

EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 16 July 2008

Present:

Councillors:

Paul Diviani (Chairman)

Vivienne Ash	May Hardy
David Atkins	Stuart Hughes
Ray Bloxham	John Humphreys
Roger Boote	Ben Ingham
Peter Bowden	Steph Jones
Graham Brown	David Key
Derek Button	Jim Knight
Bob Buxton	Ann Liverton
Geoff Chamberlain	Graham Liverton
Iain Chubb	Stuart Luxton
Trevor Cope	Andrew Moulding
David Cox	Frances Newth
Andrew Dinnis	Darryl Nicholas
Christine Drew	Barry Nicholson
Vivien Duval-Steer	Helen Parr
Jill Elson	Bob Peachey
Malcolm Florey	Ken Potter
Ray Franklin	Sara Randall Johnson
Ken George	Tony J Reed
Chris Gibbings	Philip Skinner
Roger Giles	Brenda Taylor
Graham Godbeer	Chris Tratt
Pat Graham	Graham Troman
Mike Green	Mark Williamson
Steve Hall	Trevor Wood
J P Halse	

Also Present

Honorary Aldermen

Councillor Bernard Hughes
Dr Bill Waterworth

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Diccon Pearse, Corporate Director
Karime Hassan, Corporate Director
Peter Jeffs, Corporate Director
Diana Vernon, Democratic Services
Debbie Meakin, Democratic Services

Apologies

Councillors:

Pauline Stott (Vice Chairman)
David Chapman
Douglas Hull
John Jeffery
Margaret Rogers
Eileen Wragg
Steve Wragg

Apologies cont/.. Honorary Aldermen
David Scott
Barry Willoughby

The meeting started at 6.30 pm and finished at 8.30 pm.

18 **Public question time**

The Chairman welcomed members of the public to the meeting. The opportunity for the public to put questions to the Council was introduced on 1 July 2008. The Chairman invited the members of the public present to ask their questions.

The public questions put all related to the recommendation of the Boundary Committee in respect of the Devon Unitary Review.

Simon Pollentine, local businessman and Sidmouth Town Councillor asked how the proposed model for the future governance of Devon could possibly benefit the democratic process or expand the role of local councils.

Richard Turner, Exmouth Town Councillor, asked the Leader and Chief Executive to work with Exmouth Town Council and surrounding parishes to look at the financial implications of the proposal and to question how this would affect the local electorate.

Jeff Fever, Seaton businessman, asked Members to be wary of the Boundary Committee's apparent assumption that increasing the size of local authorities would achieve efficiencies when he was of the belief that local smaller scale provision can be more effective. He added that he supported more co-operative working between Devon County Council and the District Councils in Devon.

Richard Eley, Sidmouth businessman, asked what action the Council was going to take to retain the existing local government arrangements in Devon as these were working well. He asked how the Council would challenge the Exeter/Exmouth unitary option which he believed would 'rip the heart out' of Devon. He also stressed the importance of locally elected councillors and asked how the Council was going to challenge the proposal of having appointed (not elected) representatives on the Community Boards.

Tom Cox, Sidmouth Town Councillor asked the Council to recognise that no specific reference was made in the Boundary Committee's recommendations to local democracy or how this would be enhanced by the proposed new arrangements.

John Dyson asked about the financial position of the other Districts within Devon and whether they would add surplus funds or additional debt to the proposed new Devon unitary authority. He suggested that district councils would provide better value for money.

A Member of the Sid Vale Association asked what the ultimate effect of the proposed re-organisation would be on the Council Tax payer. He asked what funding resources would be left for the rest of Devon if the Exeter and Exmouth unitary option was progressed. He asked why the Boundary Committee had discussed the concepts put forward 'behind closed doors' and why proper public consultation and input had not been facilitated by the Boundary Committee.

The Chairman thanked the members of the public for their valued input and advised that the questions would be answered at agenda item 5 when the Boundary Committee's recommendations would be considered and debated.

