

# EAST DEVON DISTRICT COUNCIL

## Minutes of a Meeting of the Overview and Scrutiny Co-ordinating Committee held at Knowle, Sidmouth on 19 August 2010

**Present:**

**Councillors:**

Ray Bloxham (Chairman)  
Bob Peachey (Vice-Chairman)  
Peter Bowden  
Bob Buxton  
Roger Giles  
Peter Halse  
John Humphreys  
Stephanie Jones

Frances Newth  
Barry Nicholson  
Marion Olive  
Helen Parr  
Graham Troman  
Eileen Wragg  
Steve Wragg

**Officers:**

Karime Hassan – Corporate Director  
Peter Jeffs – Corporate Director  
Diccon Pearse – Corporate Director  
Rachel Pocock – Head of Legal, Licensing and Democratic Services  
Debbie Meakin – Democratic Services Officer  
Rob Speers – Senior Estates Surveyor  
Mark Williams – Chief Executive

**Also Present**

**Councillors:**

Vivienne Ash  
Graham Brown  
Roger Boote  
Geoff Chamberlain  
David Cox  
Paul Diviani  
Jill Elson  
Ray Franklin

Graham Godbeer  
Mike Green  
Chris Gibbings  
Ann Liverton  
Graham Liverton  
Sara Randall Johnson  
Tony Reed  
Pauline Stott  
Brenda Taylor

**Apologies:**

Iain Chubb  
Christine Drew  
Pat Graham  
David Key

Jim Knight  
Steve Hall  
Ken Potter  
Andrew Moulding

The meeting started at 6.30pm and ended at 9.50pm.

\*12 **Declarations of Interest**

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Vivienne Ash	6	Prejudicial	Member of Honiton Town Council; Trustee of the Honiton Development Trust; Council's elected representative on the Honiton Community and Arts Centre Project Working Group.

\*12 **Declarations of Interest (continued)**

Marion Olive	6	Prejudicial	Chairman of Honiton Community Centre Assoc.
Bob Buxton	6	Prejudicial	Chairman of Honiton Development Trust
Peter Halse	6	Prejudicial	Member of Honiton Town Council
Graham Brown	6	Prejudicial	Executive Board Member involved in decision
Geoff Chamberlain	6	Prejudicial	Executive Board Member involved in decision
David Cox	6	Prejudicial	Executive Board Member involved in decision
Mike Green	6	Prejudicial	Executive Board Member involved in decision
Jill Elson	6	Prejudicial	Executive Board Member involved in decision
Ray Franklin	6	Prejudicial	Executive Board Member involved in decision
Graham Godbeer	6	Prejudicial	Executive Board Member involved in decision
Sara Randall Johnson	6	Prejudicial	Executive Board Member involved in decision

13 **Decision made by Portfolio Holder – agreement to the Council transferring a strip of beach and foreshore adjoining Pier Head to ‘Eagle One’ for the reinforcing of rock revetment to Exmouth Docks**

A report was issued to the Environment Portfolio Holder on 8 June 2010, with the decision being made and reported to Members via the Confidential Knowledge newsletter on 16 July 2010, concerning a request consent by ‘Eagle One’ to place additional rock armour to the sea defences which protect the Exmouth Harbour Wall. ‘Eagle One’ were due to construct a proposed development at Exmouth Docks, and made the request to strengthen the sea defences to provide adequate protection to the development.

The decision was ‘called in’ to the Committee for reconsideration and scrutiny. The portfolio holder had been asked to attend to explain his decision.

13 **Decision made by Portfolio Holder – agreement to the Council transferring a strip of beach and foreshore adjoining Pier Head to ‘Eagle One’ for the reinforcing of rock revetment to Exmouth Docks (continued)**

Rob Speers, Senior Estates Surveyor, explained to the Committee the intention of the report was to seek authority to negotiate terms and conditions in respect of a possible transfer. He outlined the strip of beach in question to the Committee using maps displayed on screen.

Ray Pickering, from the Exmouth Quay Residents Association, voiced his concern to the Committee about the transfer of the area of beach to the developers. Residents were responsible for the maintenance and repair of the locality, managed through contribution to a management company. His concern was that the transfer of the land to the developer would ultimately pass on the liability for the land to the local residents and lead to an increase in the contribution paid. He was also concerned that the whole of the wall along the site was split up into different ownership and therefore responsibility issues needed to be resolved.

