

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Executive Board
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 1 September 2010

Present:

Councillors:

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

Also Present:

Councillors:

Vivienne Ash
David Atkins
Ray Bloxham
Roger Boote
Peter Bowden
Bob Buxton
Iain Chubb
Paul Diviani
Chris Gibbings
Steve Hall

Peter Halse
Douglas Hull
Stephanie Jones
Jim Knight
Marion Olive
Tony Reed
Philip Skinner
Pauline Stott
Graham Troman
Steve Wragg

Also present:

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Karime Hassan, Corporate Director
Simon Davey, Head of Finance
John Golding, Head of Housing and Social Inclusion
Rachel Pocock, Head of Legal, Licensing and Democratic Services
Donna Best, Principal Estates Surveyor
Andrew Ennis, Environmental Health Manager
Meryl Spencer, Environmental Health Manager
Diana Vernon, Democratic Services Manager

Apologies:

Councillors:

Ray Franklin

Andrew Dinnis
Christine Drew
Eileen Wragg

The meeting started at 5.30 pm and ended at 7.35 pm.

*46 **Public Questions**

The Leader welcomed members of the public to the meeting and invited questions.

Judith Taylor, who worked in a business in the Sidmouth market raised concerns about the performances in the Market Square in Sidmouth during the Folk Festival Week. The performances were staged daily from 12 noon and naturally attracted huge crowds of on-lookers. The crowds blocked the thoroughfare making access by other members of the public and delivery vehicles very difficult. She advised that businesses in the Market Square suffered as a result. She was particularly concerned that the handrails at the stairway into the market were blocked by on-lookers and she did not know who would be responsible should a member of the public be injured. The Chairman of the Licensing and Enforcement Committee advised that he would raise these matters with the Licensing Team to see what improvements could be introduced in 2011. He believed that the issues raised could be addressed.

Richard Eley, Sidmouth Chamber of Commerce, said that he would support a review of the Folk Festival arrangements. He advised that there was an item on the next Economy Overview and Scrutiny Committee agenda in respect of Farm Shops which he believed would enable them to sell a higher percentage of 'brought in' goods. He believed that if the proposed policy was approved, it would have a negative effect on the town centres and on the countryside. He referred to unrestrained economic development. The Leader suggested that local farmers should be encouraged to be members of Chambers of Commerce. The Deputy Leader advised that the Environmental Think Tank had discussed Farm Shop regulations and agreed that the matter should be referred to the Overview and Scrutiny Committee for discussion. The intention was to help regulate Farm Shops. The Portfolio Holder – Economy agreed that a Farm Shop policy would give the planners a clearer steer when dealing with planning applications for development and would introduce controls which would help to protect the countryside and the town centres. Discussions were progressing on how the regulations in respect of 'brought in' goods would be monitored.

Gordon Lee, Honiton Rugby Club spoke in favour of the development of a multi-purpose sports pitches facility at Tower Cross, Honiton (Agenda item 21). His Club had expanded over the years and now had a significant number of young players in addition to senior teams. The Club had out-grown its existing site and a move to a new site would enable the Club to expand and attract new players.

Jeremy Gibson, Active Honiton, supported the proposed development at Tower Cross and confirmed that the Honiton Community College had also registered support.

Other representatives of Clubs present at the meeting (Peter Matravers, Honiton Cricket, Chris Bigmore, Honiton Petanque, Ian Jeeves, Honiton Tennis Club, John Burgess, Honiton Running Club, Margaret Williams, Honiton Hockey Club) advised that they supported the views of the previous two speakers and did not need to address the Board individually.

Mr Taylor, a resident of Honiton, spoke about the proposed Honiton Community Centre. He reiterated concerns about public support and siting and asked the Board to recognise the concerns and key issues raised at the meeting of the Overview and Scrutiny Co-ordinating Committee on 19 August 2010.

The Leader thanked the speakers.

