

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 6 August 2008**

**Present:**

Councillors:

Sara Randall Johnson (Chairman)  
Ray Franklin (Vice Chairman)

Geoff Chamberlain  
David Cox  
Jill Elson  
Mike Green  
Peter Halse  
Stuart Hughes  
Graham Liverton  
Andrew Moulding

**Also Present:**

Councillors:

David Atkins	Helen Parr
Vivienne Ash	Margaret Rogers
Paul Diviani	Pauline Stott
Chris Gibbings	Chris Tratt
Roger Giles	Tim Wood
Graham Godbeer	Eileen Wragg
Jim Knight	Steve Wragg
Frances Newth	

Honorary Alderman Ron Mudge

**Also present:**

Officers:

Andrew Ennis, Environmental Health Manager  
Denise Lyon, Deputy Chief Executive  
Karime Hassan, Corporate Director  
Peter Jeffs, Corporate Director  
Paul Lowe, Housing Enabling Officer  
Diccon Pearse, Corporate Director  
Rachel Pocock, Head of Legal, Licensing & Democratic Services  
Mark Reilly, Head of Streetscene Services  
Diana Vernon, Democratic Services Manager

**Apologies:**

Non-Executive Board Councillors:

Pat Graham  
Steph Jones  
Darryl Nicholas  
Ken Potter  
Brenda Taylor

Mark Williams, Chief Executive

The meeting started at 5.35 pm and ended at 8.25 pm.

**\*26 Public Questions**

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

Marion Scott, resident of Littleham Road, Exmouth, raised a number of questions relating to the Devon Shellfish Factory in Littleham and the problem this business created in terms of smell, seagulls and residue. She acknowledged the good work the Environmental Health and the Environment Agency had done in encouraging the factory owner to implement measures to control and minimise the smell but questioned whether these measures were being used in practice and what the Council was doing to monitor and control the operation.

Ken Harper, Exmouth Town Councillor asked if the Council could undertake sensible negotiations with the Devon Shellfish Factory owners, Coombe Fisheries, about the possibility of completely re-building and re-fitting the factory, to combat the environmental impact, either on its existing site or to persuade them to re-site the factory to a more appropriate and non-residential area. He also asked about the authorisation of use and what conditions were linked to that permission.

The Portfolio Holder – Communities advised that the Council's Environmental Health Officers were dealing with the problem and were in negotiation with Coombe Fisheries. With regard to the authorisation of use, the 1990 Environmental Act only required businesses with significant volumes of throughput to apply for a permit and this business was able to operate without such a permit. The Portfolio Holder was sympathetic to the affect the business had on the town and nearby residents in particular. However, she said that this was a long standing company which had occupied the same site for a number of years and employed 18 people. The Council was investigating the complaints and was working with the owners to address local concerns. Environmental Health Officers were making unscheduled visits to the site to check whether the agreed measures were in operation. No action could be taken if the company was complying with the law but action could be taken for non-compliance if there was sufficient evidence to issue an abatement order. Residents were invited to submit any complaints direct to the Council. The Environmental Health Officers would then be able to assess the extent of the problem, investigate why this was happening, consider what the Company could reasonably do about it and take any necessary action.

**\*27 Minutes**

The minutes of the meeting of the Executive Board held on 25 June 2008 were confirmed and signed as a true record.

**\*28 Matter brought forward**

The Chairman agreed for an item on a potential legal challenge to the Boundary Committee's recommendation to be considered as an urgent item due to the tight timescales involved.

**\*29 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, including the urgent item referred to at Minute 28 above, be dealt with under Part B.

**\*30 Forward Plan**

The contents of the Forward Plan for the period 1 August 2008 to 30 November 2008 were noted.

The Portfolio Holder – Communities advised a correction to the Forward Plan. The Lead Member in respect of the Community Enforcement Contract was the Economy Portfolio Holder and not the Community Portfolio Holder as printed.