23 Boundary Committee recommendations (cont)..

The Leader thanked the public for their attendance and for the questions raised. In response, she confirmed that she firmly believed in local democracy but acknowledged that this cost money to deliver. She said that the public needed their voice to be heard. Devon was a large geographical area currently served well by the county, district and parish/town arrangements. She did not believe that the people of Devon, particularly those in out-lying rural locations would benefit from the proposed change. She urged local councils to take part in the consultation process and make sure that their views were put forward to the Boundary Committee. She advised that a clear message from the Boundary Committee meeting was that Torridge and North Devon District Councils were reliant on financial support from the rest of the County.

The Leader believed that savings could be made through improved procurement and partnership working. Exeter and East Devon District Council currently had the lowest Council Tax levels in Devon. Creating a unitary Devon could well result in increases in Council Tax; savings and prudent financial management achieved by this Council would be lost. The level of County Council debt would have a negative impact on the local services. Diccon Pearce, Corporate Director was asked to provide information on the financial standing of each of the district councils within Devon to see whether they would bring surplus funds or debt to a county unitary authority. The Corporate Directors of each authority were currently working on reports for the Boundary Committee to see where savings could be identified.

The Leader advised that the meeting with the Boundary Committee had failed to clarify the role of parish and town councils. She believed that the strengths and input from the local parishes should be harnessed. She was concerned that the appointed (non-elected) Community Boards would be little more than 'talking shops'.

The EDDC Local Government Re-organisation in Devon Working Party would make sure a strong challenge was made to the Boundary Committee's proposals, backing this challenge with firm evidence. The Leader recognised that it was crucial to get public support and involvement. If the public was satisfied with the current local government arrangements in Devon, then the Council, with the public's support, would strive to retain the status quo. The Leader believed that the Boundary Committee had not given enough consideration to the concept put forward by EDDC and that both the unitary county and the Exeter/Exmouth suggestion were the worst possible options for the county. The latter option would result in the rest of the county being resource hungry which would have an adverse impact on the infrastructure, and ultimately on residential and economic growth. There was a real danger that Exmouth would become a suburb/dormitory of Exeter and its value in its own right would be lost.

The tabled draft recommendation was proposed by the Leader and seconded by the Deputy Leader.

The Leader invited Councillors to consider and debate the recommendations of the Boundary Committee in respect of the Devon Unitary Review.

The Leader of the Liberal Democrats, Councillor Geoff Chamberlain supported the proposed unitary Devon in principle but believed that the Exeter/Exmouth unitary option was unacceptable. He stressed the need for financial information, as any proposal had to be affordable and therefore should not adversely affect the Council Tax payer. The electorate wanted to have services delivered well and at a realistic cost. Councillor Chamberlain advised that the future role of town and parish councils within the Devon unitary proposal needed to be clarified. Subject to this and financial clarification, Councillor Chamberlain proposed an amendment to the Leader's proposal, namely that the Boundary Committee's proposal for a unitary Devon be accepted. This amendment was seconded by Councillor Derek Button.

Boundary Committee recommendations (cont)..

The Leader of the Independents, Councillor Mike Green, said that he was disappointed by the Boundary Committee's proposals. A unitary Devon would be too big and too remote to serve the people. He believed a unitary County would be more party political than the current arrangements with limited opportunity for the voice of independents to be heard. He was disappointed that the Boundary Committee had not made a proposal that would result in a proper shake up of the current arrangements. There was a danger that the existing County Council would only make adjustments to accommodate its wider role. It would have been an ideal opportunity to explore new, visionary ways to deliver services.

Councillors from all parties discussed the proposals and made the following comments.

