

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 2 September 2009

Present:

Councillors:
Sara Randall Johnson (Chairman)
David Cox
Jill Elson
Ray Franklin
Mike Green
Peter Halse
Stuart Hughes

Also Present:

Councillors:

Vivienne Ash	John Humphreys
David Atkins	Jim Knight
Ray Bloxham	Ann Liverton
Peter Bowden	Graham Liverton
David Chapman	Frances Newth
Andrew Dinnis	Darryl Nicholson
Paul Diviani	Philip Skinner
Christine Drew	Graham Troman
Chris Gibbings	Mark Williamson
Roger Giles	Tim Wood

Also present:

Officers:
Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Karime Hassan, Corporate Director
Donna Best, Principal Estates Surveyor
Simon Davey, Head of Finance
John Golding, Head of Housing and Social Inclusion
Charlie Plowden, Head of Countryside
Diana Vernon, Democratic Services Officer

Alan Stone, Devon County Council Urban Designer

**Apologies
(Exec Board)**

Councillors:
Graham Brown (Vice Chairman)
Geoff Chamberlain
Andrew Moulding

**Apologies
(non-Exec)**

Councillors:
Malcolm Florey
Graham Godbeer
Steve Hall
Tony Reed
Pauline Stott
Eileen Wragg
Steve Wragg

The meeting started at 5.30 pm and ended at 8.05 pm.

*45 **Public Questions**

The Chairman welcomed Members of the public present and invited them to put their questions.

Peter Hand, Salcombe Hill Association referred to the lack of a development brief for Sidmouth which meant that there had been a lack of progress in respect of issues at Pennington Point. He spoke of the significant increase in the rate of cliff erosion since the mid 1990s and the suffering of residents with properties on the cliff. He believed that private funding was important for the area but the lack of remedial action taken to address the rate of erosion was not helping to attract inward investment. He spoke of the rerouted Heritage Coastal Path which was now suffering visible erosion and was vulnerable to further deterioration. The Leader thanked Mr Hand for his comments which she advised would be taken into account during the discussions later in the agenda.

Tony Miller, SAFE (Sidmouth Against Flood Emergency) spoke of the lack of human and financial resources which had meant that little progress had been made in respect of the Port Royal area of Sidmouth. He said that work was needed on the eastern cliffs as a means of protecting Sidmouth from future flooding. He emphasised the need for adequate sea and river defences and that there was little point enhancing the area if it remained vulnerable to flooding. He urged the Council to progress the defences and prioritise the protection of Sidmouth. The Leader acknowledged that the Council was acutely aware of the issues that Mr Miller had raised.

Paul Buchanan, Chair of the Steering Committee to set up a Sidmouth Gig Rowing Club, was particularly interested in the development of the Port Royal area and any proposals for improved facilities which he asked the Council to support. He advised that everyone was welcome to attend the inaugural meeting of the Rowing Club at Port Royal on 15 September at 7.30 pm.

*46 **Agenda order**

The Board agreed with the change of order of the agenda with items 13, 14, and 15 being taken after agenda item 8.

*47 **Minutes**

The minutes of the meeting of the Executive Board held on 15 July 2009 were confirmed and signed as a true record.

*48 **Exclusion of the Public**

RESOLVED that the classification given to the documents to be submitted to the Board, be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

*49 **Forward Plan**

The contents of the Forward Plan for the period 1 September 2009 to 31 December 2009 were noted.

*50 **Matters referred to the Executive Board**

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

***51 Recycling and Refuse Partnership Board**

Members noted the minutes of the meetings of the Partnership Board held on 24 June and 29 July 2009.

Councillor David Cox, Portfolio Holder – Streetscene, reported that the 2009/10 Quarter 1 recycling rates had increased by 5% and there had been a reduction in the rate of refuse being sent to landfill. He also advised that WRAP had confirmed that East Devon's method of kerbside sorting of recyclable materials was the most effective and efficient.

***52 The Strand Enhancement, Exmouth**

Members considered the joint report of Karime Hassan, Corporate Director and Edward Chorlton, Devon County Council Deputy Chief Executive and Executive Director of Environment, Economy and Culture in respect of the details of the enhancement and pedestrianisation of the Strand Area, Exmouth and the proposed funding.