The Chairman advised Mr Pickering that his letter to the Chairman, detailing his concerns, would be passed onto the Senior Estates Surveyor for him to consider.

Graham Brown, Portfolio Holder for Environment, expressed an apology to the Committee for the item being before them. He did not have the powers within his remit as Portfolio Holder to agree to any land transfer. The report was not clearly worded; as a result, the desired decision was not clear and as intended, that being to authorise negotiations. In answer to a question about business links with the developer, he denied any interest to declare.

Rob Speers, in answer to a question about consultation, confirmed that he would take into account the concerns raised by Mr Pickering, alongside consulting with other interested parties and Ward Members. He also explained that there was an alternative option of the land being transferred under licence, which would mean that the Council would retain responsibility for maintenance of the land.

Members raised a number of issues, including:

- Concern at the loss of an area of public beach; the importance of retaining public access to the beach and the associated rights of way on that land;
- Establishing clear responsibilities for each section of the wall and how the local authorities impacted on those responsibilities;
- Need to consult with bodies such as the Environment Agency and the South West Regional Flood Defence Committee, to establish if any such reinforcement would cause impact elsewhere on the coastline;
- Need to consider the strip of land in the context of the whole Docks area, and how that area will develop in future years.

**RECOMMENDED**

1. that a clear report is submitted to the Executive Board by the Senior Estates Surveyor, asking whether it would be appropriate for authority to be given to open negotiations with the developer regarding transferring a strip of beach and foreshore adjoining Pier Head to ‘Eagle One’ for the purpose of reinforcing of rock revetment to Exmouth Docks ;
2. that the report details the consultation that will be carried out, to include local residents associations, local Ward Members and other interested parties to establish how a possible transfer of land will impact on those consultees.

14 **Decision made by the Executive Board – not to transfer land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre**

On the 14 July 2010 the Executive Board considered a report with the recommendation to agree to a transfer of 0.114 Ha of land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ than might reasonably be obtainable in the open market, subject to the Honiton Community Centre project proceeding.

The Board’s decision was not to transfer the land as recommended, with the reason stated in the minutes that “The Board was not convinced that the proposed site of the Community Centre met its requirements or had gained the support of the town and believed that alternatives should be explored”. A resolution was also made to urge Honiton Town Council to seek an alternative site for the Community Centre.

The decision was ‘called in’ to the Committee for reconsideration and scrutiny. Members of the Executive Board had been asked to attend to explain their decision.

Councillor Marion Olive set the scene for the Committee detailing her reasons for calling in the decision by the Executive Board, including that their decision, in her view, negated the work done to date to bring about a Community Centre.

Vernon Whitlock, representing Honiton Town Council, reminded the Committee of the history of the project, the Memorandum of Understanding between the two Councils, and the work undertaken by officers to date. He asked why the project, and the established partnership working was being put at risk. He asked why the District Council had permitted and encouraged the use of funding and officer time from both councils to develop plans for that site, to the point of a planning application being almost ready, before withdrawing the offer of land. In response to questions from the Committee, Mr Whitlock confirmed that the precept for Honiton had increased in the current year and would increase in the forthcoming year to cover the centre costs; and that he accepted the result of the town poll, but felt that further consultation was needed because of the low turnout. The overall cost was set out in the Business Plan for the centre, which included a breakdown of how the centre would be funded. Mr Whitlock anticipated that a planning application would be ready for submission within a month.

Councillor Marion Olive, in clarifying cost implications, informed to the Committee that the extra cost equated to £9 per household per annum.

Mr Townsend, a resident of Honiton, spoke about the duty of the Honiton Town Council to serve the local community, and his view that the town did not support the centre project. He warned of the current economic climate, cuts due to public finances and low wages in the area that should be taken into account.

Mr Taylor, a resident of Honiton, stated that there had been no market research for the project to gauge customer demand; that the overall costs were not clear; and that the town poll results were being ignored by the Town Council. Councillors Marion Olive and Vivienne Ash referred to a number of documents and consultations relating to market research and feasibility for the centre.

