 19 parking spaces and primarily serves the users of the adjacent parish hall and visitors to Sidbury. The car park is not heavily used in the day and the implementation of pay & display would be likely to result in an increase in roadside parking.

### **3.21 Other issues/suggestions raised by Sidmouth Town Council**

3.22 Park and Ride Scheme – The Town Council is keen to champion a park and ride scheme for the town. A working group made up of the three councils, the emergency services, the Chamber of Commerce, Vision Group, Stagecoach and the Hospitality Association are currently exploring options.

## **4.0 Woodbury (Page 33 of the Off Street Car Parks Review)**

### **4.1 Flower Street Car Park**

4.2 Flower Street car park has 42 parking spaces and the 0.287 acre site is held by the Council by way of the freehold with no abnormal covenants. A number of neighbouring residents have been granted licences to create gated access to their properties.

The car park is currently a free car park primarily used for overnight parking by local residents and by users of the adjacent parish hall. It is also regularly used by a chiropody service and a mobile library service. The Parish have requested that the car park remains free of charge as it encourages parents dropping off children to school to park in the car park rather than in the road thereby minimising congestion problems.

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### **Legal Implications**

The detailed terms of any disposal should be subject to consultation with the legal team.

Where a restrictive covenant prevents development, there are a number of ways it could be removed or modified. If members are keen to investigate this on any particular site the potential can be considered in detail with the Estates team

### **Financial Implications**

The financial implications are detailed within the report

### **Consultation on Reports to the Executive**

The initial Review document incorporated consultation with the Town and Parish Council when drafted in 2009. Further consultation with not only the Town and Parish Councils, but also the East Devon Chambers of Trade and Commerce, was undertaken in 2011.

### **Background Documents**

- [The Off Street Car Parks Review 2011/12](#)

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Donna Best  
Principal Estates Surveyor

Cabinet  
03 October 2012

## Agenda Item 12



### Overview and Scrutiny Committee

25 October 2012

MW

## Sustainable Communities Act – up-dated arrangements

### Summary

At its meetings on 1 October 2008 and 4 March 2009, the Executive Board welcomed the Sustainable Communities legislation designed to allow local authorities and their communities to drive central government action and help promote thriving sustainable communities. New regulations for the Act made in June 2012 have improved the process – local proposals to central government can now be submitted at any time and there will no longer be short-listing by the Local Government Association. There is also a time limit for government response to proposals. The National Co-ordinator of Local Works promoting the Sustainable Communities Act has asked the Council to put a motion to resolve to use the Act.

There is a fundamental difference between this Act and the Localism Act and the general power of competence – it is about local communities saying what they want and central government helping to achieve this – a ‘bottom up’ process. Under the Act, government does not merely consult but has a ‘duty to reach agreement’ on ideas that councils put forward. The National Co-ordinator of Local Works advises that the councils are required to ‘opt in’ to use the Act.

### Recommended

**1.that the Committee considers opportunities under the new legislation**

**2.that the Committee makes the following recommendation to Council:**

That East Devon District Council

(i) supports the bottom up process in the Sustainable Communities Act designed to allow local authorities and their communities to drive the action and assistance that central government gives in promoting thriving, sustainable communities;

(ii) notes that the Act gives local authorities the power to

- make proposals to government for action and assistance from government to promote sustainable communities, and that
- those proposals can be for, but are not restricted to, new powers or a transfer of powers or public money and function from central to local control;

(iii) notes that the Act defines sustainable communities broadly, that definition having the 4 aspects of

- the improvement of the local economy,
- protection of the environment,
- promotion of social inclusion, and
- participation in civic, political and democratic activity;

(iv) notes that new regulations for the Act made in June 2012 improve the process and make it more favourable for councils in the following ways:

- councils' proposals are submitted directly to the government, there will no longer be short listing
- councils can submit proposals whenever they are ready as the process is now ongoing
- there will be a time limit of six months on the government to consult and try to reach agreement with the Selector (currently the Local Government Association) regarding councils' proposals and to then respond to those proposals
- councils that choose to submit proposals may now decide how to consult and try to reach agreement with representatives of communities in their areas on what proposals to submit;

(v) notes that the government has formally invited all Local Authorities to use the Act by submitting proposals;

(vi) resolves to use the Act by responding to this invitation and submitting proposals for action and assistance from central government for the next three years and to then review the outcome of this activity and consider whether to continue to use the Act; and

(vii) further resolves to

- inform the local media of this decision;
- write to local MPs, informing them of this decision; and,
- write to Local Works (at Local Works, c/o Unlock Democracy, 37 Gray's Inn Road, London WC1X 8PQ or [info@localworks.org](mailto:info@localworks.org)) informing them of this resolution to use the Act.