Alan Stone, DCC Urban Designer gave a presentation, including 'fly through' on the proposed enhancement. He confirmed that there was an established need to enhance the town. He advised that the consultation process had started in June 2008 with EDDC and DCC targeting various interest groups and the public in general. The exercise had involved seeking views for inclusion in the scheme and the 2000 comments received as a result were distilled into 3 options. These were then presented to interest groups and the public through workshops and consultations. The resultant feedback from this stage of the consultation had produced a final draft scheme on which there had been consultation in April 2009 in the Strand Gardens and Magnolia Centre. The further comments led to some amendments of the scheme. The general needs identified throughout the process were for a new flexible space in the heart of the area, pedestrianisation of key areas, and an enhanced setting for the war memorial. The importance of quality materials was emphasised together with improved lighting and the need to sort out drainage issues

EDDC's Scrutiny Committee had considered the proposals prior to the final scheme being produced. Members were advised that the enhancement would improve links across the town centre from the estuary side and sea front. The current allocation of green space in the area would be maintained but re-configured. The enhancement recognised the importance of trees in the area. Some of the existing trees were nearing the end of their life and so there was opportunity to sequentially plant for the future. Vehicle access in the enhanced area would be restricted and the taxi rank would be dispersed within the area, these arrangements being welcomed by the police. Loading bays and a dedicated bus bay had been identified within the scheme.

The report identified the cost of the scheme as £3M. If approved, this would be shared between the County Council and East Devon District Council on a two third to one third basis respectively spread over 2009/10 and 2010/11 with the implementation being programmed to commence in February 2010 and completed within 40 weeks.

Peter Halse, Portfolio Holder – Economy, supported the recommendations within the report and paid tribute to the work of the Officers and the in-depth and genuine consultation process. The partnership working between the District Council and County Council had been effective and a good example of what could be achieved. He advised that the work already carried out and the proposed scheme showed both Councils' commitment to the area; he believed that the enhancement would attract private investment.

The Leader thanked Mr Stone for his interesting presentation and for the work that had been carried out. She also reported that improvements to the rail service for Exmouth had just been announced.

*52 **The Strand Enhancement, Exmouth (cont)..**

- RESOLVED**
- (1) that the enhancement and pedestrianisation scheme shown on drawing no C08020/8 be approved, at an estimated cost of £3M including design, works and site supervision;
 - (2) that funding for the scheme be agreed at £2M from Devon County Council's and £1M from East Devon District Council's Capital Budgets and the County Council's Capital Programme be enhanced accordingly.

*53 **Development Briefs for the Royal Avenue and London Inn areas of Exmouth and the Ham/Port Royal area of Sidmouth**

Richard Eley of Sidmouth's Chamber of Commerce said that the present condition of the eastern end of Sidmouth was poor and needed to be redeveloped. He referred to the Drill Hall as a key asset and the importance of including this within the development. He believed that progress was reliant on the purchase of the Drill Hall and a locally prepared brief. He said that the redevelopment would promote the prosperity of Sidmouth into the future. He suggested that the Council should use local expertise to help progress the redevelopment.

Robert Crick, Vision Group for Sidmouth, endorsed the views of the Chamber of Commerce. He again referred to the Council commissioned consultant's report and its inaccuracies in respect of the average rate of erosion. He believed that the Council had grounds for seeking a refund from the consultants. He referred to the duty of care to visitors unaware of the problems in the area and the potential danger of cliff falls.

Karime Hassan, Corporate Director spoke initially on the first recommendation in the report in respect of a Comprehensive Development Brief for the London Inn Car Park and Royal Avenue estuary areas. A bid had been made to the Joint Investment Framework for funding this Development Brief. It was anticipated that the Council would be expected to match fund the contribution at around £70-£80,000. The Development Brief was seen as a necessary step towards regeneration, providing a means of marketing the Council's land interest to achieve the best long-term benefits for the area/community. This approach, supported by the Exmouth Regeneration Programme Board, would mean that the development was largely EDDC controlled and not developer led.

