

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 15 November 2006

Present: Councillors:
P A Diviani
Miss J M Elson
S Hughes
S C Luxton
A T Moulding
Mrs P A Stott
A J Wilkinson

Also Present Councillors:
Miss V Ash
Mrs M J Boote
R W Boote
P W Burrows
G P Chamberlain
T A Cope
A E J Dinnis
Mrs C E Drew
K W George
C F A Gibbings
A R Giles
M J L Green
J A Knight
Mrs A E Liverton
G K Liverton
Ms S M Merritt
R Mudge
Mrs F I Newth
Mrs H E Parr
A W J Reed
T G Reeves
Dr H W Waterworth

Apologies Councillors:
Miss S M Randall Johnson (Chairman)
R G Franklin (Vice Chairman)
J B Nicholson

**Non-Board
Members** Councillors:
J E D Falby
Mrs M A Rogers

The meeting started at 5.30 pm and ended at 8.30 pm.

*87 **Election of Chairman for the meeting**

RESOLVED that Councillor Moulding be elected Chairman for the meeting in the absence of the Leader and Vice Chairman.

*88 **Minutes**

The minutes of the meeting of the Executive Board held on 18 October 2006 were confirmed and signed as a true record.

*89 **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 of the agenda.

*90 **Forward Plan**

The contents of the Forward Plan for the period 1 November 2006 to 28 February 2007 were noted.

*91 **Matters referred to the Executive Board**

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

*92 **Meetings of the Overview Committees**

The minutes of the meetings of the Corporate Overview Committee held on 5 October and 2 November 2006 and of the meeting of the Scrutiny Committee held on 25 October 2006, were noted.

RESOLVED (1) that the following decisions be noted:

Corporate Overview
Minute 20

that a special meeting be held in December to discuss the issue of Affordable Housing, with the Head of Planning and Countryside being invited along with the speakers who had attended the October meeting.

Minute 24

that the draft report on the development of cycle routes using former East Devon railway lines, be noted.

Scrutiny Committee
Minute 25

that the suggestions made throughout the meeting in respect of addressing rural deprivation be brought back to the next meeting of the Committee for prioritising.

Minute 27

□ that the Committee scrutinise the Poltimore House Trust and the proposal received from the Manor House Trust at the February 2007 meeting,

□ that the Chairman and Vice Chairman review the items for consideration at the next meeting to ensure that the agenda is not over loaded.

(2) that the following decisions be approved by the Executive Board

Corporate Overview
Minute 20

□ that a Think Tank be set up jointly between the Communities and Environment Portfolios to consider the issue of Affordable Housing, to feedback to the December meeting;

□ that a policy document be produced, including the testing of those models presented, so the Planning Department can look at affordable housing issues and advise whether they could progress some of the proposals made at this meeting.

*92 **Meetings of the Overview Committees (cont)..**

Minute 23

- that joint action be taken with Devon County Council to lobby for rail improvements between Exmouth and Exeter,
- that joint action be taken with Devon County Council to lobby for rail improvements between Axminster and Exeter with a second passing loop,
- that improvements be made on the Exmouth to Exeter corridor and for the possibility for Section 106 agreements on Supplementary Planning Document to include contributions towards measures to improve transport along this corridor, including cycle stands and storage facilities,
- that support be given for the Honiton eastern bypass,
- that support be given for a Axminster north/south relief road,
- that support be given to Devon County Council in pursuing regional funding for east of Exeter transport improvements,
- that improvements be considered to community transport.

**Scrutiny
Committee**

Minute 24

that Members receive an update on the Recycling and Refuse Contract.

Minute 25

that in view of the essential and core community facility provided by Sub Post Offices, the Council make representation to the appropriate Government department, the Local Government Association and to local Members of Parliament, to ensure that

i) a satisfactory and substantial network of Sub Post Offices is maintained, and

ii) that the services provided by Post Offices, such as the Card Account facility, are maintained with services offered being improved and not reduced.

*93 **Exmouth Joint Forum**

The minutes of the meeting of the Exmouth Joint Forum held on 18 September 2006 were noted.

The comments of the Forum in respect of the East Devon World Heritage Visitor Centres were noted and taken into account when this issue was discussed later in the agenda.

***93 Exmouth Joint Forum(cont)..**

- RESOLVED**
- (1) that, in respect of the location of a supermarket in Exmouth, the Forum's preference for highways options 1A and 1B, but not ruling out option 2, be noted together with the Forum's endorsement of the priority objectives,
 - (2) that the Forum's comments in (1) above be accepted as the basis upon which further negotiations with potential developers could be pursued.