Mr Ken Sherman, on behalf of the Northcott Lane Residents’ Association, spoke about traffic issues already present for Dowell Street, which would be amplified if the Centre was to be placed at the Lace Walk car park site. He too had concern about the final cost of the Centre, changing design plans and a lack of local fundraising for the centre.

14 **Decision made by the Executive Board – not to transfer land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre (continued)**

John Somers, a resident of Honiton, spoke about the need for all Councils to support engaging activities for local communities; and that a centre for Honiton would help increase such activities and therefore help develop the community. He quoted examples of other successful centres elsewhere in the country, and asked that those present have the vision to see the centre through, to provide benefits to the community.

Sheila McBrearty, a local resident, spoke about unsatisfactory responses from the Honiton Town Council to her Freedom of Information requests relating to costs and timescales. She also spoke about the scale of the centre, and the design not meeting the needs of the community. She made clear that she supported a utilitarian centre for the community but she did not support the scale currently proposed nor the location desired by the Honiton Town Council.

Margaret Mundie, local resident, expressed her surprise at the decision of the Executive Board at a very late stage of the project, not understanding why the decision had been taken and why no alternatives had been proposed. She also stated that any centre would have to be paid for by the residents of Honiton.

Val Groves, a local resident, spoke on behalf of young people in Honiton. She told the Committee that the success of the centre hinged on its location, and the Lace Walk car park location was ideal for accessibility, safety, and links to the college and sports centre. She informed the Committee that young people were not permitted to vote in the town poll. The Chairman outlined recent research conducted via the Place Survey that included youth comments on a community centre. In response to questions about town polls, the Chief Executive explained to the Committee how a poll could be called, that there was no provision for poll cards, that registered electors could take part, and the hours of the poll. In his role as Returning Officer, he advised any town or parish conducting such a poll to publicise the poll as much as possible. He also confirmed, in response to a question, that a town poll was just one method of consulting with the public.

Members asked questions and sought clarity on number of issues, including:

- The impact of the decision by the Executive Board on existing contractual agreements, such as to the transfer of land. The Chief Executive confirmed the previous decision by the Executive Board on 27 November 2002 about the land transfer; and that any decision can be revisited after a minimum of six months has passed;
- What advice had been given to the Executive Board prior to the meeting on the 14 July 2010, and what meetings had taken place to discuss the issue prior to the 14 July 2010 meeting. The Chief Executive explained the standard practice of briefing meetings, whereby his advice was given on a technical nature, covering the history of the project and decisions previously taken by the Executive. The Leader confirmed the standard practice of a briefing; and the right for political parties to meet prior to and after any meeting; she confirmed that a meeting had been held prior to the Executive Board meeting on the 14 July 2010;

14 **Decision made by the Executive Board – not to transfer land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre (continued)**

- What reasons did the Executive Board have for their decision? The Leader responded with a history of the project evolving, including funding from the District Council in earlier years and the continued support of the District Council to try to bring the project to fruition. The decision was a direct result of the combination of the town poll result showing that local people did not want to pursue the project, and the changed economic climate. She illustrated her point with a comparison to the Flamingo Pool in Axminster, with the elements of local drive and fundraising that had brought the pool into being; comparing it to the Community Centre at Honiton which was still, after many years, not showing any significant progress;
- Did the decision not to transfer the land impact on the funding approved in the EDDC capital programme? The decision by the Executive Board made no reference to funding, it related to land transfer and consideration of alternative sites.

At this point in the meeting, members of the public who had spoken were invited to respond to the discussions so far, to clarify or expand on any issue further for the Committee’s information. Vernon Whitlock reminded the Committee that Honiton had no public hall, in contrast to many villages who enjoyed good facilities. He also outlined good working relationships with Honiton College and their future plans to consult with the children there in the autumn term. Other speakers reiterated earlier points made about scale, location and need to support the local community.

Councillor Marion Olive clarified the work done previously in reviewing alternative sites, the planned use of the Centre and the need for new offices for Honiton Town Council. She also challenged the term “utilitarian” building used in the minutes of the Executive Board of 17 July 2010 to describe the planned centre. In response, some Members of the Executive expressed concern about the proximity and impact the centre would have to the Thelma Hulbert Gallery, which had been recently renovated following heavy investment. Councillor Graham Godbeer apologised for the impact of his “coined” phrase of utilitarian building, intended to reflect the drop in cost of the original design for £2.8million down to a redesign at £1.8million. In response to a question, he confirmed that, if Honiton re-consulted with a response that the site in question was favoured, he would of course revisit the proposal.