**\*31 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.

**\*32 Minutes of the meetings of the Corporate Overview and Scrutiny Committees**

The minutes of the meeting of the Scrutiny Committee held on 9 July and the Corporate Overview Committee held on 24 July 2008 were noted.

The Vice Chairman of the Scrutiny Committee encouraged Members to attend future meetings of the Committee to add their input to the important items and issues considered.

In respect of Corporate Overview Committee minute 8 relating to proposed alternative energy supplies, the Member Champion for Sustainability (Eco issues) stated that use of renewable energy was a matter of urgency. She said that increasing fuel consumption had an adverse impact on the environment and rises in fuel prices were affecting everyone but particularly the elderly and those on low incomes. Some would have to choose between heating and eating. Rural areas were suffering the most. The Climate Change Strategy would set out how these issues could be addressed.

In respect of Corporate Overview Committee minute 7 relating to the Exeter International Airport Draft Master Plan, the Portfolio Holder – Economy emphasised the crucial role the airport played in the district's economic well-being.

**RESOLVED** (1) that the following decisions be noted:

- |                                     |   |
|-------------------------------------|---|
| <b>Scrutiny Committee Minute 10</b> | that correspondence with Dr Kevin Snee, Devon Primary Care Trust, be noted.   |
| <b>SC Minute 11</b>                 | <ol style="list-style-type: none"> <li>1. that the present situation with civil parking enforcement be noted;</li> <li>2. that congratulations be given to the officers for their success in implementing the new operational procedures;</li> <li>3. that a press release be sent out to give the current situation on civil parking enforcement.</li> </ol> |
| <b>SC Minute 13</b>                 | that the report on the new system of National Indicators for 2008/09 be noted.  |
| <b>SC Minute 14</b>                 | that the quarterly monitoring of service plans (fourth quarter 2007/08 and full year 2007/08) be noted.   |
| <b>SC Minute 15</b>                 | that the Forward Plan for Scrutiny be noted.  |

\*32 **Minutes of the meetings of the Corporate Overview and Scrutiny Committees (continued)**

that the following decisions be noted: (continued)

**SC Minute 16** that the Task and Finish Status report be noted.

**Corporate Overview Committee Minute 8** that Tim Ford, of Fords of Sidmouth, presents to the Corporate Overview Committee again when research has been carried out to verify his work in respect of the possible use of wind energy to power a small town such as Sidmouth.

**CO Minute 9** that the item on Beach Concessions be deferred until the next meeting of the Corporate Overview Committee.

**CO Minute 10** that the Sustainable Buildings Task and Finish Forum be set up as soon as possible.

(2) that the following recommendations be approved

**Scrutiny Committee Minute 11** that, in respect of civil parking enforcement, discussions take place with Devon County Council and the Police about continuing police responsibilities for dealing with obstruction; and to clarify operational issues such as the correct marking of loading bays.

**SC Minute 12** that the Trustees of Poltimore House provide the Scrutiny Committee with a business plan, and that the Council carry out a liability and financial assessment of the Council's risk as soon as possible, and certainly within the next three months.

**Corporate Overview Committee Minute 7** that the Draft Master Plan for Exeter Airport be supported in principle subject to concerns being addressed in respect of the lack of detail on how more challenging targets for the modal shift from car to public transport would be achieved and the potential increase in noise frequency for more households.

(The Leader of the Council declared a prejudicial interest when Exeter International Airport was discussed as an employee of Flybe and left the Chamber during that part of the debate).

\*33 **Minutes of the meetings of the Recycling and Refuse Partnership Board**

The report of the meeting of the Recycling and Refuse Partnership Board held on 23 June 2008 was noted.

The Portfolio Holder – Streetscene Services up-dated Members on the current position in relation to the Recycling and Refuse initiative. He advised that the planning application for a new depot at Greendale Barton had been refused by Devon County Council at its planning meeting on 24 June 2008. An appeal was being lodged as without the depot there would be very significant waste disposal problems from autumn next year.

