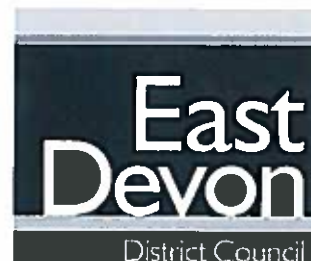


Date: 6 September 2010
Contact name: Debbie Meakin
Contact number: 01395 517540
E-mail: dmeakin@eastdevon.gov.uk



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

Portfolio Holders
Other Members of the Council for Information
Chief Executive
Corporate Directors
Inspector Jez Capey
Gerry Moore
Kate Little
Matt Dickins

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

Meeting of the Overview and Scrutiny Co-ordinating Committee
Wednesday, 15 September 2010 – 6.30pm
Council Chamber, Knowle, Sidmouth

Members of the public are welcome to attend this meeting.

- A period of 15 minutes has been provided at the beginning of the meeting to allow members of the public to raise questions.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, the Chairman of the Committee will ask if any member of the public would like to speak in respect of the matter 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 public is advised that the Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

AGENDA

Page/s

1. **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 meetings of the Overview and Scrutiny Co-ordinating Committee held on the 23 June 2010; 6 – 10
and the special meeting held on the 19 August 2010. 11 – 18



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: such circumstances need to be clearly identified in the minutes; Councillors please notify the Chief Executive in advance of the meeting if you wish to raise a matter under this item. The Chief Executive will then consult with the Chairman).
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 Executive Board called in by Members for scrutiny in accordance with the Overview Procedure Rules under Part 4.5 of the Constitution. There are no items which have been identified.

8. **Devon and Cornwall Constabulary**
(Councillor Bob Buxton and Gerry Moore, Community Safety Co-ordinator are requested to attend)

Verbal
discussion

With budget cuts due to be outlined in detail in October in the Government's spending review, and recent consultation on police station opening hours, this is an opportunity for the Committee to put questions to Inspector Jez Capey on future working with the Police.

Potential questions already identified include:

- Implications of reducing station open hours
- Non-policing of events in the area and traffic management plan responsibilities

9. **Ice/Snow/Frost Treatment Policy**
Report from Peter Jeffs, Corporate Director, in response to previous debate on the Council's policy of not gritting Council owned car parks. Members are asked to consider the report, which contains a suggested policy with budget implications.

19 - 23



10. **Local Development Framework**
(Councillor David Key, as Chairman of the LDF Panel; and Kate Little, Head of Planning and Countryside Service, are requested to attend)
- Following meetings back in February and March 2010 by this Committee on the LDF process, the Development Management Committee has approved a public consultation period of 12 weeks on the Local Development Framework Core Strategy Preferred Approach document (and associated reports) starting on Monday 6 September 2010.
- The Chairman has requested that the LDF process is revisited on the following grounds:
- That overall housing units have considerably increased from the figures used earlier in the year despite the RSS figures being abolished;
 - That Members have not had suitable opportunity to debate the contents of the draft Core Strategy, due to the timing and location of the Panel Meetings and the limitation of the Development Management Committee in only allowing Members on that Committee to enter into debate (no debate on the content of the draft Core Strategy was permitted at the Special Development Management Committee on 17 August 2010);
 - That the "hub settlement" concept is new to many Members from previous draft versions and does not appear in consultation received to date. An explanation of how this concept arose and the merits of the application of this concept are sought;
 - Previous consultation, and discussion at this Committee, has highlighted the request by some smaller villages for new homes in order to develop into a sustainable community. The consultation documents do not reflect this in the broad brush approach to the smaller villages;
 - There is no connection in the draft Core Strategy to the Decentralisation and Localism Bill that will bring about new system of collaborative planning.
- Members are asked to debate these issues and take this opportunity to fully understand the consultation documentation in order to assist their local communities in responding during the consultation period.
- The consultation documents can be accessed via the Council's website or using the link: www.eastdevon.gov.uk/ldfconsultation2010
11. **Joint East Devon and South Somerset Scrutiny Panel Update**
 For Members' information, the next meeting of the Panel is the 23 September 2010 at the East Devon Business Centre, Honiton starting at 10.00am.
13. **Update from the Chairman of each Overview and Scrutiny Committee.**
14. **Overview and Scrutiny Committees Forward Plan**

Please bring with you the "Core Strategy – Full Consultation Document" that has been despatched to all Members

Verbal report

24 - 25



Members remember!

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

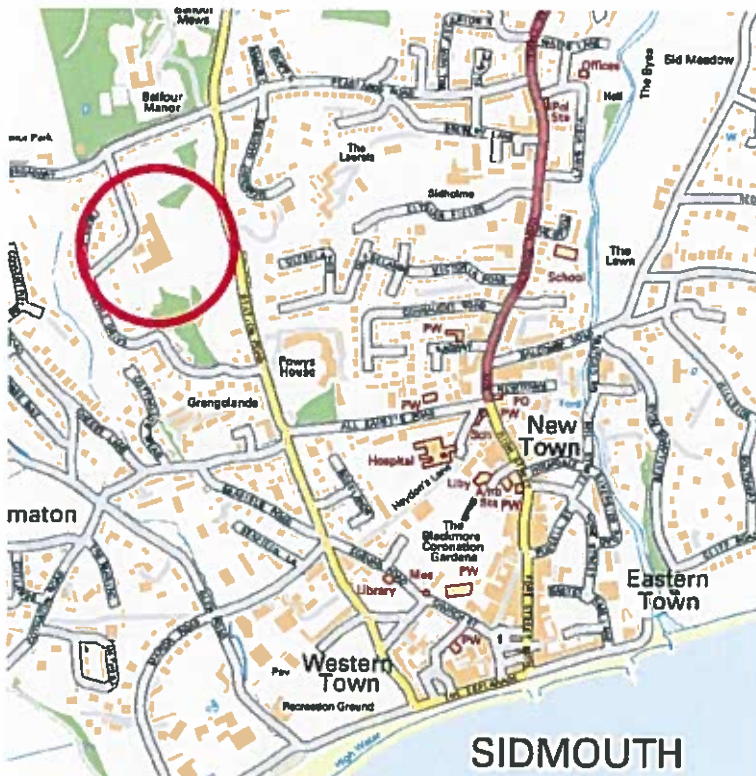
Suggestions for questioning during an Overview and Scrutiny meeting

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

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



Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road:
From Exmouth, Budleigh, Otterton and Newton Poppleford – 157

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).
From Exeter – 52A, 52B
From Honiton – 52B
From Seaton – 52A
From Ottery St Mary – 379, 387

Please check your local timetable for times.