- ❑ The proposal would have a detrimental effect on parish councils and the rural communities. The parishes around Exeter and Exmouth were likely to be 'swallowed up' within the urban area. It was vital to find out more about their proposed role and how their local voice could be heard, should the Devon unitary proposal be adopted. Local issues which were very important to communities could be lost/over-shadowed within a large authority. The role of town and parish councils would be 'watered down' and their ability to make decisions and to influence decisions would be lost, as would the close working relationships between the district council and the local councils. The local parishes needed a proper role and their contribution should be enhanced rather than reduced.
- ❑ The Boundary Committee did not seem to understand rural issues or the need for local accountability.
- ❑ More information was needed about the Community Boards, whether they would have a decision-making role, how would they be comprised and how much they would cost to set up.
- ❑ The Boundary Committee's recommendations did not appear to recognise the importance of planning or how this would be delivered.
- ❑ One unitary authority would result in one housing register with a housing policy to cover the whole of Devon. The current arrangements meant that every effort was made to house qualified homeless people near to their place of employment and/or families and schools. The Council was taking effective steps to reduce the number of people being housed in temporary accommodation. In meeting the requirements of Choice Based Letting, the people of East Devon could miss out.
- ❑ Budgets and decisions would be made centrally without adequate opportunity for local input.
- ❑ The County Council's assets needed to be identified – these were currently being put forward as a means of partially off-setting the County's significant debts. It was important for analysis purposes that assets which were used for service delivery should not be included in this listing.
- ❑ Education funding allocation was largely centrally calculated.
- ❑ It was a dubious argument that large organisations were the most cost effective.
- ❑ The Exeter/Exmouth proposal would result in Exmouth becoming a dormitory town.
- ❑ The proposal had resulted in in-fighting between the different authorities, which would not achieve the best result for the people of Devon. It was suggested that restraint should be exercised in the language used in the Council's response to the Boundary Committee's proposal. The Council needed to work with other authorities and not against them.
- ❑ It was important to refer to the Exeter/Exmouth option as unacceptable in the draft motion and promote maintenance of the status quo.

23 **Boundary Committee recommendations (cont)..**

The Portfolio Holder – Resources advised that the recommendation was supposed to meet the 5 following criteria but none had been proven and all were flawed.

- ❑ Broad cross section of support – this had not been achieved
- ❑ Leadership – how could the proposal result in effective and accountable governance for local people with the centre being so remote from the out-lying communities?
- ❑ Power and resources – it was unclear how the 28 Community Boards would be resourced and staffed
- ❑ Value for money services – no costing detail was available and there was uncertainty over service provision, savings and balanced distribution.
- ❑ Affordability of whole concept – it was inevitable that East Devon’s Council Tax Payer would have to pay more. The actual cost of the concept was shrouded in uncertainty – the only figures that had any certainty were for the status quo.

In speaking as seconder for the amendment, Councillor Button advised that he had never favoured the unitary option and would like to support the status quo with additional partnership working. The Councils had been obliged to put forward a unitary concept. If the County unitary proposal was finally approved by Government, work would have to be done to build a strong relationship between the local councils and Community Boards. He believed that the Boundary Committee’s recommendation for a unitary Devon could work if it was dealt with properly and if power was effectively devolved to local communities. He rejected the Boundary Committee’s suggestion of an Exeter/Exmouth unitary authority.

The amendment to support the Boundary Committee’s proposal for a unitary Devon authority was put to the vote and was lost.

In speaking as seconder for the proposal, Councillor Franklin said that the Boundary Committee’s recommendation was an ill-thought out scheme that benefited no one, least of all the Council Tax payer. He believed that the proposal had not been properly evaluated by the Boundary Committee.

In speaking as proposer, the Leader confirmed that the Council would make strong representations to maintain the existing arrangements when the opportunity arose during the 4 week consultation period in January 2009. In the meantime, the Council would look at ways of making savings across Devon, how to enhance democratic accountability and address the genuine confusion in the minds of the public which the Boundary Committee’s proposal/s had generated. She advised that she had taken into account the comments raised by the public and during the debate and as a result amended the proposal to include rejection of the Exeter/Exmouth unitary proposal and the inclusion of the status quo being the preferred option.

