

EAST DEVON DISTRICT COUNCIL

Minutes of the Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 25 July 2018

Attendance list at the end of document.

The meeting started at 6.00pm and ended at 6.42pm.

In the absence of the Chairman, Councillor David Key acted as Chairman for the meeting and Members confirmed their agreement that Councillor John O'Leary would act as Vice Chairman.

***20 Public speaking**

The Chairman welcomed those present and invited members of the public to address the Council.

Gillian Mitchell had submitted a question in advance of the meeting, asking:

“Can the Council please confirm the extent of the land and buildings that are actually included in the proposed sale? In a meeting with JLL on 3 July, JLL's representative indicated that the Council would look favourably on proposals that included the site of the toilet block adjacent to the Drill Hall with the potential to relocate the toilets into any proposed development of the Drill Hall site itself. Does this mean that the Council is marketing an area larger than that occupied by the Drill Hall and the confines of its existing boundary fences?”

In response, the Chief Executive said:

The council has commissioned JLL to manage the marketing of the Drill Hall site and it is JLL's remit to work with potential bidders. It is the Drill Hall that is the asset for disposal. If however proposals come forward that also include part or all of the toilet block as part of securing their provision then these will be assessed as part of the process for determining what may constitute the best value offer.

Gillian Mitchell asked a supplementary question “Please clarify whether this means that bidders are encouraged to rehouse the public toilet facility within their proposed future use of the Drill Hall site, OR bid for the toilet block site as well as the Drill Hall. If the former, then what is the Council proposing to do with the land covered by the existing toilet facility? Understanding this future use is critical to understanding the extent to which any development immediately adjacent to the Drill Hall itself would impact bidders' plans”.

In response, the Chief Executive reiterated that the drill hall itself was the Council's asset which was to be disposed, but that the Council was not closed to any bidder including land outside of the Drill Hall with any bid.

Stephen Pemberton had submitted a question in advance of the meeting, asking:

“This question is in relation to the sale of the Sidmouth Drill Hall. The press release issued on 28 June says that: [Exeter-based JLL](#), who are experienced in commercial property, are the new appointees and on their advice the council will be marketing the building to non-commercial organisations immediately giving them a longer period to come up with their proposals, and the commercial property sector for a shorter period of time from the autumn. Local community groups who

may be interested in the site can approach JLL for guidance about the information required from them, if they want to put in a bid in six months' time.'

Can the council confirm when marketing material regarding the sale will be forthcoming and when JLL will be in a position to provide guidance about the information that will be required from bidders? To date no such material has been provided and very little guidance offered, despite being almost one month into the process. Indeed, access for surveyors is only being made available from 26 July onwards and confirmation of this access is not yet forthcoming from JLL."

In response, the Chief Executive said:

Our agents, JLL, are preparing guidance documentation to be issued shortly. To be clear, at that point in time the three months head start for community and non-commercial bid preparation will commence. Surveyors for at least one interested party are being given access to the site and there has already been contact between JLL and interested parties.

Stephen Pemberton asked a supplementary question, as to how the Council could ensure that a bid is not discriminated against, especially when evaluating the bids. He clarified this in terms of both market value and community value.

In response, the Chief Executive explained that the assessment process would involve councillors from both the District and Sidmouth Town Councils alongside JLL representatives and Council officers. It was confirmed that the process for evaluating the bids was currently being prepared.

***21 Minutes**

The minutes of the meeting of the Annual Council held on 16 May 2018 were confirmed and signed as a true record.

***22 Declarations of interest**

No declarations were made.

***23 Chairman/Leader notices/announcements**

The Chairman had no announcements.

***24 Questions (Procedure Rules 9.2 and 9.5)**

9 questions had been submitted in accordance with Procedure Rule 9.2 - the printed [questions and answers](#) were circulated prior to the meeting. Councillors submitting questions are entitled to put a related supplementary question (Procedure Rule 9.5). The response to the supplementary question asked is set out below.

- a) Question 1 – The supplementary question queried the lack of reference to the Port Royal site being in a conservation area and sought confirmation that all aspects of the assessment of the development would include conservation concerns. Included in the question was reference to the Drill Hall, asking if it was possible at that stage to consider another use for the site.

In response, the Chief Executive agreed that it was correct to include reference to the site being in a conservation area. In relation to the Drill Hall, there would be a six month submission period (an initial three month head start for local community bids and then a further 3 months when private sector bids could be progressed) for tenders to be received; assessment will follow after that period.

- b) Question 2 – The supplementary question was if JLL would get paid by the Council and by their client tendering for the Drill Hall.

In response, Members were told that JLL had been instructed by the Council, and therefore the Council was their client in relation to this project.

- c) Question 3 – The supplementary question related to statements on the condition of the structure of the Drill Hall in relation to safety and asbestos without surveys having been carried out.

In response, advice was given that the Council as owner undertook periodic condition surveys of assets and referred to the answer already provided in that it is up to potential bidders to satisfy themselves of the condition of the building.

- d) Question 4 – The supplementary question asked if a figure of £600,000, which was commented as referenced several times, could be confirmed as the valuation for the Drill Hall.

In response, the Chief Executive was clear that there was no set figure, and reiterated the process of assessment and recommendation to Cabinet on the asset.

- e) Question 5 – The supplementary question concerned what element of incorporating community concerns and wishes would be included in the assessment criteria of tenders for the Drill Hall, and who would be involved in those assessments.

In response, the Portfolio Holder outlined the bid process for the sale of the Drill Hall and highlighted there would be a scoring matrix which would include aspects such as the quality of the submission, environmental factors and sustainability alongside price. Recommendations on the bids in accordance with their scoring (the core group, consisting of councillors, JLL and officers, agreeing the criteria and scoring matrix) would be reported to the Asset Management Forum for further discussion and recommendation to Cabinet for the final decision. He felt that this was a fully democratic process for consideration of the tenders received.