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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

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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Co-ordinating Committee held at Knowle, Sidmouth on 23 June 2010

Present:

Councillors:

Ray Bloxham (Chairman)
Bob Peachey (Vice-Chairman)
Bob Buxton
Iain Chubb
Christine Drew
Pat Graham
David Key

Frances Newth
Marion Olive
Helen Parr
Graham Troman
Eileen Wragg
Steve Wragg

Officers:

Peter Jeffs – Corporate Director
Diccon Pearse – Corporate Director
Debbie Meakin – Democratic Services Officer

Also Present

Leisure East Devon:

Peter Gilpin, Chief Executive LED
David Cannings, Chairman LED

Councillors:

Vivienne Ash
David Cox
Paul Diviani
Jill Elson

Graham Godbeer
Andrew Moulding
Pauline Stott

Apologies:

Peter Bowden
Roger Giles
Steve Hall

Stephanie Jones
Ken Potter
Chris Gibbings

The meeting started at 6.30pm and ended at 8.30.

***1 Public question time**

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

***2 Minutes**

The minutes of the meeting of the Overview and Scrutiny Co-ordinating Committee on 17 and 18 March 2010 were confirmed and signed as a true record.

***3 Declarations of Interest**

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor David Cox	Leisure East Devon	Personal	Member of the LED Executive Board



***3 Declarations of Interest (continued)**

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Frances Newth	Leisure East Devon	Personal	Member of the Manor Pavilion Steering Group
Councillor Jill Elson	Leisure East Devon	Personal	Governor of Exmouth College
Councillor Pat Graham	Leisure East Devon	Personal	Governor of Exmouth College

4 Leisure East Devon

The Chairman welcomed the Chief Executive, Peter Gilpin, and the Chairman, David Cannings, of Leisure East Devon (LED). He also welcomed Adam Ward, of the Mid and East Devon Youth Parliament and a Member of the National Youth Parliament to the meeting for his input from a young person's perspective.

Alison Toffman, a member of the public, voiced her concern to Members that their agenda papers for Leisure East Devon made no reference to the importance of recreational land and open space in the District, nor the increased energy use of providing sports facilities. She advocated a move towards providing open spaces including woodland areas that would benefit all ages. With work currently progressing on PPG17 (open space provision) Peter Jeffs advised her to write a letter to the Planning service setting out her concerns.

Peter Gilpin outlined the history of LED, including a stable first four years of trading and investment of £800,000 to date. In the current economic climate, an operating loss is forecast for the current year and LED faced a big challenge in addressing this, whilst continuing to invest in the future.

Members raised a number of issues, including:

- Concern at the drop in swimming income, linked to the free swim initiative at Exeter which ends in July – this should result in more swim income as customers return. Closer links with the schools on pool use are being made, and Mr Gilpin was attending each advisory committee to discuss options.
- Place survey results were now out of date and reflected the gap in Seaton facilities from two years ago and the uncertainty with Exmouth leisure provision, as well as the Colin Tooze Centre being out of action for a period as a result of the local flooding at that time. A survey is being conducted by LED in the autumn to see if there has been an improvement in opinion;
- The reserve fund for LED was based on advice of the Charity Commission as a contingency fund; the target level had been reached. The LED Board were yet to discuss the possibility of a pay freeze but it was likely that this would be adopted as per the Government directive in the emergency budget. A management buyout was not an option as the Trust was a registered charity; Mr Gilpin was keen to illustrate that any leisure service delivery that involved serving all parts of the community in the UK were likely to be subsidised;
- Sporting grants were limited until the 2012 Olympics had passed; however funding from Sport England is being sought for LED to run the Active Villages scheme, where £3,500 per village had been set for an active activity agreed by each of 52 local communities;



4 Leisure East Devon (continued)

- Pricing options are being considered; Adam Ward suggested options such as “swim free”, whereby a loyalty scheme could be introduced so that the fourth swim was free; and a summer holiday gym membership for 14 – 16 year olds that would be more appropriate both in affordability and ability to use; Badminton court costs were very high at £5.20 per person and often beyond the budget of younger people; there was also some inconsistency with opening hours on Bank Holidays where some facilities were closed and some open for shorter periods – these days were often valued by young people as an opportunity to use the facilities. The Member Champion for Young People also supported more generally affordable options for students and young people;
- Specialist franchise options could be considered as used elsewhere in the UK, but there were limited options for an area suitable for the purpose;
- A review of the East Devon Tennis Centre was underway to explore other revenue streams to provide a multi-purpose centre, rather than purely restrict to tennis, with discussions with Exmouth College underway looking to share facilities;
- Catering arrangements were being reviewed to bring establishments to a better quality of delivery;

The Portfolio Holder for Resources reminded Members of the successful transition from a Council run service to Leisure East Devon, and welcomed the investment of LED to date in equipment and some facility improvement. He also stressed that driving down costs whilst retaining the best value for both the customer and tax payer was the challenge facing LED in the forthcoming months.

Council subsidy increase could be zero under the calculation for the forthcoming financial year, and LED would be impacted by the increase in VAT to twenty percent (not all of the VAT could be recovered).

RESOLVED

1. that the Committee supports the suggestions and initiatives suggested by Adam Ward as of benefit to young people;
2. that the Committee supports the Active Villages initiative;
3. that new survey satisfaction data on Leisure East Devon is brought to a future meeting of the Committee;
4. that Leisure East Devon explores ways of reducing grant subsidy, by reviewing revenue streams, shared working, and other funding streams;
5. that the Committee welcomed the investment by LED to date in improved facilities.