#### **a) Reasons for Recommendation**

To alert members to changes to the Sustainable Communities Act and new opportunities for sustaining local communities.

#### **b) Alternative Options**

The Council agreed a Motion at its Council meeting in April 2009 to support the 'bottom up' process in the Sustainable Communities Act and this up-date improves arrangements – Council has already indicated its commitment.

#### **c) Risk Considerations**

If members were not aware of the implications of improvements to this legislation, the Council could be criticised and our reputation for listening to local communities, compromised.

#### **d) Policy and Budgetary Considerations**

The Council resolution in April 2009 has indicated commitment to this legislation.

#### **e) Date for Review of Decision**

Annual

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### **1 Main Body of the Report**

The Executive Board at its meeting on 1 October 2008 considered the implications of the Sustainable Communities Act and asked the Corporate Overview Committee to explore how proposals for East Devon might be more effectively developed under the Act. The Committee gave its overall support to the legislation.

Steven Shaw, Co-ordinator of Local Works, whose remit was to promote the Sustainable Communities Act, gave a presentation to the Executive Board at its meeting on 4 March 2009. He advised that the Act was intended to strengthen the role of communities and local democracy by providing a statutory framework for councils and community organisations to put forward proposals for decentralising and reconfiguring public services. The Act's underlying 'bottom up' principle was that local people knew best what needed to be done to promote the success of their area but that sometimes they needed support to do so. He advised that the public would participate in the process but the final decision to put an idea forward would rest with the local council.

Mr Shaw asked the Board to put a motion to Council to give its support to the Act. This recommended motion was referred to the April 2009 Council meeting.

Following Council approval, the Council invited proposals, through consultation and advertising, from the local community. The submitted proposals were checked to ensure they met the Act's criteria to improve the sustainability of the local community, require action from central government and to be relevant to local communities. The Council invited the 'Speak Now' residents' panel to prioritise the proposals received under the Act. Most votes were given in support of affordable housing for local people. At its meeting on 15 July 2009, the Executive Board resolved to put all its weight behind submitting this top proposal on affordable housing for local people. The Board also agreed to make a contribution of £500 towards Local Works who would continue their work on the Sustainable Communities Act – there had been no legal requirement for the Act to continue beyond the first round of proposals.

Mr Shaw has again contacted all Councils to outline changes to the Act made in June 2012. The new regulations improve the process and make it more favourable for councils in the following ways:

- councils' proposals are submitted directly to the government, there will no longer be short listing
- councils can submit proposals whenever they are ready as the process is now ongoing
- there will be a time limit of six months on the government to consult and try to reach agreement with the Selector (currently the Local Government Association) regarding councils' proposals and to then respond to those proposals

- councils that choose to submit proposals may now decide how to consult and try to reach agreement with representatives of communities in their areas on what proposals to submit;

Councils are being asked to 'opt in' with a further motion to Council.

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## **Legal Implications**

Section 2 of the Sustainable Communities Act 2007 enables the Council to make proposals to the Secretary of State which can include a request to transfer statutory functions from one body to another. The 2012 Regulations set out the detail of the proposal process.

If the Council makes a request to the Secretary of State to transfer statutory functions the Council must consult the person who currently has the function and the person it proposes should take the function on.

Before making any proposal, a local authority must—

- (a) consult and try to reach agreement about the proposal with persons who in the opinion of the authority are representatives of interested local persons; and
- (b) have regard to guidance issued by the Secretary of State

The matters to which councils must have regard in making proposals (set out below) gives councils an opportunity to encourage the Secretary of State to promote local resourcing and businesses, something that existing competition legislation can prejudice.