Councillor Vivienne Ash provided the Committee with information, covering aspects of research, public meetings and funding for the centre. She held concern that some members of the public were not willing to listen to the findings of the research undertaken. She outlined the benefits of the Lace Walk car park location, explaining to the Committee the intention to create a cultural hub not only for Honiton, but for the District. The placement of the centre at that location would increase the profile of the site and increase the footfall to the Thelma Hulbert Gallery. She also outlined the work undertaken to date and set out how the loss of car parking spaces could be recovered by changing the use of the car park at Dowell Street West. She advised that in the current climate, construction costs had fallen and interest rates were low for borrowing. She urged the Committee to support the transfer of land.

Councillor Bob Buxton, as Chairman of Honiton Development Trust, informed the Committee of concerns expressed to him about the cost of the proposed centre and the robustness of the business plan. He also outlined to the Committee his thoughts on the uses of the centre.

14 **Decision made by the Executive Board – not to transfer land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre (continued)**

Councillor Peter Halse recounted his position as former Portfolio Holder for Economy, advising the Committee that the site in question was never suggested as unsuitable. He reiterated earlier comments regarding the traffic issues of the road and expressed a need for an alternative entrance for the site to alleviate some of those traffic issues. He closed his comments with a request of the Committee to find a solution to rebuild the trust between the two Councils.

At this point in the meeting, the Chairman asked those with prejudicial interests to leave the meeting whilst the Committee held debate on what action to take.

Some Members of the Committee expressed concern that the Executive Board had attached too much weight to the result of the town poll. The Committee were in agreement that the partnership between the District Council and Honiton Town Council had been impaired as a result of the decision made, and steps needed to be taken to re-establish the partnership and work towards a positive outcome for the town of Honiton. Councillor Roger Boote provided the Committee with a summary of the views expressed to him as Ward Member. Those views included a desire for a facility and concern for how much the overall project would cost.

The concerns and key issues identified included:

- The District Council’s role in helping to facilitate the delivery of a community centre;
- The need to have strong evidence that the residents of Honiton are in favour of a centre, with a clear view as to the preferred location;
- Some form of timescale needed to be set down, both to provide Honiton Town Council with a target and allow them to proceed with the project, but also to protect the capital investment of the District Council if the project fails to progress at a satisfactory rate;
- Communication between the District Council and Honiton Town Council needed to improve and a meeting should take place to discuss the project before the issue is discussed again at the Executive;
- Passionate discussions, whether for or against the location, from the members of the public present indicated that a centre was still desired, and the Committee hoped that passion could be directed to reach a compromise;
- The role of the Honiton Town Council in obtaining support from the town and presenting a clear, costed and supported project;
- The original officer recommendation to the Executive Board stated that the transfer be “subject to the Honiton Community Centre project proceeding”; thereby giving the option that the transfer would not go ahead if the project was not forthcoming.

14 **Decision made by the Executive Board – not to transfer land at Lace Walk car park, Honiton to Honiton Town Council at less than ‘Best Value’ to facilitate a Honiton Community Centre (continued)**

**RECOMMENDED**

1. that the Executive Board reconsider their original decision of 14 July 2010 minute 44, in light of:
  - a) the dependency of the project on the transfer of land;
  - b) the decision being made at a late stage in the project, when a planning application is imminent for submission;
  - c) the decision being based on a survey of doubtful validity
  
2. that in reconsidering their original decision, the Executive Board consider the original officer recommendation of a transfer of land at Lace Walk car park, Honiton, to Honiton Town Council at less than ‘Best Value’ than might reasonable be obtainable in the open market, **subject to the Honiton Community Centre project proceeding;**
  
3. that the Executive Board, through elected Members and officers, work in partnership with Honiton Town Council to deliver the Community Centre project, regardless of the site finally agreed on, to include clear and accountable costing, agreed timescales for delivery and effective consultation; for reasons to enable the project to progress, whilst protecting public money should the project fail.

The Chairman thanked everyone present for their attendance and contributions to the meeting.

Chairman ..... Date.....