RECOMMENDED

that the current advisory committees for each leisure facility in Exmouth be combined, to form one advisory committee for leisure provision in Exmouth to facilitate better working.

The Chairman thanked Peter Gilpin and David Cannings for their responses to questions, and thanked Adam Ward for his suggestions for the service.

***5 Joint Scrutiny with South Somerset District Council**

The Chairman updated Members on his recent visit to South Somerset District Council, to discuss joint scrutiny arrangements with the Chairman and Vice-Chairman of their Scrutiny Committee.



***5 Joint Scrutiny with South Somerset District Council (continued)**

The purpose of the arrangement was to scrutinise the process of the JIC, therefore avoiding duplication of separate scrutiny by each authority, not a service sharing of scrutiny across the two authorities; the sovereignty of each Council and their own scrutiny arrangements are retained.

The first meeting consisted of a briefing on the 24 June 2010; meetings arranged after that date would be open to all Members to attend to observe and offer debate if they wished. The main aim of the Panel is to engage Members from both authorities in the process of the JIC. The Chairman thanked those volunteers for the Panel. Meeting dates would be considered carefully to try to avoid clashes with other meetings such as those of the LDF Panel.

***6 Update on the East and Mid Devon Crime and Disorder Scrutiny Panel**

The Chairman updated Members on the recent meeting of the East and Mid Devon Crime and Disorder Scrutiny Panel, the issues being:

- Communication issues with the Community Safety Partnership (CSP) over meeting changes;
- Non-attendance of a representative from the Police Authority;
- More frequent meetings to cover the scrutiny work required;
- Considered documentation of the CSP including agendas and minutes, Local Action Group documentation, Community Safety Officer reports; as well as the place survey results and CAA assessment on crime and disorder;
- Review to date has revealed the need to challenge action plan delivery and a lack of communication between LAGs to share good practice;
- Next meeting will discuss options and improvements with the Community Safety Officers from both authorities.

The next meeting of the Overview and Scrutiny Co-ordinating Committee in September will be tackling Police issues, and therefore will be designated as the crime and disorder meeting under The Crime and Disorder (Overview and Scrutiny) Regulations 2009.

***7 Comprehensive Area Assessment update**

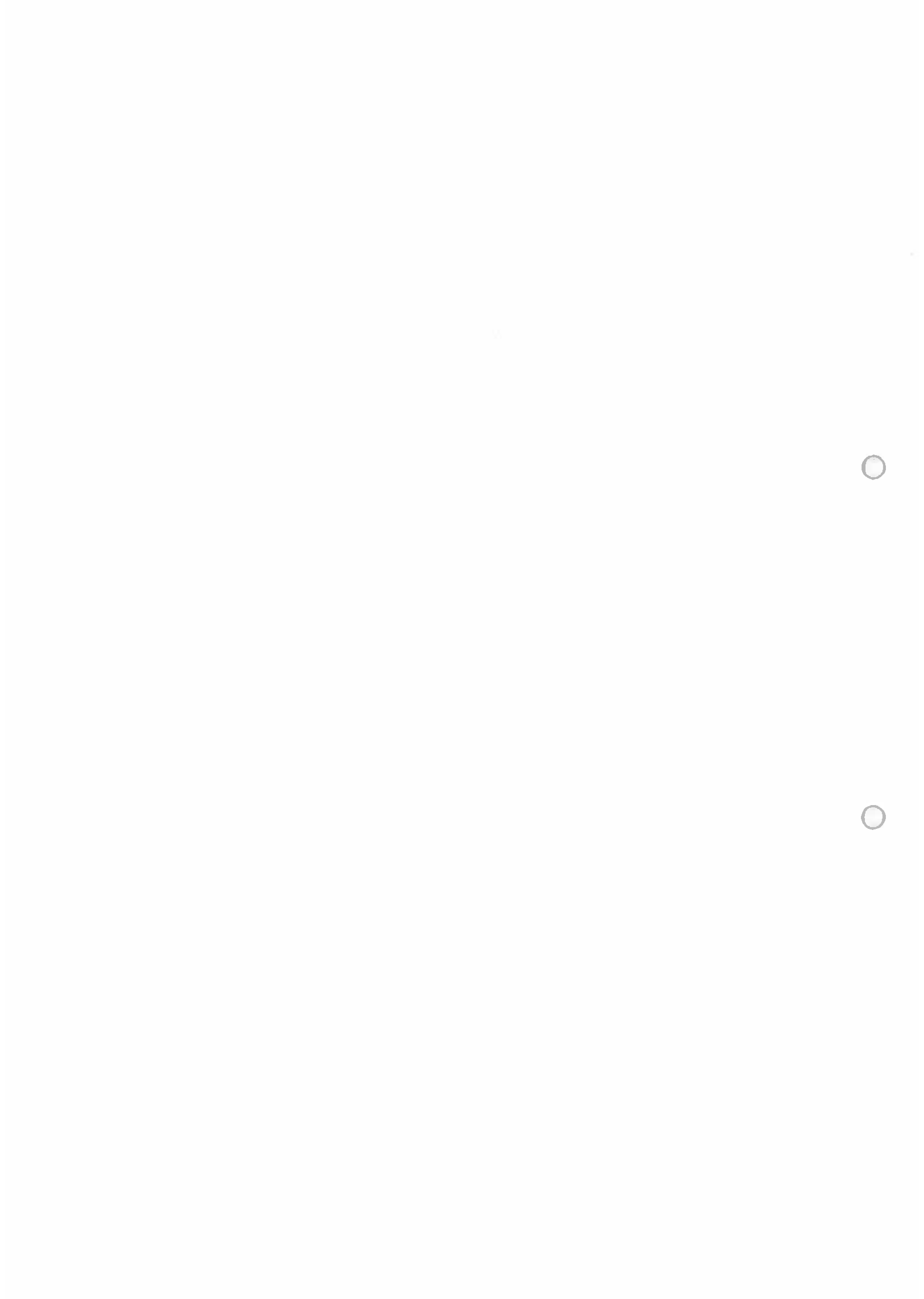
The Chairman welcomed the news that the work on updating the area assessment and organisational assessment had ceased. He stressed that it was still the responsibility of the four Overview and Scrutiny Committees to continue to ensure that the Council was performing correctly.