\*33 **Minutes of the meetings of the Recycling and Refuse Partnership Board (continued)**

He advised that the Phase 1 Scheme was now being rolled out. There had been intensive leafleting and road shows within the Phase 1 area. The Scheme had created huge public interest and support and as a result the level of recycling had increased significantly. He acknowledged a number of challenges as a result of the roll out and praised SITA and the Streetscene team in particular for their work in addressing these problems. Particular thanks were extended to the public for their participation in the Scheme and positive attitude to recycling.

**RESOLVED** that the decisions of the Recycling and Refuse Partnership Board be noted.

\*34 **Infrastructure needs and modeling in support of the East Devon LDF (Local Development Framework) – Key Decision**

Members considered the report of Karime Hassan, Corporate Director detailing the importance of having an Infrastructure Needs Analysis and model to inform the Local Development Framework. When developed, the Framework could be applied to the planned housing growth in the District against which future social and community needs could be calculated and strategies developed.

Members were reminded that the draft Regional Spatial Strategy required 7,500 dwellings plus a further 4,000 dwellings within the area. This expansion would be met in part by the development of Cranbrook but additional major urban extensions also needed to be planned. The Framework would be applied district-wide and not just to the Growth Area. This would enable the Council to be informed about existing settlements and their catchment area and infrastructure needs resulting from potential development. The Framework would provide infrastructure 'trigger points' so that Members would know, for example, if proposed growth of a settlement would trigger the need for a secondary school.

The South West Regional Development Agency was interested in joint commissioning consultants to undertake the Infrastructure Needs Analysis as the resultant work plan could demonstrate useful lessons of interest across the region and accelerate delivery of the growth agenda. The work would also provide the evidence base for the introduction of the community infrastructure levy.

Members were encouraged to attend the planned special meeting of the Development Control Committee to discuss the Local Development Framework and also to engage with the local councils in their Wards to help steer the process.

- RESOLVED**
- (1) that authority be given to commission, with the South West Regional Development Agency (SWRDA), an Infrastructure Framework Model for East Devon, including the Growth Area, to identify the area's infrastructure needs to service the planned growth to 2026,
  - (2) that an exemption be made from the financial standing orders as SWRDA would be responsible for engaging the consultants.

\*35 **Imperial Recreation Ground – progress report on the proposed treatment of the site - Key Decision**

Members considered the report of Karime Hassan, Corporate Director in respect of the need to carry out remediation works to the Imperial Recreation Ground to restore the site to comply with Environment Agency regulations. Members were advised that if satisfactory works were not carried out to address the problems on the site, the Council was at risk of prosecution by the Environment Agency. The Ground was a former landfill site and leachate was found to be contaminating the estuary. The Council had sought tender prices for a 'dig and dump' solution but due to cost, alternative options were now being explored. Members were advised that the Environment Agency was now considering whether the environmental impact would be lessened by dealing with material on site rather than requiring it to be removed. This option would be discussed with Natural England. In addition, repairs would be needed to the concrete revetment.

Members were advised that it would be necessary to carry out the works in 2009 to ensure that they were completed prior to the works on the Visitor Centre if this was to be located on this site. Funding for the works was available and would be drawn down at the appropriate time.

**RESOLVED** that the analysis of site investigation data and on-going examination of options for remediation be noted; with this being scheduled for completion in August 2008 and the implementation of the proposed solution being planned for 2009.

\*36 **Anti-Social Behaviour byelaws at Shelly Beach**

The Leader brought this item and the next forward on the agenda as a number of members of the public had attended the meeting for these particular issues.

Karime Hassan, Corporate Director presented his report which had been written in response to the concerns of the Exmouth Quay Residents' Association. These were in regard to access to the water at Shelly Beach and problems of anti-social behaviour associated with vehicles accessing the Beach via Belshers Slipway (which was a public right of way) and driving along the beach to launch and retrieve watercraft. The Association requested that the Council take action to address safety concerns. Members noted that the issue could be addressed by controlling the access to the beach subject to Country Council approval. Members were reminded of the discussion of the Byelaws Task and Finish Forum and the subsequent joint meeting of the Environment and Economy Overview Committees which recognized the safety issues raised but also the lack of alternative facilities for launching and storing watercraft along the Exmouth coast.