- f) Question 6 – The supplementary question asked was were other agents had been asked to bid or were the wrong agents asked to bid to act as the agent for the marketing of the Drill Hall; as she felt that it was “Hobson’s choice” to have JLL selected as agent.

In response, it was reported that 5 agents were invited to apply to bid to act as agent for the Council. It was up to those agents to decide if they wanted to take up that invitation.

- g) Question 7 – The supplementary question contained a statement that there was no evidence on the success of the Premier Inn at Exmouth; and that she had been told the decision to appoint JLL was made by Cllrs Barratt of EDDC and Turner of Sidmouth Town Council, on advice from Town Clerk and EDDC’s Deputy Chief Executive. The question was if the contract had been signed by the Council’s legal advisor and that the Chief Executive and Deputy Chief Executive were happy to work with JLL again.

In response, the Chief Executive confirmed that he was happy to work with JLL again, and the contract has not yet been formally signed but the documentation is being assessed.

- h) Question 8 – The supplementary question suggests Council does not understand what a conflict of interest is, and it is key for an agent to avoid any appearance of conflict. Given that no potential bidder can trust the probity of the process, will the Council now immediately terminate the contract with JLL, and appoint another agent with no such conflict.

In response, the Chief Executive made clear that he was happy for any seriously interested parties to approach with their idea of how to acquire or develop the site, and those will be considered transparently, in an open process, where they will be treated equally.

- i) Question 9 – In response to the supplementary question, the statement was made that lip service had been made to the concept of community bids for the Drill Hall. Marketing of it commenced at date of the press release, with a set end date in January in that press release. The question was why is the Council dodging its responsibility of handling this sale in the public interest, and in the highest standards according to the Council's duty of care?

In response explanation was provided again that the process is in hand, and reiterated the 6 month period for submission of tender (an initial 3 months for the community led bids then a joint 3 months with private bids). JLL are handling this on behalf of the Council and will ensure that all submissions are dealt with fairly; the Council has given advance notification of the submission process coming up; and reiterated that the period for community led submissions has not yet started as paperwork for it is not yet ready to supply.

*25 **Minutes of Cabinet and Committees**

RESOLVED

1. that the under-mentioned minutes be received and the recommendations approved

Cabinet

Minutes 208-225, 1–20, 21–38

Scrutiny

Minutes 41–45, 1–7, 8-13

Overview

Minutes 1-5

Housing Review Board

Minutes 1-16

Strategic Planning Committee

Minutes 37-43, 1-7

Development Management Committee

Minutes 49-52, 1-4, 5-8

Licensing and Enforcement Committee

Minutes 1-4

Licensing and Enforcement Sub Committee

Minutes 1-7, 8-10

***26 Appointment of Tenant Representative on Housing Review Board**

Members formally co-opted Alek Williams to the Board.

***27 Exmouth Seawall Urgent works**

The report outlined urgent works required to ensure the stability of the Western end of the seawall at Exmouth, in order to prevent failure of the seawall and associated damage to adjacent infrastructure.

Councillor Eileen Wragg felt that the work must be undertaken, and recounted her involvement both as a District and County councillor over previous years to mitigate the risk of flooding to the town. She outlined her concerns of the continued development that impacted on the sewer system, having to cope with increased volume of rainwater run-off and impacting on the coastal water flow as a result. She also welcomed the majority of the costs being recovered from the Environment Agency.

Other comments from Councillors included:

- seeking clear commitment on the proportion of costs that could be recovered;
- care in agreeing to £400K in light of the Council's budgetary pressures
- Site visit made clear of nature of emergency work to help protect the highway infrastructure.

Councillor Tom Wright, Portfolio Holder to Environment, confirmed to Members that it was for a short expanse of wall that had to be completed in a small time window. He reassured that a significant proportion of the costs would be recovered from the Environment Agency. He moved the recommendation, which was seconded by Cllr Steve Gazzard.

RESOLVED that authority be given to the Strategic Lead – Housing, Health and Environment to implement the project and works as set out in the report; and that a Contract Exemption in accordance with the Council's Standing Orders be agreed.

Attendance list

Councillors present:

David Key (Chairman)

John O'Leary (Acting Vice Chairman)

Mike Allen

Megan Armstrong

Brian Bailey

David Barratt

Dean Barrow

Susie Bond

Matthew Booth

Colin Brown

Peter Burrows

Paul Carter
Maddy Chapman
Iain Chubb
Alan Dent
Paul Diviani
Bruce de Saram
Tim Dumper
Jill Elson
Mark Evans-Martin
Peter Faithfull
Cathy Gardner
Steve Gazzard
Graham Godbeer
Simon Grundy
Marcus Hartnell
Douglas Hull
John Humphreys
Geoff Jung
Jim Knight
Rob Longhurst
Bill Nash
Dawn Manley
Cherry Nicholas
John O'Leary
Helen Parr
Christopher Pepper
Geoff Pook
Val Ranger
Marianne Rixson
Philip Skinner
Pauline Stott
Brenda Taylor
Phil Twiss
Mark Williamson
Eileen Wragg
Tom Wright

Honorary Aldermen:

Christine Drew
Graham Liverton
Ann Liverton
Steve Wragg

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
John Golding, Strategic Lead Housing, Health and Environment
Debbie Meakin, Democratic Services Officer

Councillor apologies:

Andrew Moulding
Ian Thomas
Ian Hall
Steve Hall

Roger Giles
Stuart Hughes
Mike Howe
Jenny Brown
Darryl Nicholas
Eleanor Rylance

Honorary Aldermen apologies:

Frances Newth
John Jefferies
Stephanie Jones
David Atkins

Chairman

Date