***47 Declarations of interest**

| Councillor/ Officer | Minute number | Type of interest | Nature of interest |
|--------------------------------|--------------------------|-----------------------------|--|
| Marion Olive | 51b | Prejudicial | Chairman of Honiton Community Centre Association |
| Vivienne Ash | 51b | 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. |
| Vivienne Ash | 64 | Personal | Trustee of the Honiton Development Trust and Member of Honiton Town Council - the principle of provision and not funding was being discussed). |
| Bob Buxton | 51b & 64 60 | Prejudicial Personal | Director of the Honiton Development Trust Has private water supply |
| Jim Knight | 65 | Personal | Had made a financial contribution as elected Devon County Councillor to Seaton Regeneration and Member of Seaton Town Council |
| Paul Diviani | 57 | Personal | Involvement in Making it Local Programme |
| Leader | 59 & 64 | Personal | County Councillor - Honiton St Michaels |
| Paul Diviani | 59 & 64 | Personal | County Councillor – Honiton St Pauls |
| Stephanie Jones | 65 | Personal | Member of the Development Management Committee and owner of a property overlooking the Tesco site. |

***48 Minutes**

The minutes of the meeting of the Executive Board held on 14 July 2010 were confirmed and signed as a true record subject to the following amendments in relation to declarations of interest:

Councillor Vivienne Ash was no longer Mayor of Honiton Town Council and had declared her interest in Minutes 42 and 44 as a member of the Town Council. She was also a Trustee of the Honiton Development Trust and was the Council's elected representative on the Honiton Community and Arts Centre Project Working Group. Councillor Stuart Hughes was a Member of the Jurassic Coast Trust and not the Steering Board.

***49 Exclusion of the Public**

RESOLVED: that the classification given to the documents to be submitted to the Board be confirmed, subject to agenda item 22 (Development proposal adjacent to St John's Road, Exmouth) being considered in Part A (Public Session) and that the reports relating to exempt information, be dealt with under Part B.

*50 **Forward Plan**

The contents of the Forward Plan for the period 1 September to 31 December 2010 were noted.

*51 **Matters referred to the Executive Board**

There were two matters referred to the Executive Board by the Overview and Scrutiny Committee for re-consideration in accordance with the Overview/Scrutiny procedure under Part 4 of the Constitution. These two decisions were considered at a Special meeting of the Overview/Scrutiny Co-ordinating Committee on 19 August 2010.

Called in Portfolio Holder decision -

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

(The above decision of the Portfolio Holder – Environment was reported in the 16 July edition of the Knowledge newsletter.)

Called in Executive Board decision -

“1. that the transfer of 0.114 Ha of land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre on that site be not agreed, and
2. that Honiton Town Council be urged to seek an alternative site for the Community Centre”

(The above decision was made at the meeting of the Executive Board on 14 July 2010 and reported in the 16 July edition of the Knowledge newsletter)

The minutes of the Special meeting of the Overview and Scrutiny Co-ordinating Committee were circulated to Members prior to the meeting. The Board was asked to consider any recommendations contained in these minutes relating to the ‘call in’.

The Leader thanked the Overview and Scrutiny Co-ordinating Committee for the useful discussion and recommendations put forward for consideration.

*51a **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 (minute 13 of the Special Overview/Scrutiny Committee minutes refers)**

At the Special Meeting of the Overview and Scrutiny Co-ordinating Committee Members were advised that the report to the Portfolio Holder had not been clearly worded. The intention had been to gain Portfolio Holder approval to authorise negotiations and not to seek approval to transfer the land.

At the meeting of the Overview and Scrutiny Committee, the Senior Estates Surveyor advised that the views of the meeting would be taken into account He would consult with other interested parties and Ward Members before submitting a report to a future meeting of the Executive Board for consideration.