94 Seaton Regeneration property considerations and the wider Regeneration context

This report and the following one relating to the Seaton and Exmouth Gateway projects were brought forward from later on in the agenda as a significant number of public visitors had attended the meeting specifically to hear the debate on these issues. The Chairman and Board agreed that it was appropriate to consider these items at an early stage of the meeting.

The Chairman commented on the level of public interest and welcomed the visitors to the meeting.

Members considered the report of the Corporate Director – Environment outlining major development proposals for the regeneration of Seaton.

In the absence of the Corporate Director – Environment, the Chief Executive highlighted and explained the most relevant points within the report. He advised that although the Council was the local planning authority, the issue before them was in respect of the Council as landowner. The Council was not at this stage determining a planning application but was considering whether its land interests within Seaton should be included as part of a wider development. The area within Seaton identified for regeneration included Council landholdings and therefore any major development would have to address land ownership issues.

There were significant physical obstacles to development on this site which would be considered when a planning application had been submitted. A series of impact assessments, would be carried out prior to consideration of a planning application for the site. The Chief Executive acknowledged the concerns over loss of facilities and bed space should a planning application be submitted for retail and housing use on the Holiday Village site. These concerns would be considered when a planning application was submitted. Dealing with the land holding issues at this stage meant that the strategic regeneration of Seaton, rather than piecemeal development, could be achieved. The report acknowledged certain aspirations for the area including the delivery of the Seaton Gateway Visitor Centre, the expansion of Seaton Marshes and the strengthening of the town centre. The purpose of the report was about what steps could be taken so that the Council's landholdings in the area could be used to help deliver some of these aspirations.

Members' attention was drawn to the three key Council owned sites located at the western end of the Seaton Regeneration Master Plan, namely:

- the land to the north of the proposed town square, which is currently car parking
- the Town Square itself, which is currently the access to the Harbour Road car park, Tourist Information Centre and part tramway
- the area south of the square which is currently the tramway station, youth club building and toilets

94 **Seaton Regeneration property considerations and the wider Regeneration context (cont)..**

The receipts for the land could be used for the delivery of some of the facilities/services that would benefit Seaton. Members were reminded that the terms of the property deal would form part of an agreement only if planning permission was granted. When a planning application was submitted, representations could be made and there would be consultation locally, including with Seaton Town Council.

Concern was raised about the loss of youth facilities. Members wanted a site to be identified and to look at how youth facilities could be provided. The existing skate-park would not be affected by the proposed land transaction. There was also a need to find a way to improve local transport particularly to link Seaton with local schools and colleges outside the standard school day. Members were also advised that funding for the expansion of Seaton Marshes was not solely reliant on a developer but would be sought from various sources.

- RECOMMENDED**
- (1) that the principal terms for a draft land transaction outlined in the report be agreed, subject to contract,
 - (2) that Members confirm their resolution to make available a site for the Seaton Gateway Visitor Centre (GVC) and for the site to be available for delivery at the same time as the development,
 - (3) that the developer's firm commitment to making a significant financial contribution to the delivery of the Seaton GVC as part of the anticipated Section 106 Agreement be noted,
 - (4) that the developer's intention to make provision for a hub facility for the Wessex Cycle Route be noted,
 - (5) that a bid be made to the Devon Rural Renaissance Programme for the Commissioning of a Market Destination Strategy for Seaton and the Jurassic Coast, to include bed space capacity and the demand and requirements for hotel and over night accommodation. (The costs are likely to be in the order of £35,000 of which the Council's contribution is likely to be 50%),
 - (6) that the principle of creating a larger wetland reserve at Seaton in accordance with the plan, circulated at the meeting, together with a hub facility at the Gateway Visitor Centre, be supported,
 - (7) that the developer's intention to make a significant financial contribution to meet the anticipated costs of land acquisition to deliver the extended wetland marshes as part of the anticipated Section 106 Agreement be noted,
 - (8) that support in principle be given to releasing funding to assist this programme of land acquisition in advance of the resolution of any planning application through the capital programme. (The Head of Economic Development and Property would, as and when land becomes available, seek the explicit authority of the Executive Board.)