The value of partnership working was acknowledged. Members recognised that a comprehensive approach to development was better than piecemeal. Members asked that previous consultants reports/briefs and the interests of other stakeholders be taken into account. Devon County Council would need to have a significant input into addressing traffic issues.

In respect of a Development Brief for the Ham Area of Sidmouth, the Board had resolved at its meeting in March 2009 that no action be taken in the short term until additional resources became available, or when reviewed in September 2009. The Planning Policy Team continued to give priority to progressing the draft Core Strategy and as a result it was unlikely that the Development Brief could be produced in-house. Engaging private consultations to undertake this was likely to be £50-£60,000. The Town Council and Sidmouth Vision Group had clearly shown that they would wish to work with the Council and so community consultation would have to be reflected in the remit for preparing the Brief. Transport issues and sea defences would also need to be taken into account. Members were asked to consider ways to progress this work.

Members were advised that response from the Trustees of the Drill Hall had not yet been received. The Drill Hall and surrounding area was in a poor state of repair.

*53 **Development Briefs for the Royal Avenue and London Inn areas of Exmouth and the Ham/Port Royal area of Sidmouth (cont)..**

Members were made aware of private interest in the development of the area. Concern was raised that it was not always in the best interest of the area for developers to take the lead in regeneration. In addition, a privately led scheme would also require Officer input and co-ordination.

It was proposed that a report be brought to the next meeting of the Board to outline the ways of bringing the Development Brief forward, how the work could be co-ordinated, the options available and how local expertise could be used.

- RESOLVED**
- (1) that, subject to confirmation of match funding from Devon County Council, consultants be appointed to produce a Development Brief for Exmouth Town Centre redevelopment sites, comprising: London Inn car park, Union Street, the former gas holder site, and the Royal Avenue estuary area including the bus station, sports centre, Imperial Recreation Ground area and Camperdown – the required funding to be found from the Local Authority Business Grant Initiative,
 - (2) that it be noted that Sidmouth is not included in the Joint Investment Framework (for the South Devon Coastal towns) with Devon County Council and no progress has been made to move forward the production of a Development Brief for the Port Royal area of Sidmouth,
 - (3) that a report be considered at the next meeting of the Board setting out the parameters for the redevelopment of the Port Royal/Ham area of Sidmouth and how the Development Brief could be progressed, with options including working with private developers and harnessing local expertise.
 - (4) that a letter be sent to the Trustees of the Drill Hall requiring the building and surrounds to be returned to a good state of repair and appearance.

54 **World Heritage Site Management Plan – Consultation draft**

Richard Eley, Sidmouth Chamber of Commerce, advised the Chamber's support of a managed retreat in respect of Pennington Point. He also advised that the Chamber supported the Council seeking compensation from the consultants who provided inaccurate information on the rate of erosion. He emphasised that the erosion of Pennington Point was at an unnatural rate due to the sea defence work carried out in the early 1990s. This rate of erosion was affecting the biodiversity of the area. He also suggested that the Heritage Coast within Dorset was given greater benefits than the areas within Devon.

Jo Frith, a Sidmouth resident, advised that her observations in respect of Pennington Point had been shared with the Sidmouth Vision Group. She pointed out a number of discrepancies within the Management Plan. She believed that the Plan should be more sensitive to the needs of future generations.

The Council's comments had been invited on this second revision of the World Heritage Site Management Plan as landowner and local planning authority. The revised Plan suggested a potentially greater role for EDDC with policies for coastal sea defences and for delivery in areas such as monitoring, visitor management, community engagement and upgrading Council assets such as car parks.

54 **World Heritage Site Management Plan – Consultation draft**

The Countryside Manager acknowledged that the World Heritage Site was one of East Devon's greatest assets. He said that the Plan aimed to drive through the vision for the site which would be reflected in the Local Development Framework. The most sensitive issues were in respect of erosion and sea defences. He acknowledged the need for better engagement with the World Heritage Site Team. He advised that there were a number of good schemes but that the Council was not always in a position to take advantage of them. With the support of the Dorset based World Heritage Site Team he believed East Devon could be more proactive in promoting and achieving local delivery.

