

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 15 July 2009

Present:

Councillors:

Sara Randall Johnson (Chairman)
Graham Brown (Vice Chairman)

Geoff Chamberlain
David Cox
Jill Elson
Ray Franklin
Mike Green
Peter Halse
Stuart Hughes
Andrew Moulding

Also Present:

Councillors:

Vivienne Ash
Andrew Dinnis
Paul Diviani
Christine Drew
Malcolm Florey
Chris Gibbings
Steve Hall
Douglas Hull
Stephanie Jones
Jim Knight
Ann Liverton

Graham Liverton
Frances Newth
Marion Olive
Helen Parr
Tony Reed
Margaret Rogers
Philip Skinner
Pauline Stott
Graham Troman
Tim Wood
Steve Wragg

Also present:

Officers:

Denise Lyon, Deputy Chief Executive
Diccon Pearse, Corporate Director
Karime Hassan, Corporate Director
Peter Jeffs, Corporate Director
Donna Best – Principal Estates Surveyor
Jamie Buckley – Engagement and Funding Officer
John Golding – Head of Housing and Social Inclusion
Rachel Pocock – Head of Legal, Licensing and Democratic Services
Simon Smale – Head of Environmental Health and Health Equalities
Meryl Spencer – Environmental Health Manager
Diana Vernon, Democratic Services Officer

Apologies

Councillors:

Ray Bloxham
Graham Godbeer

Mark Williams – Chief Executive

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

***18 Public Questions**

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

Tony Miller, Chair of Saving Sidmouth from Flooding (SAFE), spoke about coastal defences and the need for accurate statistics in respect of the erosion rates at Sidmouth and future projections. He asked the Council to make sure that interested parties were included in debates on seeking solutions to the problems. The Leader thanked Mr Miller for his comments and advised that a report on sea defences was awaited and that this would be referred to a future meeting of the Executive Board.

***19 Minutes**

The minutes of the meeting of the Executive Board held on 10 June 2009 were confirmed and signed as a true record subject to Councillor Jim Knight being included in the list of Councillors present and to the comments of John Harding of Ottery Town Council (Minute 1 – Public Questions) being corrected. He spoke specifically about the playing field at Tipton St John and the problems and concerns for residents who use the playing field and have to clear up dogs' mess prior to use of this facility. He believed that there was a need to include in the dog control orders a clear indication of how the few offenders were to be found and reprimanded. He said that the minority was spoiling the facility for the majority and that dog control orders seemed to be the only solution unless available resources were increased.

***20 Items brought forward with the permission of the Chairman**

The Leader agreed for two items to be taken as urgent in Part B of the agenda, namely:

- Exemption to standing orders – Print equipment - to enable the replacement of essential print room equipment to be progressed. The report had been circulated to Members in advance of the meeting.
- Local Government Review – to report on the current position following announcements from the Boundary Committee and Secretary of State which had been made that day and to discuss future action required on the part of the Council.

***21 Exclusion of the Public**

RESOLVED that the classification given to the documents to be submitted to the Board, including the items raised as urgent under Minute 20, be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

***22 Forward Plan**

The contents of the Forward Plan for the period 1 July 2009 to 31 October 2009 were noted.

***23 Matters referred to the Executive Board**

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

*24 **Minutes of the meetings of the Overview and Scrutiny Committees and Housing Review Board**

The Board noted the minutes of the following meetings:

- Economy Overview and Scrutiny Committee held on 11 June 2009
- Service Delivery/Performance Overview & Scrutiny Committee held on 17 June 2009
- Communities Overview and Scrutiny Committee held on 24 June 2009
- Overview and Scrutiny – Co-ordinating Committee held on 1 July 2009
- Housing Review Board held on 25 June 2009

The Leader thanked the new Overview and Scrutiny Committees for the useful work already carried out and their thoughtful debate. She particularly referred to the consideration by the Service Delivery and Performance Committee in respect of the Measures Reports (Minute 4 of 17 June 2009 refers), the Communities Committee's useful consideration of affordable housing issues (Minute 4 of 24 June 2009 refers) and ways of helping to deliver this key priority and the Co-ordinating Committee's detailed consideration of land supply for housing (Minute 7 of 1 July 2009 refers).