Mark Williams, Chief Executive, added his delight at the news, which enabled the Council to move away from the prescriptive Audit Commission issues; however he also stressed that monitoring should not slip and that close attention to the budget monitoring in particular was key, to help realise savings required.

***8 Update from the Chairman of Economy Overview and Scrutiny Committee meeting held on 10 June 2010**

Graham Troman, Chairman of the Economy Overview and Scrutiny Committee, informed Members of his recent meeting, covering:

- Updates on the service plan from the new Portfolio Holder for Economy;
- Skills agenda update from County Councillor Christine Channon;
- Holiday camp expansion and visitor levels.



***8 Update from the Chairman of Economy Overview and Scrutiny Committee meeting held on 10 June 2010 (continued)**

Future work would cover Council owned industrial units and the local need for workshops; tourism; regular updates from the Portfolio Holder for Economy; and the future of Bicton College.

***9 Update from the Vice-Chairman of Service Delivery and Performance Overview and Scrutiny Committee meeting held on 16 June 2010**

Frances Newth, Vice-Chairman of the Service Delivery and Performance Overview and Scrutiny Committee, informed Members of the recent meeting, covering:

- Exploration of the performance indicators;
- Updates on systems thinking reviews;

Future work would cover a review of Leisure East Devon in respect of performance management.

***10 Next meeting of the Communities Overview and Scrutiny Committee meeting**

Helen Parr, Chairman of the Communities Overview and Scrutiny Committee, informed Members of her next meeting on 30 June 2010, which would follow up on the place survey results relating to Member interaction with the public; an officer from South Somerset District Council would be present to express their Member Development work, which had produced a more favourable survey result.

***11 Overview and Scrutiny Committees Forward Plan**

The Chairman welcomed any suggestions for the plan for the next civic year. The focus of the Overview and Scrutiny Co-ordinating Committee would be on crime and disorder related issues for the September meeting; followed by the Local Strategic Partnership, its effectiveness, and links with other processes, such as the Local Development Framework in October.

Future agendas will show a combined Forward Plan of the four Committees.

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

Chairman Date



EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Co-ordinating Committee held at Knowle, Sidmouth on 19 August 2010

Present:

Councillors:

Ray Bloxham (Chairman)
Bob Peachey (Vice-Chairman)
Peter Bowden
Bob Buxton
Roger Giles
Peter Halse
John Humphreys
Stephanie Jones

Frances Newth
Barry Nicholson
Marion Olive
Helen Parr
Graham Troman
Eileen Wragg
Steve Wragg

Officers:

Karime Hassan – Corporate Director
Peter Jeffs – Corporate Director
Diccon Pearse – Corporate Director
Rachel Pocock – Head of Legal, Licensing and Democratic Services
Debbie Meakin – Democratic Services Officer
Rob Speers – Senior Estates Surveyor
Mark Williams – Chief Executive

Also Present

Councillors:

Vivienne Ash
Graham Brown
Roger Boote
Geoff Chamberlain
David Cox
Paul Diviani
Jill Elson
Ray Franklin

Graham Godbeer
Mike Green
Chris Gibbings
Ann Liverton
Graham Liverton
Sara Randall Johnson
Tony Reed
Pauline Stott
Brenda Taylor

Apologies:

Iain Chubb
Christine Drew
Pat Graham
David Key

Jim Knight
Steve Hall
Ken Potter
Andrew Moulding

The meeting started at 6.30pm and ended at 9.50pm.

***12 Declarations of Interest**

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Vivienne Ash	6	Prejudicial	Member of Honiton Town Council; Trustee of the Honiton Development Trust; Council's elected representative on the Honiton Community and Arts Centre Project Working Group.



*12 **Declarations of Interest (continued)**

Marion Olive	6	Prejudicial	Chairman of Honiton Community Centre Assoc.
Bob Buxton	6	Prejudicial	Chairman of Honiton Development Trust
Peter Halse	6	Prejudicial	Member of Honiton Town Council
Graham Brown	6	Prejudicial	Executive Board Member involved in decision
Geoff Chamberlain	6	Prejudicial	Executive Board Member involved in decision
David Cox	6	Prejudicial	Executive Board Member involved in decision
Mike Green	6	Prejudicial	Executive Board Member involved in decision
Jill Elson	6	Prejudicial	Executive Board Member involved in decision
Ray Franklin	6	Prejudicial	Executive Board Member involved in decision
Graham Godbeer	6	Prejudicial	Executive Board Member involved in decision
Sara Randall Johnson	6	Prejudicial	Executive Board Member involved in decision

13 **Decision made by Portfolio Holder – agreement to the Council transferring a strip of beach and foreshore adjoining Pier Head to ‘Eagle One’ for the reinforcing of rock revetment to Exmouth Docks**

A report was issued to the Environment Portfolio Holder on 8 June 2010, with the decision being made and reported to Members via the Confidential Knowledge newsletter on 16 July 2010, concerning a request consent by ‘Eagle One’ to place additional rock armour to the sea defences which protect the Exmouth Harbour Wall. ‘Eagle One’ were due to construct a proposed development at Exmouth Docks, and made the request to strengthen the sea defences to provide adequate protection to the development.

The decision was ‘called in’ to the Committee for reconsideration and scrutiny. The portfolio holder had been asked to attend to explain his decision.



13 **Decision made by Portfolio Holder – agreement to the Council transferring a strip of beach and foreshore adjoining Pier Head to ‘Eagle One’ for the reinforcing of rock revetment to Exmouth Docks (continued)**

Rob Speers, Senior Estates Surveyor, explained to the Committee the intention of the report was to seek authority to negotiate terms and conditions in respect of a possible transfer. He outlined the strip of beach in question to the Committee using maps displayed on screen.