***51a Decision made by Portfolio Holder (cont)..**

- RESOLVED**
- (1) that a clear report be 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 a strip of beach and foreshore adjoining Pier Head to 'Eagle One' for the reinforcing of rock revetment to Exmouth Docks ;
 - (2) that the report include details of the consultation carried out, (the consultees to include local residents associations, local Ward Members and other interested parties), to establish how a possible transfer of land will impact on the consultees.

REASON To ensure that all details of the proposal were included in a future report and that full consultation had been carried out with interested persons.

***51b 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**

At the Special Meeting of the Overview and Scrutiny Co-ordinating Committee the Leader advised Members that the decision had been made based on the outcome of the town poll and the changed economic climate. She advised that the project needed community support and local drive. Concern was expressed that the proposed site for the centre would impact on the newly renovated Thelma Hulbert Gallery.

The Committee was advised of the reasons for the decision being 'called in'. The decisions from previous Council meetings were noted, together with the extent of local negotiations and reviews of alternative sites.

The Committee recommended that the Executive Board reconsidered its original decision in the 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 was imminent for submission;
- c) the decision being based on a survey of doubtful validity.

In addition the Committee asked that in reconsidering its 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.

The Committee sought the Board's support for the project and asked that the Council, 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.

RESOLVED that a decision in respect of the Community Centre, Honiton, be deferred for further consultation and negotiation with Honiton Town Council.

REASON To ensure that all options and views were fully explored.

***52 Recycling and Refuse Partnership Board Minutes**

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 13 July 2010. The Portfolio Holder – Streetscene added that the recent audit had been very positive. The next phase was to roll out the initiative in Exmouth which would be preceded with road-shows and publicity.

***53 Joint Integration Committee Meetings**

The scheduled meetings of the Joint Integration Committee of 8 July and 12 August had been cancelled (in consultation with the Leaders of EDDC and SSDC and the Joint Chief Executive) to give Officers more time to complete the work-stream reports. These would now be considered at the next meeting of the Committee on 9 September.

***54 Financial monitoring report 2010/11 – Month 4**

Consideration was given to the report of the Head of Finance which summarised the Council's overall financial position for 2010/11 at the end of Month 4. Members were advised that the Local Land Charges budgeted income would not be achieved due to changes in search charges and the dip in the housing market. Members also noted the Housing Revenue Account Position. Further savings of £46,000 were required to keep the balance at the recommended level of £1.051m. It was noted that there had been an increase in concessionary fares trips adding an expected £80,000 to the Council's costs.

The Portfolio Holder – Resources asked all Portfolio Holders to closely monitor expenditure within their areas of responsibility.

- RESOLVED**
- (1) that the variances identified as part of the Revenue and Capital Monitoring process up to Month Four be noted and progress monitored in future reports concerning budget savings required within the Housing Revenue Account,
 - (2) that a report be presented to a future meeting of the Executive Board on the implications and proposals of changes to property search fees (Land Charges)

REASON To keep the authority's overall financial position under review and recommend any corrective action required for the remainder of the financial year. A report to a future meeting on the changes to property search fees would up-date members on the current position and how this would affect the service and budget.

***55 Local referendums to veto excessive council tax increases – consultation paper**

Members noted the report of the Head of Finance which advised that the Department for Communities and Local Government had issued a consultation paper on 'Local referendums to veto excessive council tax increases' as an alternative to 'capping' by Central Government. The authority was asked to comment on a number of issues including the administration of the proposal and timing.

One of the key elements of the proposal was to address unacceptable increases in Council Tax based on a comparison of an authority's year on year increase. This would effectively penalise authorities which had set low council tax increases over the years. Members noted the significant cost of a referendum and recognised that it would not be prudent to set rates that could result in referendum and re-billing. Introducing the process at parish level could undermine the Council's asset transfer initiative.