In respect of the minutes of the Housing Review Board, the Portfolio Holder – Communities advised that Councillor Knight, the members of the Review of Sheltered Housing Task and Finish Forum and Officers had undertaken effective work to identify which housing units could be decommissioned as they failed to meet the Supporting People standard for accommodation. This work had culminated in a study being produced which was now the basis of consultation with tenants. Councillors were asked to be aware of this work as tenants in their Wards may ask them to clarify points and answer questions arising from the review.

The Vice Chairman of the Housing Review Board asked if the Chairman could be given the same special responsibility allowance as would be paid to an elected Councillor in that position. He was advised that the Independent Remuneration Panel would be asked to consider this issue (see Minute 35 below).

RESOLVED (1) that the following decisions be noted:

Economy Mins 2 and 3 that the remit and work programme 2009/10 be agreed as set out in the minutes.

Service Delivery/Performance Overview and Scrutiny Min 2

1. that the constitutional changes to the Overview and Scrutiny function be noted,
2. that the original report to Scrutiny Committee of 12 November 2008 on Improvements to the Scrutiny Function be provided to the Committee for its next meeting.

SD/Performance Min 3 that the Draft Performance Management Strategy outline be approved and that the final detailed version be reported to a future meeting of the Committee.

SD/Performance Min 4

1. that the quarterly reporting format of service data be welcomed,
2. that the Benefits and Planning Services be congratulated on the marked improvements to each service area

*24 **Minutes of the meetings of the Overview and Scrutiny Committees and Housing Review Board (cont)..**

Communities Overview and Scrutiny Min 3	<ol style="list-style-type: none"> 1. that the Scrutiny/Overview Committee – Communities support of the principle of a dedicated Scrutiny Officer at a future date be noted, 2. that the original report to Scrutiny Committee of 12 November 2008 on Improvements to the Scrutiny Function be circulated to the Committee for their information.
Communities Min 5	that the consideration of proposals under the Sustainable Communities Act this year by the Executive Board on 15 July 2009 be noted.
Communities Min 6	that Members email their suggestions for future meeting agenda items to Peter Jeffs, Corporate Director and to the Chairman.
Overview and Scrutiny Co-ordinating Min 4	that the minutes of the Economy, Communities, Service Delivery/Performance Overview and Scrutiny Committees be noted
Co-ordinating Min 7	that the Overview and Scrutiny Co-ordinating Committee endorse the view of the Land Supply for Housing Forum that there was barely a five year supply of housing land for the District, and therefore the Council could be vulnerable on appeal (depending on the interpretation of the Planning Inspector) and therefore work must begin on bringing forward more potential sites.
Housing Review Board Min 1	that Ted Brown be elected Chairman of the Housing Review Board for the ensuing year.
HRB Min 2	that Douglas Hull be appointed Vice Chairman of the Housing Review Board for the ensuing year.
HRB Min 3	that the Executive Board consider putting forward the retention of the housing subsidy as a proposal under the Sustainable Communities Act.
HRB Min 5	<ol style="list-style-type: none"> 1. that the Housing Review Board drop in/coffee morning sessions be combined with the ones already arranged for officers, with the arrangement being reviewed in a year, 2. that the Housing Strategy Manager invite and circulate the timetable of the officer bookings to the members of the Housing Review Board.

*24 **Minutes of the meetings of the Overview and Scrutiny Committees and Housing Review Board (cont)..**

- HRB Min 7** that the final Review of Sheltered Housing TaFF recommendations regarding the points scoring exercise for the proposed de-commissioning of sheltered housing schemes be presented to a future meeting of the Housing Review Board, with recommendations including any schemes which were deemed to have redevelopment potential..
- HRB Min 8**
1. that the report on the research into the need for mobile housing related support to the private sector be noted,
 2. that further proposals be invited on how the recommendations in the report might be taken forward once the views of the Supporting People team were known.
- HRB Min 9** that the draft commissioning strategy for extra care produced by Devon County Council be noted.
- HRB Min 10** that the Housing Review Board's preference of developing option 3, detailed in the report, to improve the communal cleaning and caretaking service, be noted.
- HRB Min 11** that the results of the business overview benchmarking exercise be noted.
- HRB Min 13** that the 2008/09 outturn statement for the Housing Revenue Account be approved.
- HRB Min 14** that the performance on repairs to Council homes, as set out in the report, be noted.
- HRB Min 17** that the Head of Housing and Social Inclusion arrange for the vacant position of independent community representative on the Board to be advertised.