Ray Pickering, from the Exmouth Quay Residents Association, voiced his concern to the Committee about the transfer of the area of beach to the developers. Residents were responsible for the maintenance and repair of the locality, managed through contribution to a management company. His concern was that the transfer of the land to the developer would ultimately pass on the liability for the land to the local residents and lead to an increase in the contribution paid. He was also concerned that the whole of the wall along the site was split up into different ownership and therefore responsibility issues needed to be resolved.

The Chairman advised Mr Pickering that his letter to the Chairman, detailing his concerns, would be passed onto the Senior Estates Surveyor for him to consider.

Graham Brown, Portfolio Holder for Environment, expressed an apology to the Committee for the item being before them. He did not have the powers within his remit as Portfolio Holder to agree to any land transfer. The report was not clearly worded; as a result, the desired decision was not clear and as intended, that being to authorise negotiations. In answer to a question about business links with the developer, he denied any interest to declare.

Rob Speers, in answer to a question about consultation, confirmed that he would take into account the concerns raised by Mr Pickering, alongside consulting with other interested parties and Ward Members. He also explained that there was an alternative option of the land being transferred under licence, which would mean that the Council would retain responsibility for maintenance of the land.

Members raised a number of issues, including:

- Concern at the loss of an area of public beach; the importance of retaining public access to the beach and the associated rights of way on that land;
- Establishing clear responsibilities for each section of the wall and how the local authorities impacted on those responsibilities;
- Need to consult with bodies such as the Environment Agency and the South West Regional Flood Defence Committee, to establish if any such reinforcement would cause impact elsewhere on the coastline;
- Need to consider the strip of land in the context of the whole Docks area, and how that area will develop in future years.

- RECOMMENDED**
1. that a clear report is submitted to the Executive Board by the Senior Estates Surveyor, asking whether it would be appropriate for authority to be given to open negotiations with the developer regarding transferring a strip of beach and foreshore adjoining Pier Head to ‘Eagle One’ for the purpose of reinforcing of rock revetment to Exmouth Docks ;
 2. that the report details the consultation that will be carried out, to include local residents associations, local Ward Members and other interested parties to establish how a possible transfer of land will impact on those consultees.



14 **Decision made by the Executive Board – not to transfer land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre**

On the 14 July 2010 the Executive Board considered a report with the recommendation to agree to a transfer of 0.114 Ha of land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ than might reasonably be obtainable in the open market, subject to the Honiton Community Centre project proceeding.

The Board's decision was not to transfer the land as recommended, with the reason stated in the minutes that “The Board was not convinced that the proposed site of the Community Centre met its requirements or had gained the support of the town and believed that alternatives should be explored”. A resolution was also made to urge Honiton Town Council to seek an alternative site for the Community Centre.

The decision was ‘called in’ to the Committee for reconsideration and scrutiny. Members of the Executive Board had been asked to attend to explain their decision.

Councillor Marion Olive set the scene for the Committee detailing her reasons for calling in the decision by the Executive Board, including that their decision, in her view, negated the work done to date to bring about a Community Centre.

Vernon Whitlock, representing Honiton Town Council, reminded the Committee of the history of the project, the Memorandum of Understanding between the two Councils, and the work undertaken by officers to date. He asked why the project, and the established partnership working was being put at risk. He asked why the District Council had permitted and encouraged the use of funding and officer time from both councils to develop plans for that site, to the point of a planning application being almost ready, before withdrawing the offer of land. In response to questions from the Committee, Mr Whitlock confirmed that the precept for Honiton had increased in the current year and would increase in the forthcoming year to cover the centre costs; and that he accepted the result of the town poll, but felt that further consultation was needed because of the low turnout. The overall cost was set out in the Business Plan for the centre, which included a breakdown of how the centre would be funded. Mr Whitlock anticipated that a planning application would be ready for submission within a month.

Councillor Marion Olive, in clarifying cost implications, informed to the Committee that the extra cost equated to £9 per household per annum.

Mr Townsend, a resident of Honiton, spoke about the duty of the Honiton Town Council to serve the local community, and his view that the town did not support the centre project. He warned of the current economic climate, cuts due to public finances and low wages in the area that should be taken into account.

Mr Taylor, a resident of Honiton, stated that there had been no market research for the project to gauge customer demand; that the overall costs were not clear; and that the town poll results were being ignored by the Town Council. Councillors Marion Olive and Vivienne Ash referred to a number of documents and consultations relating to market research and feasibility for the centre.

Mr Ken Sherman, on behalf of the Northcott Lane Residents’ Association, spoke about traffic issues already present for Dowell Street, which would be amplified if the Centre was to be placed at the Lace Walk car park site. He too had concern about the final cost of the Centre, changing design plans and a lack of local fundraising for the centre.



14 **Decision made by the Executive Board – not to transfer land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre (continued)**

John Somers, a resident of Honiton, spoke about the need for all Councils to support engaging activities for local communities; and that a centre for Honiton would help increase such activities and therefore help develop the community. He quoted examples of other successful centres elsewhere in the country, and asked that those present have the vision to see the centre through, to provide benefits to the community.

Sheila McBrearty, a local resident, spoke about unsatisfactory responses from the Honiton Town Council to her Freedom of Information requests relating to costs and timescales. She also spoke about the scale of the centre, and the design not meeting the needs of the community. She made clear that she supported a utilitarian centre for the community but she did not support the scale currently proposed nor the location desired by the Honiton Town Council.

Margaret Mundie, local resident, expressed her surprise at the decision of the Executive Board at a very late stage of the project, not understanding why the decision had been taken and why no alternatives had been proposed. She also stated that any centre would have to be paid for by the residents of Honiton.