Members were asked to consider whether to introduce a byelaw to prevent vehicles parking in a section of Shelly Beach (although vehicles would still be allowed to manoeuvre at the base of the slipway to unload the watercraft) or wait until alternative facilities had been secured.

Tim Mock, Coxswain of the Exmouth Lifeboat and resident of Exmouth advised that problems experienced were inevitable when all water users were put together to share facilities. He said that it was important for alternative facilities to be in place before any restrictions were imposed.

A Member of the Exmouth Residents' Association advised that the anti-social behaviour issues only affected one resident of the Quays. She said it was important to focus on sorting out alternatives to the present arrangements before a byelaw was put in place.

**\*36 Anti-Social Behaviour byelaws at Shelly Beach (continued)**

A letter from Exmouth Rowing Club objected to Belchers Slipway being taken out of use as it could be used in all but the worst weather conditions.

Councillor Chamberlain advised that Belchers Slipway should be preserved for small craft as waters around that Slipway tended to be calmer. Alternative sites for launching boats had already been looked into and no suitable solution had been found. The Task and Finish Forum had looked in detail at the problem and possible solutions with the preferred one being to look at the use of Camperdown Gut following dredging. This possible option had raised concerns with Natural England.

Queens Drive could be the site of a boat-user facility and had space for vehicle and trailer parking. Work needed to be undertaken which could address the conflict between water users and associated safety issues and also meet the concerns of the Exmouth Quay Residents' Association.

It was suggested current byelaws did not cover Shelly Beach which had only been transferred to Council ownership in 1996.

A lockable barrier/bollard at the slipway would prevent unauthorised vehicle access to the beach but the practicality of this option was questioned.

All interest groups, including the Devon Country Council Rights of Way, would need to be involved in considering the various options.

- RESOLVED**
- (1) that Devon County Council be requested to assess the legal options for controlling the use of the slipway, such as consideration of downgrading to a pedestrian right of way; and subject to the outcome of this assessment consultation being undertaken with Exmouth Town Council and the Exe Estuary Management Partnership on a proposal to draft a byelaw precluding the parking of vehicles on Shelly Beach.
  - (2) that a feasibility study be undertaken on the technical requirements for a new slipway with vehicular access and trailer parking at Queens Drive in the vicinity of the existing RNLI slipway.

**\*37 Exmouth Interpretation Centre development – request for exemption to standing orders**

Members considered the report of the Interpretation Centre Project Development Manager requesting an exemption to standing orders to appoint specialists to provide support, advice and undertake some preliminary planning and design work to help progress the outline planning application. Members were advised that the preferred architects, Form Design, had been involved with various stages of the project for over 2 years and had been instrumental in creating the briefs for both design projects, in Exmouth and Seaton, to meet the stringent funding criteria. As a result they understood the needs of the project and would be able to undertake the work quickly at the required high standard.

Megan Armstrong of the Exmouth Citizens' Forum questioned why the Visitor Centre was linked with the supermarket proposal. She said that the Council had not listened to the people of Exmouth when they said that they did not want the supermarket on the proposed site. In response the Leader advised that the Estuary Car Park was earmarked for development but that no supermarket application had yet been received. There would be full consultation at that time.

\*37 **Exmouth Interpretation Centre development – request for exemption to standing orders (continued)**

Karime Hassan, Corporate Director, confirmed that the significant funds available from the South West Regional Development Agency were time-limited and therefore the final design and costs needed to be established as soon as possible to enable the projects to be progressed to the detailed planning stage. He confirmed that the site of the Centre in Exmouth had not been agreed and both options (the bus station and the Imperial Recreation Ground) remained open.

The Board agreed to progress the work on the brief and emphasised the need for the Interpretation Centre to be an iconic structure.

**RESOLVED** that the exemption to standing orders for the expenditure in the region of £8000, whilst only having received one quote for this specialist project work, be agreed.