*24 **Minutes of the meetings of the Overview and Scrutiny Committees and Housing Review Board (cont)..**

(2) that the following recommendations be approved:

**Communities
Min 4**

1. that it be recommended to the Development Management Committee that pending the Local Development Framework (LDF) being developed, EDDC work with Parishes and Town Councils to identify acceptable 'departure sites' (allowing modest cross subsidy) on a site by site basis,
2. that EDDC enter into discussion with County Highways in respect of its ambitions for affordable housing and to recognise the impact of highways objections upon these,
3. that a summit be arranged with Registered Social Landlords (RSLs), the Communities Agency, the Government Office for the South West (GOSW) and Council Members with the aim to move forward affordable housing development in East Devon,
4. that privately developed affordable housing be accepted but with the equivalent requirements to those expected of RSLs,
5. that the Council continue to lobby Government on the subsidy paid to them from the Housing Revenue Account,
6. that the Development Management Committee review each site as to its overall capacity and consider whether the affordable housing threshold applies, irrespective of how the site is to be developed or the phasing of it.
7. that the Council seeks to find new funding options for undertaking Housing Needs Surveys in rural locations,
8. that where site viability is a genuine issue, the Council to consider reducing the affordable housing percentage (along with other planning gain).

**Communities
Min 5**

that the Chairman's proposal that '*All authorities keep the Housing Revenue Account subsidy to spend on affordable housing initiatives within their District*' be noted and that Cllr Mrs Pauline Stott take this proposal to the forthcoming meeting of the Housing Review Board.

*24 **Minutes of the meetings of the Overview and Scrutiny Committees and Housing Review Board (cont)..**

**Co-ordinating
Minute 7**

1. that the Development Management Committee consider the five year housing land supply on a District basis, acknowledge that the figure is close to the threshold, and take urgent action as set out in recommendations 2 and 3 below,
2. that the Development Management Committee take urgent action to have sites reviewed for potential urban extension of Pinhoe following the report of the Local Development Framework Panel in September
3. that urgent action be taken by the Development Management Committee to help secure appropriate affordable housing, especially for rural communities, and that the Development Management Committee be responsive to innovative ways of making the building of affordable homes viable, and liaise with the work of the Communities Overview and Scrutiny Committee.

HRB Min 6

1. that the Council enrol with HomeSwapper to administer mutual exchanges for Council tenants
2. that an annual budget of £2,150 to register as a landlord with HomeSwapper be agreed.

HRB Min 15

that the proposed change of name from Weycroft Senior Citizens Centre to the Millwey Community Centre be agreed, subject to confirmation by Royal Mail.

- (3) that the following recommendation be referred to Council for approval:

**Housing
Review Board
Min 13**

that the Diversity Statement be adopted and implemented within the Housing and Social Inclusion Service.

*25 **Recycling and Refuse Partnership Board**

Members noted the minutes of the meeting of the Partnership Board held on 26 May 2009.

The Chairman of Development Management Committee advised that the County Council had agreed to two key conditions in respect of the Greendale Barton site which meant that the building of the depot could now be progressed. The Council would be able to deal with more recycled waste within the district.

26 **East Devon Private Sector Housing – Renewal Strategy – Key decision**

Members considered the report of the Head of Environmental Health and Health Equalities setting out the Council's Private Sector Housing Renewal Strategy 2008-2011 which was a statutory requirement.

This report was considered at the same time as the East Devon Empty Homes Strategy 2009 – 2014. Both initiatives were driven by a national strategy but the work undertaken linked directly with the Council's corporate strategy and policies. The Renewal and Empty Homes Strategies addressed the need for improvements in the existing private housing stock in East Devon and set out how the Council proposed to meet that need. The actions to be undertaken to bring empty properties back into use were detailed together with ways of maximising the use of under-occupied buildings. Action also included work to convert space over shops into flats, meeting Decent Homes standard and helping the elderly and people with disabilities to stay in their own home.

The Environmental Health Manager outlined the tools and legislative powers that the Council could use to progress the Strategies. She advised that in addition to inspection and enforcement, Housing Officers gave advice to landlords and tenants. The work was widely communicated with a suite of guidance documents and biannual newsletters. Customer feedback was actively sought and used to improve the service. The initiative was primarily funded from Government grants which included relocation grants and those used to adapt properties for people with disabilities. Loans were also available including energy efficiency loans for landlords. The Council had been successful in securing funds to start up a Loan Scheme in partnership with other Devon authorities and to assist with tackling Fuel Poverty. Steps were being taken to improve the insulation of park homes and to extend the sanctuary scheme.