Val Groves, a local resident, spoke on behalf of young people in Honiton. She told the Committee that the success of the centre hinged on its location, and the Lace Walk car park location was ideal for accessibility, safety, and links to the college and sports centre. She informed the Committee that young people were not permitted to vote in the town poll. The Chairman outlined recent research conducted via the Place Survey that included youth comments on a community centre. In response to questions about town polls, the Chief Executive explained to the Committee how a poll could be called, that there was no provision for poll cards, that registered electors could take part, and the hours of the poll. In his role as Returning Officer, he advised any town or parish conducting such a poll to publicise the poll as much as possible. He also confirmed, in response to a question, that a town poll was just one method of consulting with the public.

Members asked questions and sought clarity on number of issues, including:

- The impact of the decision by the Executive Board on existing contractual agreements, such as to the transfer of land. The Chief Executive confirmed the previous decision by the Executive Board on 27 November 2002 about the land transfer; and that any decision can be revisited after a minimum of six months has passed;
- What advice had been given to the Executive Board prior to the meeting on the 14 July 2010, and what meetings had taken place to discuss the issue prior to the 14 July 2010 meeting. The Chief Executive explained the standard practice of briefing meetings, whereby his advice was given on a technical nature, covering the history of the project and decisions previously taken by the Executive. The Leader confirmed the standard practice of a briefing; and the right for political parties to meet prior to and after any meeting; she confirmed that a meeting had been held prior to the Executive Board meeting on the 14 July 2010;



14

Decision made by the Executive Board – not to transfer land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre (continued)

- What reasons did the Executive Board have for their decision? The Leader responded with a history of the project evolving, including funding from the District Council in earlier years and the continued support of the District Council to try to bring the project to fruition. The decision was a direct result of the combination of the town poll result showing that local people did not want to pursue the project, and the changed economic climate. She illustrated her point with a comparison to the Flamingo Pool in Axminster, with the elements of local drive and fundraising that had brought the pool into being; comparing it to the Community Centre at Honiton which was still, after many years, not showing any significant progress;
- Did the decision not to transfer the land impact on the funding approved in the EDDC capital programme? The decision by the Executive Board made no reference to funding, it related to land transfer and consideration of alternative sites.

At this point in the meeting, members of the public who had spoken were invited to respond to the discussions so far, to clarify or expand on any issue further for the Committee's information. Vernon Whitlock reminded the Committee that Honiton had no public hall, in contrast to many villages who enjoyed good facilities. He also outlined good working relationships with Honiton College and their future plans to consult with the children there in the autumn term. Other speakers reiterated earlier points made about scale, location and need to support the local community.

Councillor Marion Olive clarified the work done previously in reviewing alternative sites, the planned use of the Centre and the need for new offices for Honiton Town Council. She also challenged the term "utilitarian" building used in the minutes of the Executive Board of 17 July 2010 to describe the planned centre. In response, some Members of the Executive expressed concern about the proximity and impact the centre would have to the Thelma Hulbert Gallery, which had been recently renovated following heavy investment. Councillor Graham Godbeer apologised for the impact of his "coined" phrase of utilitarian building, intended to reflect the drop in cost of the original design for £2.8million down to a redesign at £1.8million. In response to a question, he confirmed that, if Honiton re-consulted with a response that the site in question was favoured, he would of course revisit the proposal.

Councillor Vivienne Ash provided the Committee with information, covering aspects of research, public meetings and funding for the centre. She held concern that some members of the public were not willing to listen to the findings of the research undertaken. She outlined the benefits of the Lace Walk car park location, explaining to the Committee the intention to create a cultural hub not only for Honiton, but for the District. The placement of the centre at that location would increase the profile of the site and increase the footfall to the Thelma Hulbert Gallery. She also outlined the work undertaken to date and set out how the loss of car parking spaces could be recovered by changing the use of the car park at Dowell Street West. She advised that in the current climate, construction costs had fallen and interest rates were low for borrowing. She urged the Committee to support the transfer of land.

Councillor Bob Buxton, as Chairman of Honiton Development Trust, informed the Committee of concerns expressed to him about the cost of the proposed centre and the robustness of the business plan. He also outlined to the Committee his thoughts on the uses of the centre.



14 **Decision made by the Executive Board – not to transfer land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre (continued)**

Councillor Peter Halse recounted his position as former Portfolio Holder for Economy, advising the Committee that the site in question was never suggested as unsuitable. He reiterated earlier comments regarding the traffic issues of the road and expressed a need for an alternative entrance for the site to alleviate some of those traffic issues. He closed his comments with a request of the Committee to find a solution to rebuild the trust between the two Councils.

At this point in the meeting, the Chairman asked those with prejudicial interests to leave the meeting whilst the Committee held debate on what action to take.

Some Members of the Committee expressed concern that the Executive Board had attached too much weight to the result of the town poll. The Committee were in agreement that the partnership between the District Council and Honiton Town Council had been impaired as a result of the decision made, and steps needed to be taken to re-establish the partnership and work towards a positive outcome for the town of Honiton. Councillor Roger Boote provided the Committee with a summary of the views expressed to him as Ward Member. Those views included a desire for a facility and concern for how much the overall project would cost.

The concerns and key issues identified included:

- The District Council's role in helping to facilitate the delivery of a community centre;
- The need to have strong evidence that the residents of Honiton are in favour of a centre, with a clear view as to the preferred location;
- Some form of timescale needed to be set down, both to provide Honiton Town Council with a target and allow them to proceed with the project, but also to protect the capital investment of the District Council if the project fails to progress at a satisfactory rate;
- Communication between the District Council and Honiton Town Council needed to improve and a meeting should take place to discuss the project before the issue is discussed again at the Executive;
- Passionate discussions, whether for or against the location, from the members of the public present indicated that a centre was still desired, and the Committee hoped that passion could be directed to reach a compromise;
- The role of the Honiton Town Council in obtaining support from the town and presenting a clear, costed and supported project;
- The original officer recommendation to the Executive Board stated that the transfer be "subject to the Honiton Community Centre project proceeding"; thereby giving the option that the transfer would not go ahead if the project was not forthcoming.