The council must have regard in making proposals to the Secretary of State:

- (a) the provision of local services,
- (b) the extent to which the volume and value of goods and services that are—
  - (i) offered for sale; or
  - (ii) procured by public bodiesand are produced within 30 miles (or any lesser distance as may be specified by a local authority in respect of its area) of their place of sale or of the boundary of the public body,
- (c) the rate of increase in the growth and marketing of organic forms of food production and the local food economy,
- (d) measures to promote reasonable access by all local people to a supply of food that is adequate in terms of both amount and nutritional value,
- (e) the number of local jobs,
- (f) measures to conserve energy and increase the quantity of energy supplies which are produced from sustainable sources within a 30 mile radius of the region in which they are consumed,
- (g) measures taken to reduce the level of road traffic including, but not restricted to, local public transport provision, measures to promote walking and cycling and measures to decrease the amount of product miles,
- (h) the increase in social inclusion, including an increase in involvement in local democracy,
- (i) measures to increase mutual aid and other community projects,
- (j) measures designed to decrease emissions of greenhouse gases,
- (k) measures designed to increase community health and well being,
- (l) planning policies which would assist with the purposes of this Act, including new arrangements for the provision of affordable housing, and

(m) measures to increase the use of local waste materials for the benefit of the community. “social well-being” includes participation in civic and political activity. As can be seen from the above list of considerations, promoting democratic engagement is specifically part of this legislation.

### **Financial Implications**

The updated arrangements to the Sustainable Communities Act will allow proposals to be submitted to Central Government at any time without any short-listing process. This may increase officer time and money to instigate. New powers may be used to put forward proposals to Government to gain money from Central Government for Local Control, or to gain power to raise money.

There are no direct financial implications at this stage, and they would need to be looked at in detail with each new proposal submitted.

### **Background Papers**

[Report to Executive Board – 1 October 2008](#)

[Executive Board minutes – 4 March 2009](#)

[Report to Executive Board 15 July 2010](#)

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Mark Williams  
Chief Executive

Overview and Scrutiny Committee  
25 October 2012

# The Sustainable Communities Act

## A four page briefing for Councillors and Officers

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### 1. Introduction

The Sustainable Communities Act is a radical new law. It establishes, for the first time in our nation's history, a new 'bottom up' process where **councils are in the driving seat on what government does to help local areas**.

The Act became law in 2007 with full cross party support. Local Works, a coalition of over 90 national organisations, had campaigned for 5 years to see this happen. The campaign about helping councils fulfill their important and valuable roles.

The Act sets up a new process of governance where councils can drive central government action, policy and assistance to protect and improve local communities. The potential the Act presents councils is huge. Councils can use it to do things like gain new powers, devolve existing powers and money from central control to local control, change the planning rules and reduce centrally imposed duties.

**The new process is *not* yet another meaningless consultation process.** Government can *not* simply say 'no' to councils' proposals for action made under this Act. There is a duty on central government to **try to reach agreement** with the LGA on what councils want. This gives the process real 'teeth'.

### 2. What the Act says

The first important aspect of the Act is that **it impacts on central government, not on councils**. The aim of the process is to make government do more to help councils promote sustainable communities: **this is *not* about Whitehall stepping in and taking over – it is about making government responsive to the demands and needs of councils**.

The Act sets up a process, by which councils can drive government action. It gives councils the power to make proposals to the government as to how government can 'assist councils<sup>1</sup> in promoting the sustainability of local communities'.

The government then has a duty to 'try to reach agreement' with councils, via their representative body, the LGA, called 'the selector' under the Act, on how those proposals will be implemented. **It is this process that puts councils in the driving seat as to what government must do**.

The Act defines local sustainability as 'encouraging the economic, social and environmental well being of the authority's area' and that "social well being" includes participation in civic and political activity'.

When making proposals to the government, councils must consult **and try to reach agreement** with local people who, in the opinion of the council, represent local communities. Government guidance encourages councils to set up, or recognise if they exist, 'panels of representatives of local people' (or citizens' panels). Councils can then 'try to reach agreement' (i.e. *not* merely consult) with these panels regarding ideas for proposals to put forward for government action.

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<sup>1</sup> i.e. district/borough/city/unitary and county councils 52

A valid proposal from a council under the Act's process has two simple criteria:

- a) That the proposal is something that only central government could do, i.e. the council does not already have the power to do it.
- b) That it can be shown that the proposed action from central government would promote sustainable communities as defined in the Act (see definition above).