Members recognised the need to balance raising the standards of accommodation with affordability. The Portfolio Holder – Communities advised that use of private accommodation meant that the Council did not need to rely so much on its own stock or use of temporary accommodation. It was noted that it was important for conditions attached to let properties to differentiate between 'pets' and 'dogs to assist people with disabilities'.

The Portfolio Holder – Resources recognised that there would be an impact on the capital programme and asked the team to look into why the Homestay grants were not being taken up.

Members noted the consultation on the Strategies and that, where relevant, the comments received had been incorporated into the documents. They also noted the on-going identification of long term empty properties within the district.

RECOMMENDED that the East Devon Private Sector Housing Renewal Strategy 2008-2011 be approved.

27 **East Devon Empty Homes Strategy 2009 – 2014 – Key decision**

The report of the Head of Environmental Health and Health Equalities setting out the Council's Empty Homes Strategy for 2009-2014 was considered at the same time as the East Devon Private Sector Housing Renewal Strategy at Minute 27. The document would remain on the Council's web site for on-going feedback.

RECOMMENDED that the East Devon Empty Homes Strategy 2008-2014 be approved.

(Councillors Graham Brown and Mike Green declared a personal interest in Minutes 26 and 27 as private landlords and the Leader declared a personal interest due to her involvement in the Fire Authority as a consultee.)

***28 Home Safeguard community alarm service review**

Members considered the report of the Head of Housing and Social Inclusion reviewing the operation of the Home Safeguard community alarm service, how this service could be improved and extended to generate additional income but remain competitive. The service needed investment in new technology.

Members noted the suggestions for an up-dated charging policy which would see a charge to all new and existing customers who had been exempt to date. The Council currently provided a significant annual subsidy to support this service. Members were advised that other agencies charged a higher amount for similar services and that no other local authority provided this service at nil cost. However, Members were concerned that the charging policy could prompt some vulnerable people to cancel the service and it was suggested that the Housing Business Manager, in liaison with the Portfolio Holder – Communities be given delegated authority to grant an exemption from Home Safeguard charges in cases of genuine hardship.

The introduction of Telecare monitoring devices would be an extension of the current service and benefit clients by offering them independence, whilst having the security of knowing that an alarm would be triggered if they were in difficulty.

- RESOLVED**
- (1) that all new Home Safeguard customers who are over 80 and in receipt of benefits be charged the same as all other clients from 1 September 2009,
 - (2) that all other customers currently provided with a free service be charged from 1 April 2010,
 - (3) that delegated authority be given to the Housing Business Manager in consultation with the Portfolio Holder – Communities to grant exemptions from Home Safeguard charges in cases of genuine hardship,
 - (4) that the short term investment needs set out in the Home Safeguard review and the charging structure for Telecare customers be approved,
 - (5) that the Communities Overview and Scrutiny Committee be asked to investigate how the service could be improved and marketed more widely, for example for lone workers,
 - (6) that the fees and charges for the service be set at a level to ensure that the service breaks even by no later than April 2011, with progress being reviewed in 6 months' time by the Executive Board.

(Councillors Ray Franklin and Andrew Moulding declared a personal and prejudicial interest in this item and left the Chamber during the discussion and voting as both had relations who subscribed to the scheme. Councillor Margaret Rogers who was attending the meeting as an observer declared a personal interest as a subscriber to the scheme).

*29 **Performance Monitoring report – for May 09**

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

Members noted that there was a slight fall in the Council's debt collection performance against target which reflected the current economic climate.

Improvements had been made to performance in the planning and benefits sections as a result of the systems thinking reviews.

The Portfolio Holder – Communities advised that the re-letting of some council properties was delayed in order to carry out major modernisation and extension works. It was suggested that these properties should be shown separately within the report to give a truer picture.

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

*30 **Place Survey – comparison of results**

The report of the Communications and Improvement Manager was considered. The Board had considered a report on the Place Survey on 6 May but at that time comparison data was not available. Members now had the opportunity to compare East Devon's results with those of other councils in England.

Members were advised that there were 28 national results which were of relevance to the Council and of these 17 were above average when compared with the results for other Devon Districts, South West Councils and English Councils. SPARSE councils' data which confirmed this pattern was circulated at the meeting. Members welcomed the results which showed that the Council was in the above average quartile for 'overall satisfaction with the authority' and had a positive comparative score for 'direction of travel'.