\*38 **Financial monitoring report 2008/09 – month 3**

Members considered the report of the Financial Services Manager summarising the Council's overall financial position for 2008/09. Appendix A and B detailed predicted budget variations on the General Fund and Housing Revenue Account for the year. An additional middle column was included to show month on month changes for Members to note trends. Agreed revised or supplementary estimates were shown in Appendix C. In addition a new Appendix, D, was included with the report for Members' information which detailed a set of financial performance indicators dealing with major income streams and arrears levels comments to explain any significant variations.

Details of the large, high risk and volatile budget areas were particularly examined and analysed through risk assessments by operational managers and finance staff. Remedial measures suggested by officers to counteract many of the material variances were noted.

The report gave details of all Budgets for the period 1 April to 30 June 2008.

Diccon Pearse, Corporate Director advised that car park and planning/land search income was down. A close eye was also being kept on the concessionary fares budget and the potential money market fluctuations.

The Portfolio Holder – Resources thanked the Corporate Director and his team for providing a good outline of the current financial situation and the national influences on the budget. A deficit was anticipated at year end and as a result he asked all Portfolio Holders to be particularly vigilant in areas which already showed a budget deficit.

The Portfolio Holder – Communities drew attention to the need for evidence to support legal action taken in respect of environmental health issues to avoid incurring court costs.

**RESOLVED** that the variances identified as part of the Revenue and Capital Monitoring process up to month three and the new financial performance indicators of 2008/09 be noted, including the effect on the Council's Reserves and Balances.

**\*39 Delivering efficiency in local services**

Members considered the report of the Head of Finance setting out the Council's Annual Efficiency Statement which included efficiencies achieved. Efficiencies of 2.5% per year against the 2004/05 budget were required to comply with Central Government target. Councils were tasked to improve productivity and Members were advised that EDDC had surpassed this target. Cuts in service did not count as efficiency gains.

Efficiencies/savings identified in the Annual Efficiency Statement included savings from transferring Leisure Services to a Trust, savings from the purchase of refuse containers through an e-auction event and savings achieved by continuing to improve Council Tax collection. Members were asked to consider the next 3 years' targets as set within the 2007 Comprehensive Spending Review (CSR07) period. The efficiencies now required were of 3% per year using 2007/08 as the baseline for comparison and all needed to be cashable. Members noted the 5 key themes put forward to drive efficiency and innovation through service transformation, namely,

- redesign service delivery around customer needs
- collaboration with partners
- smart procurement and use of competition
- better use of technology
- asset management

Members noted the measures the Council was presently pursuing in each of these areas and that future Statements were now required to include a national 'value for money' indicator.

The Portfolio Holder – Resources congratulated Officers for efficiencies already made and confirmed that year on year, efficiencies were harder to achieve.

**RESOLVED** that the Annual Efficiency Statement for the end of 2007/08 be approved and that efficiency targets for the period 2008/09 to 2010/11 be noted.

**\*40 Timetable for preparing plans for service delivery and financial management for 2009/12**

Members considered the report of the Communications and Improvement Manager setting out the draft timetable for preparing plans for managing performance and finances during the next year. The timetable followed a similar pattern to previous years.

**RESOLVED** that the proposed timetable for preparing plans for service delivery and financial management for 2009/12 be approved,

**\*41 East Devon Natural Environment Awareness Grant Scheme**

Members considered the report of the Chief Executive in respect of the above grant scheme. Members recognised the benefits of setting up a grant fund which would help deliver a greater understanding and appreciation of East Devon's countryside. Specific grants would be made available to local organisations, particularly local schools and voluntary groups. Schemes approved for grant would be those which assisted the Council in achieving its ambitions, namely to help and educate children and young people about the local natural environment. The scheme would mirror and help take forward the education work of the Council's Countryside Service which would administer the scheme and monitor the projects. The Service would look to support quality, relevant and innovative projects to deliver environmental education across the district.