94 **Seaton Regeneration property considerations and the wider Regeneration context (cont)..**

- (9) that support in principle be given to making a financial contribution towards the delivery of the extended wetlands area directly from the proceeds of the capital programme, with the amount to be determined in the light of the final project appraisal. (At this stage it is expected that additional funding would be sought from the Lottery Fund and the Council's contribution would be by way of match funding requirements.)
- (10) that Members support the establishment of a town centre manager for Seaton to assist in "managing the change" on a fixed term contract of three years, in the event of planning permission being granted,
- (11) that the developer be required to produce a "managing the change" strategy and to make a commitment to funding the approved action plan,
- (12) that there being no requirement to make provision for replacement employment land as a consequence of the current proposals be noted, but, in anticipation of wider development involving Axe Riverside land, the Council pursue a dialogue with the SWRDA regarding the provision of replacement employment land at Harepath Road,
- (13) that the Council opens negotiations with the land owners of the employment land allocation at Harepath Road with a view to acquiring the land for future employment provision,
- (14) that positive action be taken to provide a replacement youth facility within Seaton,
- (15) that Devon County Council be asked to improve the public transport links from Seaton to other local educational facilities outside the limits of the standard school day.

95 **The Exmouth and Seaton Gateway Projects Action Plan**

Members considered the report of the Corporate Director – Environment setting out the feedback from the assessors of the unsuccessful Evolution Bid for funding towards the 'Gateway Centres' at Exmouth, Seaton, Lyme Regis and Portland. The report detailed how the shortfalls, including a strategic framework, project management and detailed cost plans, could be addressed. Members were asked to support the project and endorse the associated funding requirements. It was acknowledged that good communications between the project teams and the public were essential to the success of the project.

- RECOMMENDED**
- (1) that the proposal of the Interim Project Management Group (IPMG) to establish a Company Limited by Guarantee with Charitable Status with a supporting Trading Company be supported,

95 **The Exmouth and Seaton Gateway Projects Action Plan (cont)..**

- (2) that the current budget provision for the Gateway Visitor Centres based on commitments from partnering authorities which shows a projected balance of £200,622 for 2006/07 be noted. (The estimated costs associated with procuring a lead consultant and for procuring associated reports and appraisals by the Council shall not exceed £220,000 - any shortfall will be met by contributions from partners of IPMG before any contract is entered into),
- (3) that the brief to tender for the appointment of the lead consultant be approved,
- (4) that, on behalf of the IPMG (Interim Project Management Group), the appointment of a lead consultant be progressed. (The lead consultant will commission the key appraisals required to bring forward the visitor centres and will draw up the brief and externally tender for these tasks to be undertaken.),
- (5) that on behalf of the IPMG the appointment of a project manager on a fixed term contract of two years be approved in principle, subject to the cost of the post being a maximum of £60,000 per annum inclusive of on-costs and funded on the basis of match funding with prior commitments being received from Devon County Council and Exmouth and Seaton Town Councils. (East Devon District Council's contribution to be capped at a maximum of £25,000 per annum.),
- (6) that Core Funders' Group be requested to consult with the Interim Project Management Group, which includes representatives from Exmouth and Seaton Town Council, throughout the process of taking the Centres forward.

(Councillor R Mudge, who was attending the meeting as an observer, declared a personal interest in this item as a Trustee of the Exmouth Gateway Centre).

*96 **Revenue and Capital monitoring report 2006/07 – month six**

Members considered the report of the Financial Services Manager summarising the Council's overall financial position for 2006/07. Members' attention was drawn to Appendix A which identified budget variations within the month, together with an assessment on how these variations would continue to the end of the financial year and how this would affect the Council's overall reserves and balances. Members also noted the remedial measures suggested by Officers to counteract many of the material variances.

The Corporate Director – Economy advised that the estimated income from car parks (2.4 Table 1) had been prudently assessed and actual income received was expected to be at a higher level.

Members were advised of two material budget variances. These were an anticipated overspend of £60,000 relating to the new Concessionary Fares Scheme due to increased take-up and a £63,000 improvement in the anticipated performance by the Council's external cash fund manager. These variances effectively cancelled one another out to leave the situation at month six being virtually unchanged since the month five report. The Corporate Director – Economy and the Portfolio Holder – Resources had met with the external fund manager and were assured that returns over the second six months of the year would show marked improvement.

*96 **Revenue and Capital monitoring report 2006/07 – month six (cont)..**

RESOLVED that the variances identified as part of the Revenue and Capital Monitoring process for month six of 2006/07 be noted, including the effect on the Council's Reserves and Balances.

(Councillor A J Wilkinson declared a personal interest in this item as the holder of a Concessionary bus pass).