Members noted the areas where the scores were below the national average and where improvements could be made. Members discussed which areas they would like the Overview and Scrutiny Committees to consider in more detail and make recommendations to the Executive Board on what action should be taken.

In respect of the doorstep recycling result, Members were advised that further investigation showed that responses within Phase 1 of the Recycling initiative rated the service above the English Councils' average.

In respect of sports and leisure, the Portfolio Holder – Resources advised that this was a very broad category and included all leisure activities and not just those linked with sports centres. He confirmed that Leisure East Devon measured user satisfaction regularly and the results of this were high.

It was suggested that particular emphasis should be made to improve equalities, local consultation and social inclusion.

RESOLVED that the results of the Place Survey in comparison with the national results be noted and the relevant Overview and Scrutiny Committees be asked to consider how the statistics could be used to improve the Council's performance particularly in respect of public involvement/engagement in the decision making process and inclusiveness of service provision.

***31 Sustainable Communities Act**

Members considered the report of the Engagement and Funding Officer in respect of proposals under the Sustainable Communities Act. Members noted the consultation that had taken place with various local groups and how the 26 valid suggestions made had been prioritised by the local residents' panel, Speak Now. The prioritised proposals were set out in the report and Members were invited to consider which of these should be submitted to the Local Government Association by the national deadline of 31 July 2009.

Members debated whether to support and focus on one of the proposals (affordable housing) or whether to submit the top two or top three proposals.

- RESOLVED**
- (1) that the Council puts all its weight behind submitting the one (top) proposal on affordable housing for local people,
 - (2) that the document in support of the Sustainable Communities Act 2007 (Amendment) Bill be signed on behalf of the Council and sent to our MP,
 - (3) that a contribution of £500 be made towards the work of Local Works, who are asking for EDDCs financial support in continuing their work on the Sustainable Communities Act 2007 (Amendment) Bill and Local Spending Reports.

***32 Thelma Hulbert Gallery expansion**

Members welcomed the report of the Arts Development Officer setting out the successful funding application to the Arts Council England and the proposed works to extend the Thelma Hulbert Gallery.

The Member Champion – Culture said that this was wonderful news and thanked the Council for showing its faith in the expansion through match-funding and support.

- RESOLVED** that the intention of the Arts Development Team to carry out plans for the expansion of the Thelma Hulbert Gallery into the whole of Elmfield House be noted.

***33 Exeter Science Park Limited**

Members considered the report of Karime Hassan, Corporate Director seeking authority for the Council to sign the Exeter Science Park Articles of Association and Share Holders Agreement. Members noted the progress made in moving the science park project forward; the outline planning application had been submitted to Council and the land had now been required by SWRDA and was in the possession of Devon County Council.

- RESOLVED**
- (1) that the Council's capital investment be approved under the promotion of economic well-being powers in Section 2 of the Local Government Act 2000.
 - (2) that the Exeter Science Park Articles of Association and Share Holders' Agreement together with any related documentation be signed on behalf of the Council.

34 **Policy up-dates:**
Corporate Domestic Violence and Abuse
Recruitment and Selection
Employment Screening

Members considered the report of the Head of Organisational Development outlining the key changes to the Corporate Domestic Violence and Abuse Policy and the Recruitment and Selection Policy and introducing the new policy – Employment Screening. The latter was a summary document which outlined the Council's need to undertake all the necessary employment checks to comply with current and forthcoming legislation.

RECOMMENDED that, subject to minor legal amendments, the following policies be approved:

Corporate Domestic Violence and Abuse Policy
Recruitment and Selection Policy
Employment Screening Policy

*35 **Members' Allowances**

Members considered the report of the Democratic Services Manager seeking the Board's approval to invite the Independent Remuneration Panel to meet in October/November 2009 to assess the workloads and levels of responsibility of the Chairmen and Vice-Chairmen of the new Overview/Scrutiny Committees with a view to recommending whether or not special responsibility allowances should be paid and, if so, the recommended level. These recommendations would be referred to the Executive Board for consideration and to Council for determination. Any allowances agreed would be back-dated to the start of the current civic year.

The Panel would also be asked to review the position of Chairman of the Housing Review Board, currently held by an independent (non-elected) Councillor representative, and to recommend a level of allowance.