To date East Devon had achieved much including the work undertaken to progress the two visitor centres.

- RECOMMENDED**
- (1) that the recommendations be adopted within the revised final World Heritage Site Management Plan 2009-14 including site specific information, for example the need to address unnatural erosion rates at Pennington Point,
 - (2) that the Council's role in, and engagement with, the World Heritage Site management be pursued.

*55 **Financial monitoring report 2009/10 – Month 4**

Members considered the report of the Senior Accountants summarising the Council's overall financial position for 2009/10 at the end of Month 4 (31 July 2009). Appendix A to the report showed revised or supplementary estimates agreed within the year. The writers of the report had looked at all large, high risk and volatile budget areas and linked predicted spending patterns with operational activity. Any continuing variances would be considered as part of the medium term financial strategy.

The Head of Finance outlined the predicted savings within the current year, significantly in respect of concessionary fares. He advised that the Housing Revenue Account's opening balance was lower than predicted and if spend matched budget, it would fall below the minimum balance. The Portfolio Holder – Communities advised that this matter was being referred to the next meeting of the Housing Review Board and was confident that the necessary £150,000 saving could be achieved.

RESOLVED that the variances identified as part of the Revenue and Capital Monitoring process up to Month 4 be noted and the following corrective action taken by managers be endorsed:

- The predicted overspend on vehicle costs for Parks and Pleasure Grounds be offset by a reduction in the spend on non-essential contractors,
- The Head of Housing be requested to identify where £150,000 could potentially be saved or held back to bring the predicted Housing Revenue Account balance back in line with the agreed policy.

***56 National Indicator: 179 Value for Money**

The report of the Head of Finance setting out the Council's requirements relating to National Indicator 179: Value for Money was considered. The Council was required to report on the 'total net value for money gains that have impacted since the start of the 2008/09 financial year.' Councils were expected to submit figures for the indicator to the Department for the Communities and Local Government (DCLG) in October 2008 (a forecast position for the end of the financial year and in July 2009 (to report the actual position). The report to the Board notified Members of the actual position for 2008/09 and the set out proposed targets for 2009/10 and 2010/11. Members noted that the Council had exceeded its 2008/09 target by £255,000 and achieved savings of £962,000. The Leader welcomed this achievement.

However, the DCLG now advised that the expectation was for all authorities to deliver increased efficiency gains in 2010/11 and that the efficiency target had been increased to at least 4%. As a result, the report gave the revised annual efficiency target and set out the key themes that the Council had been working on to drive efficiencies and service transformation:

- Redesign service delivery around the customer.
- Collaboration with partners.
- Better use of technology.
- Asset management.
- Smart procurement and use of competition.

Councillor Mark Williamson, Member Champion – Procurement was thanked for his very positive efforts. In response he advised that the Procurement Group met monthly and its work had been enhanced by the appointment of a Procurement Officer. He was positive about further savings that could be achieved; savings made were fed back into the service to further improve delivery.

Councillor Cox, Portfolio Holder Streetscene referred to the Council's print costs and the need to make significant savings, possibly through increased use of electronic means.

- RESOLVED**
- (1) that the actual cashable efficiency saving achieved in 2008/09 of £962,000 compared with the target of £707,000 be acknowledged; this being in line with the 3% annual target set by Government for the Public Sector as a whole,
 - (2) that the cumulative cashable efficiency saving target of 6.1% (£1,438,000) for 2009/10 and 10.3% (£2,438,000) for 2010/11 in line with Government expectations be agreed.

***57 Local Government Pension Scheme – consultation on changes**

Members considered the report of the Payroll Services and Employee Benefits Manager outlining stakeholder consultation being carried out by the Secretary of State for Communities and Local Government on the proposed changes to the Local Government Pension Scheme (LGPS).

Currently, the scheme funds had to undergo an actuarial review on a triennial basis to determine the level of employer's contribution rate to ensure that the fund would meet 100% of its liabilities. Members noted that the level of returns earned from investments had fallen significantly and this was exacerbating the existing fund shortfalls. The consultation reflected current thinking that although funds needed to be able to meet current liabilities, due to the permanency of local government; it was questionable whether authorities needed to build up large reserves to try to meet the 100% funding level.