*97 **Banking arrangements**

Members considered the up-dated report of the Financial Services Manager circulated at the meeting. This detailed the tender analysis which had now been finalised. The total banking costs for the four tender submissions were detailed in table 1 of the report.

RESOLVED that the Council's banking contract be awarded to Lloyds/TSB Bank plc for the period 1 April 2007 to 31 March 2010.

*98 **The new CPA framework and service performance information**

Members considered the report of the Policy Manager setting out the changes to the Comprehensive Performance Assessment (CPA) Framework for District Councils.

At the last meeting of the Board, the Chief Executive had explained that the Council's CPA status as 'good' would only be considered for change if the Council requested another corporate assessment because of improved performance or the Audit Commission did so because of deteriorating performance.

The Chief Executive explained that the simplified procedure for assessment was in three parts, namely:

- use of resources assessment
- direction of travel statement
- service performance information summarised to show any changes in performance and other relevant performance information measured through key Best Value Performance Indicators (BVPI).

It was important for the Council to improve the way it produced the service performance information and for those Performance Indicators (PIs) on which the Council was to be judged to be particularly closely monitored. Data available needed to be current and accurate.

The Performance Indicators, shown at Appendix A to the report, had been selected to judge district councils' service performance and to assess improvement over time. The Council's performance indicated some areas for concern. Members noted the actions carried out to improve to performance within those services and address the issues highlighted through monitoring.

RESOLVED (1) that the recommendation of the Audit and Governance Committee that the Board monitors on a monthly basis the 5 Performance Indicators (PIs) listed in the report at section 10.1 and to include BV 212 in addition to the Best Value Performance Indicators (BVPIs) that it monitors currently, be approved,

***98 The new CPA framework and service performance information (cont)..**

- (2) that the following resolutions of the Audit and Governance Committee be noted:
- (a) Internal audit conduct an audit of the processes used to collect data for the 7 Housing Investment Programme (HIP) PIs in the Audit Commission's PI set as these are either new PIs or PIs that have not been the subject of a recent audit.
 - (b) The services listed in Table 1 of the report review the focus of their efforts for improving PIs and re-align their priorities for action on the PIs that could have a detrimental impact upon the Council's status as a 'good' council, most notably those in Table 1.
 - (c) Relevant Portfolio Holders, Corporate Directors and Heads of Service explain this shift in priorities to Members and staff to make evident the significance of it to the Council.
 - (d) Heads of Service sign off the accuracy of the data reported for the PIs they are responsible for at the year-end.
 - (e) A programme of PIs for data quality checking by Internal Audit in the spring of 2007 be presented to the next meeting of the Audit and Governance Committee for consideration.

***99 Quarterly monitoring of the Corporate Strategy – second quarter 2006/07**

Members considered the report of the Corporate Director – Central Services setting out the Council's performance in implementing its priorities during the second quarter of 2006/07. The quarterly monitoring of performance allowed the Board to undertake a strategic overview of progress. The Corporate Director – Central Services highlighted the positive outcomes. Members suggested that the dedication and effective efforts of staff which had helped to achieve these results should be acknowledged through the Knowledge.

RESOLVED

- (1) that the progress in implementing the four priorities of the Corporate Strategy during the second quarter of 2006/07 be noted,
- (2) that the Board's appreciation of staff efforts to improve performance be reported through the Knowledge.

***100 Performance monitoring report – September 2006**

Members considered the report of the Policy Manager setting out the performance information for September 2006 for monitoring purposes. This was to allow the Executive Board to identify any service areas where improvement was necessary.

The SPAR software system used to record and present the performance information had been upgraded and would help in making comparisons with previous performance. Steps would be taken to improve the way performance data was gathered particularly for areas of concern.

RESOLVED

- that the performance and proposed remedial action against key performance indicators for the month of September be noted.

***101 Gambling Act 2005 – Gambling Act Licensing Policy consultation and delegations**

Members noted to the report of the Licensing Manager which informed the Board of the Licensing and Enforcement Committee's recommendations to Council in respect of:

- a) the recommended adoption by the District Council of a Gambling Act 2005 Licensing Policy, and,
- b) associated actions and the delegations to Committees and Officers under the Gambling Act 2005.

RESOLVED that the recommendations of the Licensing and Enforcement Committee in respect of the Gambling Act 2005 licensing regime be noted.