The amended proposal was put to the vote and carried by a significant majority.

23 **Boundary Committee recommendations (cont)..**

RESOLVED (1) that the following statement be used to accurately reflect this Council's position in respect of the Boundary Committee's draft recommendation:

The District Council strongly opposes both the draft proposal of the Boundary Committee for a single unitary council for Devon and the alternative 'idea' of a possible unitary council for Exeter and Exmouth with a residual unitary council for the remainder of Devon. Neither proposal is considered to be sustainable, effective or wanted. It believes that the Boundary Committee, acting at the government's behest, is seeking a solution to a problem that does not exist; namely that contrary to un-evidenced assertions, the current system of local government in Devon is not broken. It does not need 'fixing' and is fully capable of delivering to any agenda that is required of it.

The Council objects to the process, assumptions and conclusions underlying the draft proposal on the grounds set out in the attached document.

In summary the Council believes that:

- The Boundary Committee has stepped outside its statutory remit and in not restricting itself to a 'draft recommendation' is causing confusion and uncertainty in the minds of those with whom it is purporting to consult. What is sought and 'the question' posed is not clear and those contacting the District Council are consequently unclear as to what is expected of them
- Consultees are not able to reach a considered view on the draft proposal for a single council for all of Devon because of the level of detail that is unknown regarding the draft proposal. Reference is made in particular to paragraph 4.33 of the draft proposal document. It is not possible for consultees to assess the extent to which the draft proposal will meet the statutory criteria in the absence of all the additional detailed information that is still sought.
- The draft proposal for a single unitary council for Devon is not based on an objective analysis of all the evidence presented to the Boundary Committee. It is not acceptable that the Boundary Committee has recommended a single unitary council for Devon on the basis that this is the simplest means of introducing a unitary council in accordance with the government's timescale of wanting to see a new council up and running by April 2010.
- The assumption that a single unitary council is to be preferred because it has the potential to be more efficient is untested and fails to take account of and properly balance all of the statutory criteria.

23 **Boundary Committee recommendations (cont)..**

RESOLVED cont.

- The Boundary Committee has stated that alternatively a single unitary council for Devon is necessary because northern Devon lacks capacity. If this is their assessment then the needs and interests of not just southern Devon, but particularly east Devon are being unnecessarily and unfairly disregarded with the result that a single unitary council for Devon will not be in the best interests of those currently served by East Devon District Council.

These summary points are further clarified as follows:

Process

- The Council believes that the Boundary Committee has stepped outside its statutory powers and ministerial terms of reference in seeking opinions on not just a draft proposal but also 'another unitary pattern' (in effect a second alternative recommendation) both of which are to be worked up into fully costed models.
- This failure of the Boundary Committee to restrict itself to a 'draft recommendation' is causing confusion and uncertainty in the minds of those with whom it is purporting to consult. What is sought and 'the question' posed is not clear and those contacting the District Council are consequently unclear as to what is expected of them
- Consultees are not able to reach a considered view on the draft proposal for a single council for all of Devon because of the level of detail that is unknown regarding the draft proposal. Reference is made in particular to paragraph 4.33 of the draft proposal document. It is not possible for consultees to assess the extent to which the draft proposal will meet the statutory criteria in the absence of all the additional detailed information that is still sought.
- The Boundary Committee has either been posed or is restricting itself to a closed question that is only capable of a single answer. In assessing what is best 'for the county as a whole' both the fact of an existing county council and the requirement for the aims and aspirations of all the different and diverse parts of Devon to be subsumed into a single common whole mean that no part-county solution can possibly address this requirement.

Boundary Committee recommendations (cont)..**RESOLVED cont.**Assumptions

- In support of the above the Boundary Committee has informed the District Council that northern Devon lacks capacity and therefore it is implied or required that the remaining parts of Devon need to be available to a unitary council to subsidise and support the north of the County. This is a perverse logic that sees merit in bringing the level of the best or more able down to below that of the average in the mistaken belief that it is better for all to be equal than for the best to act as an inspiration and model for all.