***57 Local Government Pension Scheme – consultation on changes (cont)..**

Members were asked to consider two options as possible alternatives to the maximum funding level, namely:

- Administering Authorities (Devon County Council for EDDC) would be required to develop a Financing Plan to demonstrate how over a short, medium and long term they would fund pension liabilities for each employer's fund, or,
- Administering Authorities set individual fund targets themselves subject to proving that this could be sustained and transparently justified.

Both options would mean that the employer's rate would be determined by the administering authority compared with the current arrangement whereby the actuary works to a pre set target of 100% funding within a set period.

In addition, the revised approach included revising the level of employee contributions of high paid employees and extending the lower rate of contributions for lower paid employees. This would increase the average contribution rate from 6.3% to 6.42% nationally from 1 April 2010 subject to feedback from the consultation.

Currently, Devon County Council as Administering Authority had not confirmed their views and it was felt appropriate to wait for this response before this Council's was made.

- RESOLVED**
- (1) that the prospective changes to the Local Government Pension Scheme under consultation be noted together with the potential implications for the authority and its employees,
 - (2) that the Council participate in the consultation exercise and delegated authority be given to the Corporate Director, in consultation with the Portfolio Holder – Resources, to respond to the Secretary of State for Communities and Local Government when guidance on the proposals has been received from Devon County Council as Pension Fund Administrating Authority.

***58 Performance Monitoring report – for July 09**

Members considered the report of the Communications and Improvement Manager setting out the performance information for the 09/10 financial year for July 2009.

Members noted improvements to the working days lost due to sickness absence and the average time taken to re-let local authority housing.

- RESOLVED** that the performance and proposed remedial action against the selected Performance Indicators for the 2009/10 financial year until July 2009 be noted.

***59 Thelma Hulbert Gallery expansion**

Members considered the report of the Arts Development Officer seeking exemption to Standing Orders, for reasons given in the report, to enable the appointment of Jonathan Rhind Architects to carry out specialist works required to gain planning permission and Listed Building Consent to progress the expansion of the Thelma Hulbert Gallery.

- RESOLVED** that an exemption be made to Standing Orders to permit the appointment of Jonathan Rhind Architects, Taunton, for reasons given in the report, to carry out work required for the expansion of the Thelma Hulbert Gallery, Honiton.

***60 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).

***61 Authority to open negotiations for a variation of restrictive covenants on land at Gloucester Crescent, Heathpark, Honiton for Slades of Honiton**

Members considered the report of the Senior Estates Surveyor in respect of a request from Slades of Honiton for Council's consent (as vendor of the Gloucester Crescent site) to a variation of the restrictive covenant currently affecting this site subject to Slades being given planning for change of use to retail.

The Portfolio Holder – Resources advised that approval would not adversely affect the town centre. All future applications for change of use to retail would be similarly considered on their own merits. Negotiations undertaken would establish whether permission was given to the applicant or to the site.

- RESOLVED**
- (1) that the Council's policy not to permit retail sales from industrial sites at Heathpark in respect of units 1, 2 and 3, Heath Trade Park, Gloucester Crescent, Heathpark be relaxed for the benefit of Slades of Honiton,
 - (2) that, the Principal Estate Surveyor be authorised to open negotiations for a variation of the restrictive covenant with Slades of Honiton on terms and conditions to be agreed by the Economy Portfolio Holder.

***62 Acquisition of a new recycling and refuse depot at Greendale Barton Business Park**

Members considered the joint report of Karime Hassan, Corporate Director, the Principal Estates Surveyor and the Waste and Recycling Manager seeking authority to acquire a new recycling and refuse depot at Greendale Barton Business Park to enable the delivery of the Waste and Recycling Programme by way of a 21 year lease.

The Portfolio Holder – Streetscene advised that a combined unit within the responsibility of EDDC would mean that the Council's recycling programme could be rolled out. In addition cost benefits would be achieved.

RESOLVED that the Principal Estates Surveyor be given authority to agree terms for a lease to be taken by the Council on a new refuse and recycling depot premises to be constructed at Greendale Barton Business Park.

Chairman Date