14 **Decision made by the Executive Board – not to transfer land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre (continued)**

RECOMMENDED

1. that the Executive Board reconsider their original decision of 14 July 2010 minute 44, in light of:
 - a) the dependency of the project on the transfer of land;
 - b) the decision being made at a late stage in the project, when a planning application is imminent for submission;
 - c) the decision being based on a survey of doubtful validity

2. that in reconsidering their original decision, the Executive Board consider the original officer recommendation of a transfer of land at Lace Walk car park, Honiton, to Honiton Town Council at less than ‘Best Value’ than might reasonable be obtainable in the open market, **subject to the Honiton Community Centre project proceeding;**

3. that the Executive Board, through elected Members and officers, work in partnership with Honiton Town Council to deliver the Community Centre project, regardless of the site finally agreed on, to include clear and accountable costing, agreed timescales for delivery and effective consultation; for reasons to enable the project to progress, whilst protecting public money should the project fail.

The Chairman thanked everyone present for their attendance and contributions to the meeting.

Chairman Date



Agenda Item 9

Overview & Scrutiny Co-ordinating Committee

15 September 2010

PJ/smep



Ice/Snow/Frost Treatment Policy

Summary

Following an enquiry from a Member of the Council questioning the policy of not gritting Council owned car parks SMT confirmed that the Council's current procedures are similar to other Councils, but that Members be given the opportunity to debate and approve a policy.

Recommendation

Members are asked to give consideration to this report recognising it as a potential growth item which would require inclusion in future budgets.

a) Reasons for Recommendation

The Council should be clearer about its approach to treating for Ice/Snow/Frost.

b) Alternative Options

Not to provide an ice/snow/frost/treatment policy, to agree an alternative policy, or to delay policy until there is better national clarity.

c) Risk Considerations

Failure to adopt a clear policy could result in the Council being held responsible for failing to act with due consideration.

d) Policy and Budgetary Considerations

Positive Impact Overall

Thriving Economy.
Safe Environment.
Excellent Customer Service.

Potential Negative Impact

Green Environment.

e) Date for Review of Decision

Review annually.



1 Introduction

The Council owns and controls a number of public access areas, and areas for staff, which can be slippery in times of heavy frost or after ice and snow. These areas include Housing community facilities, car parks, access paths, parks, play areas, depots and offices.

Under Health & Safety at Work legislation we have a specific duty to keep safe all workplaces, and under general 'duty of care' legislation such as 'Occupiers Liability Act' we could be held responsible for failing to act with due diligence. However all legislation is tempered by "reasonability" and "practicability".

Counter to this is a suggestion that treatment/clearing of areas suggests an acceptance of responsibility for the risk.

Clearly the extent of premises where we have some liability make it impossible to respond to all potential risks immediately.

In fact whilst grit/salt is used for treating (or pre-treating) frozen surfaces it is not always as effective as would be wanted, and has some side effects (including environmental). See Appendix A. As such the apparent solution to one issue can create other problems for which the Council may also be liable. Visits to provide treatment may also have a minor negative environmental impact.

During and after extreme snowfall the safety advice is generally that people should stay at home and not travel, unless essential. The main road networks will generally be gritted/salted as soon as possible, but many ancillary areas may remain impassable and pedestrians may find the surfaces difficult, especially people with mobility and balance difficulties. As such there will be reduced use of public areas in the early stages. Those organisations and individuals who are reliant on access (Emergency Services, livestock farmers etc) will tend to have vehicles more suitable for extreme conditions.

If adverse conditions persist for a longer period there will be more expectation that services return to near 'normal'. People will need to shop, go to work, attend appointments etc.

In practical terms treating iced surfaces requires:

- 1) A supply of grit/salt (and an appropriate secure, covered, storage)
- 2) Safe and unrestricted access to the area by staff able to apply the grit/salt.
- 3) A means to distribute the grit/salt (application by hand is only really suitable and efficient for very small areas).
- 4) Ability to reapply material when its effectiveness dwindles

All of which have a cost.

This is not just an issue for EDDC. The LGA are pressing for better legal clarity on responsibility and liability and it is known that the current government are unsympathetic to overzealous safety measures.

2 Policy consideration

In order to demonstrate the Council's reasonable and practicable approach it is necessary to risk assess, and balance risks. This would mean looking at all of the public and staff areas where we have responsibility and determining the most appropriate response.



Criteria that may need to be used in assessing risks are:

- 1) How likely is it that people will need to use the area.
- 2) How soon are they likely to need to use the area.
- 3) Are there special risks (e.g. slopes without handrails).
- 4) How intensely are areas likely to be used (greater likelihood of salting being effective, but also likelihood of compaction and slipperiness e.g. at access points, payment machines etc).
- 5) To what extent it is reasonable to rely on the public's own judgement and caution.
- 6) Will the people who need to use the area include vulnerable groups

Applying these criteria will help determine whether and how soon it will be appropriate to take action.

The optional actions to be taken may also be considered

- 1) Is it best to grit/salt (and then have to continue to do so)
- 2) Is it more appropriate to just signpost the danger
- 3) Is it better to close the area to the public and publicise this
- 4) Is it best to provide grit/salt for the local community to use where Necessary.
- 5) Is action not necessary (it may be best in some circumstances not to mislead the public into thinking an area is safe) and to rely on public common sense.

3 Cost Issues

Hand operated spreader – approximately £300

Large salt/grit box – approximately £250 (and lock = £5 in some circumstances to prevent theft)

Hardstanding, stacking wall and dry store cover for salt stocks - £7,200* (advice from DCC) 28 tonnes (minimum bulk order) salt £1,008. *NB a drain interceptor may also be required (high cost), and planning permission may be required for a storage area..

Thus to provide a large salt stock and cover, 2 hand spreaders and an extra 20 salt/grit boxes would cost from £13,800.

The minimum order of bulk grit salt is 28 tonnes, small bags are far more expensive.

Evidently it is not sensible or reasonable to assess all areas during each incident of extreme weather so it is necessary to take a predictive approach based on an initial assessment. Clearly it is also necessary to consider reasonable practicability.