Conclusions

- The current consultation process is not capable of establishing with a reasonable degree of certainty whether any of the current recommendations have a broad cross section of support when compared with the current local government structure in Devon. The case for change has not been made. People in Devon are well served by their district councils which deliver efficient and effective services within a framework of clear democratic accountability. The draft alternative(s) is/are short on detail, uncertain and will likely result in a reduction in the level of service currently provided to citizens by the combined elected councillors within Devon.
- On the (unclear) assumption that the consultation process really wants us to comment on a unitary county council we would say that a single council for the whole of Devon will not be able to provide effective strategic leadership to the citizens of Devon. Effective leadership is a synthesis of being close to the coal face and understanding the real issues and concerns, actively being able to intervene and influence at the most appropriate level, and yet able to see the bigger picture and plan for future changes. The expectation that a single council with only 90 to 100 councillors (a representation ratio of at least 1:7,700) will have the democratic capability and capacity to provide effective strategic leadership for all of Devon is flawed, mistaken and reminiscent of discredited leadership thinking that assumes 'big is beautiful'. A further point of particular relevance is that if indeed it is the case that a county unitary is required because of the deficiencies in northern Devon a county unitary will be so politically constituted as a result of the representation ratio referred to above that any 'voice of the north' will have insufficient voting power and will be structurally incapable of addressing the issues. The alternative is that decisions will be expected to be made by officers rather than councillors. The real answer is to have a solution for northern Devon which allows it to be in control of its own destiny.

23 **Boundary Committee recommendations (cont)..****RESOLVED cont.**

- A single county unitary will not empower citizens and communities across the whole of Devon. Based on the assumption we have referred to above the explicit aim is to 'de-power' the citizens and communities of east Devon (and southern Devon) in favour of those in northern Devon by presumably seeking a re-allocation of resources to the north of the county. In effect we foresee a government prescribed asset transfer process from the south to the north which will be both alienating and disengaging for citizens and communities. It will play into the hands of the cynics and gainsayers and provide further fuel for declining electoral turnouts and civic disenchantment.
- The proposed Community Boards are so short on detail that there is no shared understanding of whom they might comprise, what decision making powers (if any) they might have and their medium/long term popularity/effectiveness. The fear is that they will become expensive talking shops and alienating to town and parish councils. The real issue however is that this purported consultation on a concept that does not exist in any detail does not allow the council to comment with any confidence on the extent to which the community engagement criteria might be met. The real fear is that creating Community Boards will reinvent the pattern of local government prior to 1974, rather than create or improve a structure for the 21st century able to address current and emerging challenges.
- The Council believes that the assumption that a county unitary would be more efficient (and presumably therefore more capable of addressing the value for money criteria) is mistaken. There is no clear evidence that bigger is more efficient. Indeed the opposite is the case in Devon. The existing County Council has over the last five years been incurring additional long term debt at the rate of £1million per week with no common understanding amongst county councillors or the public of what benefits this is delivering other than the assumption that taking on additional debt is unavoidable because of the size of the County Council. By contrast the majority of district councils are not only debt free but provide equitable services with enviable value for money (when compared with the costs of similar services in larger unitary councils).

23 **Boundary Committee recommendations (cont)..****RESOLVED cont.**

- As regards the affordability criteria the Council believes that this is a cost cutting exercise which will benefit central Government and certainly not the individual council tax payer of East Devon. The level of savings sought through re-organisation (approximately £15million) can be found now in the current structure without introducing the democratic deficit that a county unitary will entail.

Therefore and in summary this Council believes that contrary to the claim that the draft proposal could bring local government closer to the people of Devon, the District Council believes that this will create a remote unitary authority which will be out of touch with the needs of its communities and an unnecessary regressive step.