***102 Local Area Agreements**

Members considered the report of the Corporate Director – Economy in respect of Local Area Agreements which would set out a single set of priorities for local partners to include creating strong, prosperous communities and delivering better public services.

The new framework proposed through the recent Local Government White Paper – 'Strong and prosperous communities' would enable local authorities to work with other public service providers and take on new duties. Local authorities would be required at county level to prepare a delivery plan for the Sustainable Community Strategy and this would be known as a Local Area Agreement. Funding streams from central government would be pooled through the Agreement which would allow greater flexibility in the provision of services with these being tailored to meet local circumstances.

It was noted that funding to delivery these priorities on a county basis was likely to be increasingly controlled at county level. This could affect the ability of a district council to deliver genuinely local priorities.

RESOLVED that representation be made to the Secretary of State for Communities and Local Government and the local Members of Parliament on the proposal to redirect funding streams from district to county councils.

***103 Revisions to the Secure Tenancy Agreement**

Members considered the report of the Head of Housing and Social Inclusion which suggested ways of up-dating the Secure Tenancy Agreement in the light of good practice and current landlord and tenant legislation. The Agreement was the contract between the Council (landlord) and the majority of Council tenants and set out the duties and responsibilities of the parties, for example, in respect of rent payments, repairs and behaviour. The draft up-dated Agreement had been considered by the Housing Review Board at its last meeting and the amendments had been incorporated. The document would be referred for tenant consultation.

RESOLVED that the proposed variation to the Council's Secure Tenancy Agreement be approved and the Head of Housing and Social Inclusion be given delegated authority to consider any tenant responses to the consultation, in deliberation with the Chairman of the Housing Review Board, the Portfolio Holder – Communities and the Chairman of the Tenant and Leaseholder Customer Panel.

***104 Site for the new RNLI boat house at Queens Drive/Foxholes, Exmouth**

Members considered the report of the Senior Estates Surveyor outlining the RNLI's intention to develop a new boat house for the new class of lifeboat at Queens Drive/Foxholes, Exmouth and possibly to accommodate the HM Coast Guard sector store. The site identified largely comprised the hard surfaced area of the esplanade which was dedicated as public highway and administered by Devon County Highways. However, much of the sub soil was still in the ownership of this Council and the slipway to be constructed, if planning permission was granted, would be constructed across the Council's beach and foreshore. The RNLI was requesting that the Council granted a 50 year lease of the proposed site should planning permission be granted and subject to Devon County Council surrendering the dedicated section of highway back to this Council.

Members raised concerns of disruption to the flow of movement along the esplanade and the beach and the need for the construction of the building on this very visible site to be sensitive. These concerns would need to be addressed when the planning application was determined and the Council as landowner would need to be satisfied that the lease contained adequate safeguards.

RESOLVED that land at Queens Drive/Foxholes, Exmouth be allocated for a new lifeboat building, subject to the granting of planning permission and the agreement of terms and conditions for a 50 year lease of the site.

(Councillor Mrs P A Stott declared a personal interest in this item as her sons work for the lifeguard service).

***105 Exmouth Town Management**

Members considered the report of the Economic Development Manager in respect of the proposal from Exmouth Town Council for the Town Manager to be employed on a full time basis with the support of a part time assistant. This Council currently part funded the part-time manager's post and now the Town Council sought additional financial support from both the District and County Councils. The Town Council had advised that Devon County Council had agreed funding of £10,000 subject to this being matched by the District Council.

RESOLVED that the request to increase funding for the Town Management in Exmouth be deferred and considered together with other funding bids during the budget setting process.

***106 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, of the description set out in the agenda is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

***107 Exemption to standing orders for purchasing play equipment**

Members considered the report of the Senior Estates Surveyor setting out the reasons for a variation being sought to permit the purchase of a particular type of junior multi-play equipment without adopting the standard tendering process.

RESOLVED that Streetscene purchase particular junior multi-unit play equipment for Woodman's Crescent play area, Honiton, without inviting 3 tenderers for reasons given in the report.

*108 **Acquisition of land for new sewage treatment works at Hillside, Southleigh: agreement of terms and conditions.**

Members considered the report of the Senior Estates Surveyor in respect of the proposal to acquire an area of land and drainage rights next to the sewage treatment works at Hillside, Southleigh so that the obsolete sewage treatment works could be replaced to comply with the effluent standards of the Environment Agency.

RESOLVED that approval be given to the acquisition of land required for a new sewage treatment works at Hillside, Southleigh for the amount contained in the report.

Chairman Date