***55 Local referendums to veto excessive council tax increases – consultation paper (cont)..**

- RESOLVED**
- (1) that feedback on the Department for Communities and Local Government Consultation Paper include:
- the proposed process was detrimental to low precepting councils which were working from a low tax increase base;
 - the proposed regulations should not apply to town and parish councils as they needed freedom to respond to the needs of their local communities;
 - elections gave the electorate the opportunity to influence council tax levels;
 - there needed to be a minimum turn-out for referendums to ensure a representative result
 - if required, a referendum would effectively add 2% to the Council Tax to cover the costs incurred,
- (2) that the Head of Finance in agreement with the Portfolio Holder – Resources be given delegated authority to finalise and submit the Council’s response.

REASON To express the Council’s view that the new process was constrictive and would not promote localism.

***56 Formula grant consultation**

Members noted the report by Diccon Pearce, presented by the Head of Finance in respect of a document published by the Department for Communities and Local Government on possible changes to formula grant with effect from April 2011. He recommended that the Council agree to the proposed options where there would be financial advantage to the Council and to respond negatively to those which would adversely affect the Council’s share of the grant.

The document included reference to concessionary fares where a change in the grant formula was required as this function was transferring from districts to counties in two tier areas. The four options for calculating grant would represent a cost to this Council. Members were recommended not to support any of the four options but align the grant reduction for district councils to the actual cost of administering the scheme.

- RESOLVED**
- (1) that the Department for Communities and Local Government be advised that EDDC does not support any of the 4 grant disaggregation options in respect of concessionary fares being considered and that the sum to be taken from Formula Grant should be based on the actual cost incurred,
- (2) that the Department for Communities and Local Government be asked to clearly explain the funding formula as this was not generally understood by the public who required clarity and transparency,
- (3) that a briefing note be prepared for East Devon Members of Parliament.

REASON All 4 of the options in respect of concessionary fares for disaggregating grant contained within the consultation paper would result in a sum greater than the cost of the scheme being taken from the Council. An equitable proposal would be to align the grant reduction to the actual cost of administering the scheme

***57 Broadhembury Community Centre – application for bridging finance**

Members considered Diccon Pearse's report in respect of a request from Broadhembury Parish Council for a bridging facility to progress the rebuilding of the Memorial Hall. The cost of the project would be funded from cash raised from the community and grant assistance. However the grant would be paid retrospectively.

The Board acknowledged the effective local fund raising and community support for the initiative.

- RESOLVED**
- (1) that a bridging facility up to a maximum of £160,000 be offered to Broadhembury Parish Council to facilitate the rebuilding of the Memorial Hall.
 - (2) that the terms and conditions of the bridging facility be the subject of a legal agreement between the parties.

REASON The Parish Council needed to demonstrate to grant giving bodies that they had sufficient financial resources to fund development costs prior to the receipt of grant instalments, retrospectively paid. The Council's funds would be secured through a formal agreement and, in the event of the Parish Council's applications not succeeding, then the offer of a bridging facility would be withdrawn.

***58 Performance Monitoring Report June/July 2010**

Members considered the report of the Communications and Improvement Manager setting out performance information for the 2010/11 financial year. Members noted improved performance overall. The Portfolio Holder – Communities congratulated the housing rental team for its very positive performance.

RESOLVED that the performance and proposed remedial action against selected Performance Indicators for the 2010/11 financial year until July 2010 be noted.

REASON To continue to monitor performance against targets in key areas.

59 Air Quality Management in East Devon

Members considered the report of the Environmental Health Manager in respect of the results of air quality monitoring around the Turk's Head junction in Honiton which had revealed levels of Nitrogen Dioxide which were likely to exceed national guidelines. As a result the Council was required to declare it an Air Quality Management Area and carry out a further detailed assessment of existing and likely future air quality in the area. At the same time, the Council was required to consult with local residents and businesses and work with relevant agencies to prepare an action plan of measures to meet air quality objectives.