- (2) that support be given to local people, businesses and organizations to get involved in the debate with the Council encouraging anyone wishing to comment/register their views to contact the Boundary Committee in writing or on line, and by writing to local MPs, the Secretary of State for Communities and Local Government and Ben Bradshaw, Minister for the South West and Government Health Minister.

24 **Questions**

No questions had been raised by Members of the Council pursuant to Procedure Rules numbers 8.2 and 8.5.

25 **Minutes of Executive Board and Committees****RESOLVED**

- (1) that the under-mentioned minutes be received and the recommendations approved

Executive Board	Minutes	203-218, 1-25
Development Control	Minutes	75-84, 1-4
Planning Inspections	Minutes	26-30, 1-4
Licensing and Enforcement	Minutes	1-4
Licensing and Enforcement Subs	Minutes	21-26, 1-2
Audit and Governance	Minutes	1-10

- (2) that the under-mentioned minutes be received.

The Executive Board (minutes 207 and 5) had noted or accepted the Scrutiny, Corporate Overview Committees' and Housing Review Board's recommendations with or without amendment. *The minutes of the Scrutiny Committee of 11 June 2008 had been referred direct to Council due to timetabling constraints.

Scrutiny	Minutes	66-78, 1-7*
Corporate Overview	Minutes	31-42
Housing Review Board	Minutes	85-100

26 **Motion – East Bypass for Honiton Town**

The following motion (in the names of Councillors Roger Boote, Barry Nicholson, Chris Tratt, Peter Halse and Christine Drew) was proposed by Councillor Roger Boote and Seconded by Councillor Barry Nicholson:

“This Council resolves:

To support a request from Honiton Town Council to lobby Government Office, the Highways Authority, and the South West Regional Assembly to insist that the East Bypass for Honiton Town, which was recommended by the Highway Authority in 1993, is built before, or at least in conjunction with any new settlements (Cranbrook) west of Honiton.”

Councillor Boote in proposing the motion advised that the section of the A35 had been planned for development jointly with a section of the A303. The plan to divert the A303 had been opposed and the proposal dropped. Councillor Boote stressed the importance of the East Bypass for Honiton, particularly in view of the pending development of Cranbrook which would result in the transportation of building and other materials along the A35.

Councillor Nicholson, in seconding the motion advised that the route was important for tourism and the proposed road improvement could be justified based on this increasing volume of traffic alone.

The Portfolio Holder – Economy welcomed the motion and recognised the need for the road improvements. He confirmed that the works had the support of the local MP and MEP and support was being sought from the County Council. Councillor Hughes confirmed that this matter was now being considered by the County Council and invited Members and the Mayor of Honiton to the meeting when it was being discussed. The Leader confirmed that she would take the matter to the next meeting of the Regional Assembly.

RESOLVED that this Council supports a request from Honiton Town Council to lobby Government Office, the Highways Authority, and the South West Regional Assembly to insist that the East Bypass for Honiton Town, which was recommended by the Highway Authority in 1993, is built before, or at least in conjunction with any new settlements (Cranbrook) west of Honiton.

27 **Committee Membership – Licensing and Enforcement**

RESOLVED that Councillor Mark Williamson replace Councillor Barry Nicholson as a Member of the Licensing and Enforcement Committee.

28 **Membership on Outside Bodies**

- RESOLVED**
- (1) that Councillor Iain Chubb, Champion for Young People represent the Council on the Devon Youth Service,
 - (2) that Councillor Bob Buxton represent the Council on the Devon Playing Fields Association,

28 **Membership on Outside Bodies cont/..**

- (3) that Councillor Jill Elson represent the Council on the newly merged East Devon and North Devon College Corporation Board.

29 **Membership on Ottery St Mary Footpath/Cycleway Connect 2 Scheme Steering Group**

RESOLVED that Councillors David Cox and Roger Giles represent the Council on the newly formed Ottery St Mary Footpath/Cycleway Connect 2 Scheme Steering Group.

Chairman

Date