4 Policy

A suggested policy of the Council might reasonably be:

- 1) During the initial phase of frost, snow or ice, there will be no general gritting/salting of any areas as there is very limited benefit, and the likely risk to employees will outweigh the likely benefits.
- 2) Grit/salt boxes for manual gritting/salting would be provided, and manual gritting will take place at the highest risk areas (especially heavily used slopes with no handrail).



- 3) If heavy snow or ice is likely to persist beyond one day, and if gritting/salting is likely to prove effective, then other small areas assessed as high priority will be treated (high likelihood of use, especial vulnerability of users, high risk of compaction and slipperiness e.g. access points, payment machines).
- 4) Where snow/ice persists for many days, and further snowfall is unlikely, it may be practicable to start to grit/salt larger areas of access paths or high demand car parking areas this shall commence in a phased way. The phasing shall be based on providing access to the most essential services first, and one main car park per town.

In car parks only the circulation areas will be treated (both for practical reasons and effectiveness). To this end a small stock of grit/salt shall be held at an EDDC depot and a suitable spreader.

- 5) Where we become aware that untreated areas have become especially slippery, and treatment is not reasonably possible (or they remain low priority, the areas shall be closed to the public and signed as to the danger.

The "set up" cost implication of this restricted approach would be approximately £13,800 (excluding contingencies and emergency signage).

Legal Implications

The Occupiers Liability Act 1957 places on the council a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there.

In determining whether the occupier of premises has discharged the common duty of care to a visitor, regard is to be had to all the circumstances, so that, for example, warning notices are effective if they enable the visitor to be reasonably safe.

There is no legal requirement laid down that the council should routinely clear snow or treat its car parks in order to discharge the legal duty referred to above. It will depend on the circumstances. As the report indicates, it may be more practicable to close car parks to ensure the visitor is reasonably safe. If the Council does adopt practice standards for snow clearing it should adhere to them.

On public highways it is Devon County Council that has the duty to ensure, so far as is reasonably practicable, that safe passage is not endangered by snow or ice.

Financial Implications

There are no funds available in the 2010/11 revenue budget to cover these additional costs.

Consultation on Reports to the Executive

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Background Papers

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Peter Jeffs – ext. 2652
Corporate Director

Overview & Scrutiny Co-ordinating
Committee



Facts on Grit/Salt

Salt or wet salt (salt mixed with brine) is now usually used instead of traditional grit (sand and small stones).

- Salt melts the snow when car-tyres mix it up, unlike grit which lies on the surface until buried by the next snow. To be most effective salting, therefore needs plenty of traffic.
- Salt dissolves down drains unlike grit which blocks them, but can be damaging to land around soakaways.
- Grit mixes with grass and vegetation safely, rather than salt which can kill it.
- Salt starts to lose its efficiency at -4°C and is largely ineffective at -10°C .
- Pre salting is usually more effective than laying salt onto ice or fallen snow.
- Salt is normally only effective for about 8 hours and is diluted or washed away if there is rain at any time.
- Salt might typically be spread at 40 grammes per square metre (a 25kg bag if well spread might cover 60 square metres).

Facts on EDDC land

Approximately 200,000 m² of EDDC car parks surface across East Devon.

Approximately 15,000 m² of EDDC housing paths and access ways.



Forward Plan for all Overview and Scrutiny Committees

Month	Topic	Lead
Service Delivery & Performance 22 September 2010	Quarterly Monitoring of Service Plans and Performance Indicators – 1st Quarter Housing Benefits, Housing and Development Management Service Measures Reports – 1 st Quarter Member involvement TaFF report and recommendations Systems Thinking progress in other service areas	Denise Lyon Heads of Service Denise Lyon Denise Lyon
Economy 7 October 2010	Improving the profile of Tourism in East Devon Quarterly report from the Economy Portfolio Holder on the Economic Development Plan Exmouth Town Council on BID	
Communities 20 October 2010	Community Groups in East Devon Members to receive a presentation from Groups funded by EDDC Children and Young Peoples' Facilities Continued debate Update from Member Champion for Equality	
Service Delivery & Performance 27 October 2010	Quarterly Monitoring of Service Plans and Performance Indicators – 2nd Quarter Housing Benefits, Housing, StreetScene and Development Management Service Measures Reports 2nd Quarter Quarterly Equalities Action Plans	Denise Lyon Heads of Service Heads of Service
Co-ordinating 17 November 2010	LSP	Peter Jeffs
Communities 12 January 2011	Affordable Housing Review of Home Safeguard Charges Presentation from Member Champion for Culture	
Service Delivery & Performance 19 January 2011	Quarterly Monitoring of Service Plans and Performance Indicators – 3rd Quarter Housing Benefits, Housing, StreetScene and Development Management Service Measures Reports – 2nd Quarter Quarterly Equalities Action Plans	Denise Lyon Heads of Service Heads of Service



Economy 20 January 2011		
Co-ordinating 26 January 2011	Service Planning & Budgets Update from the East and Mid Devon Crime and Disorder Scrutiny Panel	Diccon Pearse
Communities 16 February 2011	Exmouth Street Pastors Members to hear of the work of this group Community Groups and Community Engagement Members to hear of funded Community Groups and also from successful community engagement projects (such as Exmouth model)	
Economy 24 February 2011		
Service Delivery & Performance 9 March 2011	Annual Report of the Service Delivery and Performance Overview and Scrutiny Committee	Denise Lyon
Co-ordinating 16 March 2011	Review of the Year	

Suggestions for Future topics for Communities:

Parish Plans; and presentations from Member Champions (Post Offices; Community Safety; Sustainability) – what work is being done for communities and how can the Council assist further:

Service Delivery and Performance Note:

It is anticipated that the Committee will also be involved in joint implementation work and commenting on new management proposals if joint working with South Somerset District Council proceeds.

Suggestions for Future topics for Economy:

Inviting David Henley from Bicton College to speak; inviting the DCC Cabinet Member for Economy to address the Committee; and what skills employers need from employees and how to achieve these skills.