59 **Air Quality Management in East Devon (cont)..**

- RECOMMENDED**
- (1) that the area of Honiton specified in Appendix 1 of the report be declared an Air Quality Management Area with further detailed monitoring being carried out as required,
 - (2) that the Council carry out a consultation process with local residents and businesses
 - (3) that the Council support the joint working initiative between Environmental Health, Planning, Devon County Council (Highways), the Highways Agency and other relevant organisations to ensure a co-ordinated approach to the project and the eventual future effective integration of the Action Plan within the Transport Plan (if required).

*60 **Private Water Supply Regulations 2009**

Members noted the report of the Environmental Health Manager (Private Sector Housing) in respect of new duties on local authorities to monitor and improve the quality of water from private water supplies which had been introduced through the Private Water Supplies Regulations 2009. The cost of these new duties would be recovered through a revised fees and charges structure.

The Rural Champion recognised the impact that these regulations would have on rural areas.

- RESOLVED**
- (1) that the proposed charges (detailed in the report) to recover the costs incurred in discharging the duties of the Private water Supplies Regulations 2009 be agreed,
 - (2) that the Portfolio Holder (Communities) be given delegated authority to approve the most effective means of fulfilling the duties laid out in the Regulations and any changes to the fee structure to ensure the additional costs were fully funded

REASON To enable the Council to fulfil its statutory duties and ensure that additional costs to the Council were covered by increased fee income.

*61 **Development proposal adjacent St John's Road, Exmouth**

Members considered the report of Karime Hassan, Corporate Director, in respect of a request to potentially develop land for housing, with some public space, adjacent to St John's Road, Exmouth. The Council, as land owner, had been requested by a potential developer to provide two accesses into the site. The Corporate Director asked for Council authority to enter into negotiations with the developers. Negotiations would include potential affordable housing allocations. The Head of Legal, Licensing and Democratic Services advised members of the public present that any future planning application would be considered separately under development management processes.

Members noted that the land was subject to Local Policy LEX1 (Valley Parks) restricting development to providing a safe corridor for pedestrians and cyclists and for outdoor recreation.

It was recognised that the site would be difficult to develop due to drainage issues. Concern was also expressed in respect of potentially danger from the proposed access point on St Johns Road although the Highways Agency had not raised this as a problem.

*61 **Development proposal adjacent St John's Road, Exmouth (cont)..**

- RESOLVED**
- (1) that the Principal Estates Surveyor be authorised to enter into negotiations to dispose of land required for access to the land proposed for development,
 - (2) that, in addition, Exmouth Town Council be asked if it would wish to be given the opportunity to acquire land designated under Local Policy LEX1 (Valley Parks) to adopt as open space,
 - (3) that the outcome of the negotiations and recommended future options be reported back to a future meeting of the Board.

REASON To enable the Board to consider a range of options in respect of land adjacent to St John' Road, Exmouth.

*62 **Exclusion of the Public**

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

*63 **Minutes of the meeting of the Rationalisation Panel**

Members noted the minutes of the meetings of the Rationalisation Panel held on the 9 and 14 July 2010. At the meeting of the Panel on 25 August, the Head of Planning had presented a second report, setting out what savings could be made within the service to achieve a 6% cut in costs in each of the next 3 financial years. The minutes from that meeting would be referred to the next meeting of the Board. Heads of Service were now being asked to present savings to the Panel at a minimum of 6% in 2011/2012 and beyond.

The Portfolio Holder – Resources was invited to the meeting of the Rationalisation Panel on 13 September to inform the Panel of the work and current approach of the Asset Management Forum.

The Chief Executive was invited to the meeting of the Panel on 28 September to explain the proposed restructure of EDDC/SSDC Management Tiers 2 and 3 and implications of the Phase 1 Service Integration (being referred to the Joint Integration Committee on 9 September) and the wider issues in respect of the remit of the Panel.