### **3. Examples of what councils could gain**

Here are some examples of what councils could propose and gain by using the Act:

- That government give councils the power to charge an addition rate on car parking spaces of out-of-town supermarkets and the right to retain revenue collected in order to re-invest in projects to develop local businesses, local jobs and the local economy.
- That government change the planning system so that developers can not appeal to central government to overturn a local planning decision.
- That government reduce the restrictions on councils regarding how they spend granted money so that they can choose to spend it on locally decided priorities, e.g. on Post Offices and local services.
- That government give councils the power to retain revenue from business rates to be spent on locally decided priorities.
- That government give councils the power to use the planning system to stop developers from demolishing public services (for example pubs) that they own in order to then apply for planning permission to develop the site.
- That government give councils the power to create a separate fund for the revenue raised from council tax on second homes to be used for reinvestment in local affordable housing needs.
- That government give councils the power and resources to refurbish existing housing in the council's area to reduce fuel poverty and increase energy efficiency (e.g. by fitting insulation).
- That government give councils new powers to allow the increase of local allotment provision and other measures for people to grow and sell local food.
- That government give councils the power and resources to increase local recycling and/or the amount of recycling that is processed locally.
- That government give councils the power to influence and determine how to spend money controlled by a central government agency that is already being spent in the area.
- That government give councils greater powers over local bus company operators and other local public transport providers.
- That government give councils the power to designate land for 'self build' and for community land trusts.

### **4. How the process works, step by step**

1. Central government, as required, has invited councils (district, borough, city, unitary and county) to make proposals to central government on central government can help promote local sustainability as defined in the Act (see definition above).
2. Councils can submit proposals at any time, once they have tried to reach agreement with their communities (see step 3 below). There is no deadline. There is also no limit on how many proposals a council can put forward.
3. If a council chooses to submit proposals it must first consult **and try to reach agreement** with representatives of local people. This is the mechanism in the Act's process whereby residents can put forward their ideas on what proposals they think the council should make to government.

4. Councils can submit joint proposals with other councils from nearby or across the country. Doing this is worth while as it is likely to give added weight to proposals.
5. All proposals made by councils go first to government. These are considered and government responds with whether and how they will implement each proposal. Government must give reasons for why they have said 'no' to those they do not implement.
6. The LGA, as the Selector under the Act, reviews the rejected proposal and can then resubmit any proposal. They must give their reasons for resubmitting each proposal.
7. Central government must then consult **and try to reach agreement** with the LGA on whether and how that proposal will be implemented. This means that government must have a dialogue with the LGA, with iteration, co-operation and compromise, where **the final decision on what is to be done is taken together**.  
Important: This is the crucial part of the process that gives the ideas councils put forward a real chance of success, unlike in mere consultation. Government can not simply reject proposals because they do not like them or do not want to take any action on them.
8. A new legal agreement between the government and the LGA will require proposals to be fully dealt with (i.e. steps 5, 6 and 7 above) within six months of being submitted.
9. Government action is then taken on proposals that have been agreed to be implemented. If the agreed action on a proposal has not been completed within a year then government must publish a progress report.

## **5. Reasons for councils to use the Act**

The Act presents a unique opportunity for councils. Councils have a choice – they can use the Act's new process or they can ignore it. The philosophy behind the Act is that there are too many centrally imposed duties on councils and so they it allows them to be free to choose whether or not to use this process and be accountable only to their electorate, not central government.

Here are some important reasons why choosing to use the Act will benefit councils:

### **1. Power to determine the action and assistance government gives**

Councils that use the Act's process will be determining the nature of what they gain from using it. Any actions and assistance that government gives to councils will be a direct result of proposals made by those councils.

### **2. Strength in numbers**

Councils can act in unison and make joint proposals. Government will have a harder time refusing to act on such well supported proposals.

### **3. Transferring powers and monies from central to local control**

The Act also enables councils to request the transfer of powers and monies from government control or government agency control to themselves. So councils could gain control of powers and spending that affect their local areas that are currently under central control. This is very significant: consider that the vast majority of public money currently spent in any local area is not controlled by councils but by central government departments, agencies and QUANGOs.

### **4. Democratic citizen involvement**

All politicians (and many council officers) talk a lot about lack of public involvement in democracy. The most recent Hansard Society Audit of Political Engagement showed that more than ever people do not feel it is worth getting involved in political processes. Because the Act's process is different and truly 'bottom-up', by using it councils will involve people in improving their communities.