RESOLVED that arrangements be made for the Independent Remuneration Panel to meet in October/November 2009 to consider specifically:

the responsibilities and workloads of the Overview and Scrutiny Committees established at the annual meeting of the Council in May 2009 with a view to making recommendations in respect of Chairman/Vice Chairman special responsibility allowances of each of these Committees,

the responsibilities and role of the Independent Chairman of the Housing Review Board, also taking into account independent members on other Committees,

with the recommendations of the Panel being referred to a future meeting of the Executive Board for consideration.

***36 Feniton Old Village Drainage**

Members considered the report of the Senior Engineer – Streetscene, detailing the findings of the Howick Consultants Study of the drainage problems experienced at Feniton Old Village, the study having been commissioned as a result of the flooding events in October 2008.

Members considered the 2 options proposed to alleviate flooding. The first would involve cleaning and repair of identified sections at a cost of approximately £10,000. To undertake work to prevent flooding against a 1 in 75 year event, the entire system would need to be replaced at a cost of between £100,000 and £200,000. To progress the latter option, it would be necessary to carry out an appraisal and use this as the basis for an application to DEFRA for grant aid.

The Deputy Leader urged the Board to support the recommendations due to the hardship being experienced by the local residents.

- RESOLVED**
- (1) that works be carried out to improve the systems as identified in paragraph 5.1 of the Consultant's report,
 - (2) that the cost of an appraisal in order to apply to DEFRA for funding for a replacement system be investigated.

***37 Request for exemption from Standing Orders - Green Infrastructure Strategy for the Exeter and East Devon New Growth Point**

Members noted the report of the Landscape Architect setting out the reasons for a request for exemption to the Council's Standing Orders to facilitate the appointment of specialist consultant, Landscape Design Associates, to produce a Green Infrastructure Strategy. This was needed to progress the work of the Exeter and East Devon New Growth Point initiative.

- RESOLVED**
- (1) that the Exeter & East Devon New Growth Point Steering Board allocation of £20,000 for the production of a Green Infrastructure Strategy be approved,
 - (2) that exemption from Standing Orders for the appointment of Landscape Design Associates to progress with Phase 2 of the Green Infrastructure work for the New Growth Point area be approved for the reasons set out in the report.

***38 Request for exemption from Standing Orders – Stowford Rise, Sidmouth Community Centre**

Members considered the report of the Head of Housing and Social Inclusion seeking permission for an exemption from Standing Orders, for the reasons set out in the report, to appoint consultants, Norfolk Property Service, to undertake preliminary site investigation works on land in the Council's ownership.

- RESOLVED**
- that permission be granted for an exemption from Standing Orders to appoint consultants, Norfolk Property Service, to undertake preliminary site investigation works on land in the Council's ownership; the reasons for the exemption being set out in the report.

***39 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, including the urgent items raised at Minute 3 (Para 3 Schedule 12A) is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

***40 Transfer of housing land at Rodney Close, Exmouth to Devon and Cornwall Housing Association at less than Best Value**

Members considered the report of the Senior Estates Surveyor in respect of negotiations with Devon and Cornwall Housing Association for the transfer of residential development land at Rodney Close, Exmouth for the development of 14 residential units. Members noted the suggestion that the site be transferred by way of a 125 year ground lease at a nominal ground rent which was less than best value.

The Portfolio Holder – Resources referred to this item and the following one and asked Members to note that the Council was foregoing the opportunity to realise capital receipts by using assets in this way to deliver projects.

RESOLVED that the transfer of approximately 0.3 Ha (0.75 acre) land at Rodney Close, Exmouth to Devon and Cornwall Housing Association, by way of a 125 year ground lease, at less than 'Best Value' be approved.

***41 Transfer of housing land at Grove Road, Whimble to Spectrum Housing Group at less than Best Value**

Members considered the report of the Senior Estates Surveyor in respect of negotiations with Spectrum Housing Group (a registered social landlord) for the transfer of residential development land at Grove Road, Whimble for the development of 11 residential units provided for rented accommodation. Members noted the suggestion that the site be transferred by way of a 125 year ground lease at a nominal ground rent which was less than best value. Members also noted the proposal to transfer the surplus land to Whimble Parish Council at nil consideration for use as allotments.

The Leader thanked the Housing Enabling Team for their excellent work in this respect, for bringing the land forward for consideration and identifying ownership.

RESOLVED

- (1) that the transfer of 0.290 Ha of housing land at Grove Road, Whimble to Spectrum Housing Group Limited by way of a 125 year ground lease at less than 'Best Value' be approved,
- (2) that the transfer of 0.337 Ha of allotment land at Grove Road, Whimble to Whimble Parish Council at nil consideration be approved.