- RESOLVED**
- (1) that Building Control charges be reviewed and set in accordance with the 2010 Building Control Charges Regulations by October 2010,
 - (2) that general Building Control charges be increased by between 2% and 5% across the board, following which Building Notice charges be increased by an additional 20%,
 - (3) that the new Scale of Building Control Charges be published on or before 1 September 2010,
 - (4) that the Chairman speak to the Head of Organisational Development about possible cost savings across the organisation and their implications.

*63 **Minutes of the meeting of the Rationalisation Panel (cont)..**

- (5) that the recommended savings in respect of Housing and Social Inclusion (Rationalisation Panel Minute 21 of 10.06.10 refers) be progressed,
- (6) that area working in Streetscene be introduced throughout operations east, with the potential, subject to testing, for operations west to be rolled into the new way of working;
- (7) that quick fix mobile working technology/solutions be provided for all Streetscene area teams, and further improvements, through better technical solutions, be agreed in principle, with the Programme Board being asked to prioritise this initiative,
- (8) that the Streetscene team structure be reviewed and reduced as appropriate following consultation with the teams on the introduction of area working;
- (9) that grass cutting frequencies be reduced in areas as recommended by Team Leaders but not imposed across the board, with appropriate grass cutting machines being considered in next year's capital purchase programme;
- (10) that the systems thinking review for the 'living in' part of the housing cycling (planned for a September 2010 start) be deferred until work is completed with Streetscene operations west to help them move forward with systems thinking principles and redesign;
- (11) that the current management structure within Streetscene be reviewed through the Joint Integration Committee.

REASON

To support the work being undertaken by the Rationalisation Panel in respect of the services that had been reviewed to-date.

*64 **Proposed multi-purpose Sports Pitches facility at Tower Cross, Honiton**

Members considered the report of Karime Hassan, Corporate Director, in respect of a request from the Honiton Development Trust for financial help to develop a multipurpose sports pitches facility on land owned by the Coombe Estate at Tower Cross, Honiton.

The need for playing fields in Honiton had been clearly identified. Geographical, designation (AONB) and financial constraints made it difficult to develop suitable sites.

The proposal would require Honiton Town Association Football Club to relocate to the new facility to free up their existing ground for development in order to obtain capital receipt to fund the land acquisition. The proposal had already been considered by the Asset Management Forum. If the Football Club was in agreement in principle, issues in respect of facilities (including floodlighting), usage and management would need to be addressed.

It was suggested that this proposal could be included within the pending Local Development Framework consultation process.

RESOLVED

that authority be given to enter into negotiations with Honiton Town Association Football Club to establish their willingness to relocate to the proposed sports complex at Tower Cross.

*64 **Proposed multi-purpose Sports Pitches facility at Tower Cross, Honiton (cont)..**

REASON The support of the Honiton Town Association Football Club was needed as key to any future negotiations

*65 **Seaton Re-generation up-date**

Members considered the report of Karime Hassan, Corporate Director providing an up-date on the progress this year in respect of the re-generation of Seaton. The development reflected a long term commitment to Seaton. Two linked applications had been submitted, in respect of infilling and the Visitor Centre.

The vital role of the Town Centre Manager was discussed. The Board believed that it was important for the Manager to be in place in advance of the capital receipt (this would not be available until the applications had been finally approved) to alleviate the negative impact of the construction works.

It was felt that it was too soon to make a decision on the provision of youth facilities. It was important to look at all options and to join up opportunities for youth provision.

- RESOLVED**
- (1) that the progress made towards the delivery of the Council's longstanding commitment to comprehensive regeneration in Seaton be welcomed;
 - (2) that the release of funding towards the appointment of a Town Manager in advance of the funding anticipated through the capital receipt and 106 match funding from Tesco stores Limited in the sum of £15,000 be approved;
 - (3) that the submission of the planning application for the Visitor Centre Scheme be retrospectively endorsed;
 - (4) that the Town Council's request to be transferred land at the Underfleet be refused at this time.

REASON To further the Seaton Re-generation Programme.

Chairman Date