Analysis has shown that where councils have used the Act local people who got involved have felt something different, special and inspiring was happening due to the engagement and involvement they had with their councils.

## 6. Concerns councils may have

**“But we already have the Localism Act, the general power of competence and the power and plans to promote sustainable communities.”**

New powers for councils in the Localism Act and the general power of competence are welcome. However, **the Sustainable Communities Act is the *only* process where councils drive government action.** The impact is on central government. It is about gaining new powers, resources and assistance from government beyond that which councils currently have. The many good plans that councils have to promote local sustainability could be better realised if government gave more help - this process can be used to gain that.

**“But this will cost money and resources.”**

It is true that using the Act will take up some officer time to instigate. This should be weighed against the many potential benefits of using the Act, e.g. gaining powers to raise more money or devolving control of existing public money from central to local control (see more examples above on page 2).

**“But it’s not worth the effort, the process has no teeth, government won’t agree to what we propose.”**

**The process does have teeth!** Never before has there been legislation that requires central government to go beyond consultation and to **‘try to reach agreement’** with the LGA on what councils want. This is a legal mechanism designed in favour of councils. Also consider this: there have already been results. Councils that have used the Act have had proposals agreed and implemented and seen results in their areas.

**“But there is no community decline in our area at all.”**

Given the evidence of the national decline of things like local public services, local shops, local trade and local community activity this would be remarkable if true. However, true or not, councils can make proposals for government action to protect and improve communities that are already thriving.

## 7. What has happened since 2007 when the Act became law?

The first ‘round’ of the Act occurred in 2008-10. One hundred councils submitted a total of 300 proposals. The process was different then: The LGA short listed 199 of those 300 proposals and negotiated with central government which would be implemented. Now councils can send proposal directly to government – there is no short-listing process.

Here are some of the results councils have gained from the Act so far:

- Sheffield City Council have been given new responsibility to maintain and sustain the local Post Office network.
- Councils have been given the power to offer discretionary business rate relief to encourage and sustain small and medium sized local businesses and shops.
- Measures are being introduced to make it easier to introduce renewable energy schemes by introducing permitted development rights for small scale renewable and microgeneration energy.
- A new “community right of purchase” is being established, allowing communities to bid to take over local assets, including giving community groups time to prepare a bid.
- Communities that host renewable energy projects will be allowed to keep the additional business rates these projects generate.

An Amendment Act in 2010 and new regulations in 2012 have improved the Act’s process for councils. This guide incorporates all those changes and improvements.

## 8. Help from Local Works

Local Works National Co-ordinator, Steve Shaw, is available to give presentations and Q&A sessions on the Act. He has extensive experience doing this. His contact details are below. Local Works has also produced a number of briefings and guides on the Act. These are available on our website or by contacting us:

Steve Shaw, National Co-ordinator  
Email: [steve@localworks.org](mailto:steve@localworks.org)  
Direct: 020 7239 9053  
Mobile: 07788 646 933  
Office: 020 7278 4443

Website: [www.localworks.org](http://www.localworks.org)  
Local Works Address:  
c/o Unlock Democracy  
37 Gray’s Inn Rd  
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## Agenda Item 13

### Forward Plan for Overview and Scrutiny Committee

Month	Topic
22 November 2012	Youth service provision (tbc) Recording at meetings second report Quarterly Monitoring of Performance – 2 <sup>nd</sup> Qtr 2012/13 Update on Police Commissioner election Final report from Community Infrastructure Levy TaFF (tbc)
3 January 2013	Update on office relocation decision
16 January 2013	Special Budget meeting (all day)
24 January 2013	
28 February 2013	Quarterly Monitoring of Performance – 3 <sup>rd</sup> Qtr 2012/13
28 March 2013	Local Plan production  Reviewing the general terms of reference for working parties and task and finish forums, including consideration to formalising some officer meetings and criteria to apply.
25 April 2013	Draft Overview and Scrutiny Annual Report

#### Topics for scoping and allocation to the Forward Plan:

- Updates from each Portfolio Holder

#### Task and Finish Forums Update

- Community Infrastructure Levy - next meeting in November pending legislation.
- Business TaFF first meeting set for 11 December 2012 at 6pm Committee Room.
- Fees and Charges TaFF to start February 2013