(The Leader declared a personal interest in this item as a member of the Whimble Parish Council).

***42 Seaton Regeneration up-date**

Karime Hassan, Corporate Director, up-dated Members on the significant steps which had occurred in the last few months towards achieving the comprehensive regeneration of Seaton.

The Corporate Director went through the report to the Board in detail and explained key points.

He explained the differences between the two major schemes detailed in the report and how these were being progressed. He also emphasised the importance of achieving a capital receipt in order to deliver community benefits.

*42 **Seaton Regeneration up-date (cont)..**

Members were advised that these schemes would be considered at a Special Development Management Committee in August and that Members were currently only being asked to consider regeneration and property issues and how the proposals would affect the Council as landowner.

The Portfolio Holder – Strategic Planning and Regeneration, the Portfolio Holder – Economy, the Member Champion for Seaton and local Ward Members thanked the Corporate Director for the up-date and progress made by him and his team, for the benefit of Seaton, which had been achieved through careful negotiation. Details of facilities needed by the town were outlined.

- RESOLVED**
- (1) that the contents of the report be noted and the progress that has been made towards the delivery of the Council's longstanding commitment to comprehensive regeneration in Seaton be welcomed;
 - (2) that the progress being made on negotiations by the Corporate Director, on behalf of the Council, with Tesco Stores Limited for the disposal of an interest in land at the Underfleet/Harbour Road Seaton be noted, these (i) would allow Tesco Stores Limited to create a pedestrian link from its land to the Underfleet/Harbour Road junction and (ii) may provide the Council with a further mechanism to secure obligations from Tesco Stores Limited which would aid achieving a comprehensive regeneration scheme within the Seaton Regeneration Area;
 - (3) that disposal of any land owned by the Council and which forms public open space would have to be the subject of an advertisement process with Members considering representations received prior to disposal;
 - (4) that no disposal of the relevant land shall take place until specialist advice has been obtained to assess whether an offer by Tesco Stores Limited represents best consideration reasonably available on the open market;
 - (5) that at this time no marketing has taken place relating to the site subject to Sainsbury's Supermarkets Limited's application for planning permission and that before a disposal could take place the Council would need to establish best consideration, most likely by carrying out a full marketing exercise;
 - (6) that a further report on the Council's landownership issues will be submitted to Members when the relevant planning applications have been considered.
 - (7) that a bid has been made on the basis of a revised scheme to the Sea Change CABE grant for £1 million; delivery of the project will require further capital support from East Devon District Council in addition to the land contribution.

***43 Selection process for new equipment for the Document Centre**

Members considered the report of the Head of ICT in respect of the need for new print and copy equipment. The service had been brought back-in house and equipment used during the Xerox contract now needed to be replaced. It was suggested that rather than go through a separate quotation process, the information already obtained during the original print and post tender process undertaken between May and December 2008 be used and equipment be selected on this basis.

RESOLVED that permission be granted for an exemption from Standing Orders for the selection of Xerox equipment for the Document Centre for the reasons set out in the report.

***44 Local Government Review – up-date**

The Head of Legal, Licensing and Democratic Services reported on the Boundary Committee’s decision not to make a recommendation to the Secretary of State in respect of the Local Government Review of Devon, Norfolk and Suffolk in the light of the decision of the High Court to quash the Boundary Committee’s consultation process in relation to Suffolk. Members were given an outline of the technical details surrounding this position which sought to extend the period for the Boundary Committee’s recommendations indefinitely. However Councillors were cautioned as the situation could change if the Boundary Committee made a successful appeal against the court decision. The Council had issued a letter before claim which was still relevant and which included a range of complaints against the process adopted by the Boundary Committee. The Board was asked to agree delegated authority for the Council to take whatever action was appropriate in the light of the evolving situation.

RESOLVED

- (1) that this Council welcomes the Boundary Committee’s decision not to report to the Secretary of State with advice on possible reorganisation of local government in Devon, Norfolk and Suffolk, following the High Court decision to quash the Boundary Committee’s consultation process in relation to Suffolk,
- (2) that delegated authority be given to the Deputy Chief Executive, in consultation with the Leader and the Head of Legal, Licensing and Democratic Services, to take further advice from leading counsel and any further action reasonably required to protect the Council’s position, including issuing court proceedings.

Chairman Date