**\*41 East Devon Natural Environment Awareness Grant Scheme (continued)**

Members spoke positively of the work carried out by the Countryside Services and the very positive work undertaken with young people by the Education Ranger.

**RESOLVED** that the creation of an East Devon Natural Environment Awareness Grant Scheme be approved with £75,000 being allocated for the support of the schemes and projects that deliver the criteria outlined within the report, subject to monies being available.

**\*42 Funding – Safer Devon Partnership**

Members considered the report of the Community Safety and Anti-Social Behaviour Co-ordinator setting out details of three successful capital funding bids in respect of:

- CCTV up-grade for Exmouth
- New cameras for the Honiton CCTV system
- Radios for 'Pub Watch' schemes in Honiton and Sidmouth

In addition, Members were reminded of the decision of the Board at its meeting on 26 March 2008, to fund half of the £40,000 required for the Exmouth CCTV system to be up-graded. Members were advised that £15,000 had now been secured through the Safer Devon Partnership and £2,500 had been obtained from both Exmouth Town Council and the Devon and Cornwall Constabulary to make up the balance.

The Portfolio Holder – Communities congratulated Gerry Moore in achieving the successful bids and particularly welcomed improvements to the CCTV system in Exmouth.

**RESOLVED** that the successful funding bids from the Community Safety Partnership be noted including the Exmouth CCTV up-grade for which the Executive Board had previously agreed, subject to conditions, to contribute half the cost.

**\*43 Review of implementation of the Corporate Strategy approved April 2006**

Members considered the report of the Communications and Improvement Manager which invited a review the implementation of the 2007/08 Corporate Strategy in respect of the extent to which the Council's key priorities, outcomes and actions had been achieved. It was essential to link the 2007/08 Corporate Strategy's uncompleted, partially completed and ongoing actions with the 2008/11 Strategy to achieve continuity.

**RESOLVED** that the current state of play in implementing the Corporate Strategy approved in April 2006 be noted with relevant actions in the Strategy, particularly those which had not yet been achieved, being incorporated in a modified version of the 2008/11 Strategy that would be considered at the next meeting of the Executive.

**\*44 Local Government Ombudsman Annual Letter**

Members considered the report of the Information and Complaints Officer and the annual letter of the Local Government Ombudsman summarising complaints made to him about the Council during 2007/08. Members noted that the Ombudsman was satisfied that the Council's complaints process was accessible to customers. Further means of publicising the procedure more widely could be investigated to reduce the number of premature complaints to the Ombudsman. Members also positively noted that the Ombudsman commented favourably on the Council's average response time to complaints and on the Council's careful and clear responses and documentation on more complex complaints.

**RESOLVED** that the content of the Local Government Ombudsman's Annual Letter be noted.

#### 45 **Policy for Regulatory and Investigatory Powers**

Members considered the report of the Head of Legal, Licensing and Democratic Services seeking approval for the above policy which reflected legal requirements and the recommendations of the Office of the Surveillance Commissioner. Members noted that this Council made occasional use of surveillance powers to detect and prevent crime or to prevent disorder under the Regulation of Investigatory Powers Act 2000. The powers were used to identify and gather evidence against those responsible for anti-social behaviour or suspected serious breaches of regulatory control. The policy would assist Officers in implementing the Act.

- RECOMMENDED**
- (1) that the Council's Regulation of Investigatory Powers Act policy set out at Appendix 1 to the report be approved subject to it being clear that Officers could not authorise their own regulatory or investigatory work, with delegated power being given to the Head of Legal, Licensing and Democratic Services to update it as necessary in line with legislation and guidance.
  - (2) that adoption of the Home Office Codes of Practice on covert surveillance and covert human intelligence sources be confirmed.
  - (3) that all Heads of Service be designated as authorising Officers, together with the Monitoring Officer, Chief Executive and the Internal Audit and Governance Manager.

#### \*46 **Specialist ground works – request for exemption to contract standing orders**

Members considered the report of the Countryside Manager seeking exemption to standing orders to urgently undertake specialist ground preparation work to complete the installation of a special pump to the Seaton Marshes Wetlands' site. The works would then allow an application to be made for the associated Government grant.

**RESOLVED** that exemption to standing orders be approved to enable the chosen specialist contractor to complete the ground works at the Seaton Marshes Wetlands site so that the biodiversity objectives could be achieved and the structural integrity of the site maintained.

#### \*47 **Legal Work requisitioned under Catalist procedure – request for exemption to standing orders**

Members considered the report of the Head of Legal, Licensing and Democratic Services seeking exemption to standing orders to use the Government Catalist framework procedures to appoint legal consultants as this provided access to details of legal firms which had already been vetted and selected through the Treasury Solicitor's procedures. Members were advised that the procedure was flexible and minimised time, bureaucracy and costs and complied with European Procurement requirements.

**RESOLVED** that the Catalist framework procedures be endorsed as an acceptable alternative to the existing procedure in contract standing order 1.47 when appointing legal consultants.

\*48 **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 item at Minute 28 (Para 3 Schedule 12A) above brought forward as a matter of urgency, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

\*49 **Devon Local Government Reorganisation Proposals – legal challenge**

Members considered the verbal report of the Head of Legal, Licensing and Democratic Services seeking support from the Board to progress a legal challenge to the lawfulness of the process adopted by the Secretary of State and the Boundary Committee. Members felt that it was appropriate to progress a judicial review on a number of grounds including the lack of financial information provided by the Boundary Committee.

**RESOLVED** that a legal challenge of the Boundary Committee recommendation be commenced with the issue of a Letter before Claim.

\*50 **Draft Heads of Terms – Stowford Rise, Sidmouth**

The Board considered the report of the Head of Housing and Social Inclusion and the Housing Enabling Officer seeking consent from the Board to proceed to Master Plan land in the Council's ownership at Stowford Rise with the Council's chosen Registered Social Landlord partner using a Development Agreement. Members of the Board were provided with information in respect of the Master Plan and details of how the Council had worked closely with the Housing Association, District Valuer and Legal Services in preparing the draft Heads of Terms with the Council's preferred partner, Devon and Cornwall Housing Association.

Members were asked to approve specified freehold land transfer to the Housing Association if the Council was to proceed and when necessary permissions were in place and contracts exchanged.

The Portfolio Holder - Communities welcomed the Council's approach in aiming to secure a high proportion of affordable housing, whilst attracting Housing Corporation funding and optimising land values. The Portfolio Holder – Resources advised that the level of capital receipts to be generated by the land transfer was currently unknown. The Portfolio Holder – Communications emphasized the importance of the proposed Community Centre.

The Housing Enabling Officer was thanked for his presentation and for the excellent work he had carried out and the resultant achievements.

- RESOLVED**
- (1) that the Draft Heads of Terms to enable the Devon and Cornwall Housing Association and to Council to proceed to Master Plan the remaining East Devon District Council owned land at Stowford Rise be approved,
  - (2) that the freehold land transfer as detailed in the report be approved,
  - (3) that the Portfolio Holder – Communities be authorised to approve the final version of the Heads of Terms.

\*50 **Office Accommodation – Exmouth**

The Board considered the report of Karime Hassan, Corporate Director, the Deputy Chief Executive and the Head of Finance in respect of a suitable location to provide services in Exmouth. Members were asked to consider whether the site was an appropriate base for some local services and whether joint occupancy of these premises with other service providers should be explored.

Karime Hassan, Corporate Director up-dated Members by advising that it would be appropriate for the whole of the ground floor area to be used as a customer area. The result of this change would be that the building would accommodate 40 members of staff but would provide a high quality customer area.

Members welcomed the proposal which would provide an excellent local service to the town and surrounding area.

**RESOLVED** that the Council take on the lease of the premises identified within the report in Exmouth and commence negotiations with the letting agents with the objective of securing a longer tenure on terms most favourable to the Council.

Chairman .....

Date .....