

EXECUTIVE

31 OCTOBER 2005

Present:

Councillor Connett (Leader)

Councillors Archer, Berman, Cox, Grimble, Hook and Howe

Members in Attendance:

Councillors Austen, Christophers, Clatworthy, Comey, Haines, Mugford and Walters

Apologies:

Councillor Frost

255. MINUTES

The minutes of the meeting held on 3 October 2005 were approved and signed as a correct record.

256. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Minute No. 260 - Air Quality Management Areas – Personal interests but not prejudicial – Councillors Haines, Hook, Howe and Clatworthy.

257. ACTION TAKEN SINCE THE PREVIOUS MEETING

The Executive noted the action taken under delegated powers since the last meeting.

- (a) Waiver of Financial Rules – Approval to explore a trial partnering contract with DEFRA and the Environment Agency, to achieve savings in time and cost in procuring construction in relation to the Ashburton (Balland Stream) Flood Management Scheme.
- (b) Waiver of Financial Rules – Approval to extend the current contract for Temporary Agency Refuse and Cleansing Operatives with Job Shop Recruitment Services (SW) Ltd for a period of one year.
- (c) Authority to book the Welsh National Opera to perform at the Dawlish Leisure Centre on 21 January 2006 at a cost of £4,500 plus VAT.
- (d) (i) Approval for the payment of Grant Aid for Arts and Museums activities to the following:
 - South Devon Choir - £90

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- Moor Poets - £100
 - Moretonhampstead Development - £50
 - Dawlish Reparatory Company - £500
 - Doddiscombsleigh Art Show - £100
 - The Bovey Tracey Players - £300
 - Teignbridge Museums Group - £50
- (ii) Approval for the payment of regular annual funding from the Arts budget.
- Villages in Action - £8,500
 - 55+ Positive Lifestyle - £5,000 p.a. (for a further 18 months)
- (iii) Approval to enter into a three-year funding agreement with the following:
- Devon Guild of Craftsmen - £2,500 p.a.
 - Teignmouth Jazz Festival - £5,000 p.a.
 - New Dance Initiative - £250 p.a.
- (iv) Approval to allocate £3,500 from the Arts budget to pay for additional time from the Community Art and Design Advisor to develop awareness raising campaign in relation to projects emerging through planning applications.
- (e) Approval of loan to 4th Teignmouth Scouts for the sum of £3,000 interest-free for 2 years towards the replacement and refurbishment of Scout HQ building roof and gutters.
- (f) List of Private Sector Grants approved since the last meeting:
- | | | |
|-----------------|---------------------------|--------|
| 05/00152/TENHA | Revised – Decreased By | £80 |
| 05/00090/TENHA | Revised – Decreased By | £655 |
| 05/00114/TENHA | Revised – Decreased By | £208 |
| 04/90239/TENREP | Revised – Decreased By | £10 |
| 04/90083/OOC | Disabled Facilities Grant | £5770 |
| 05/00075/OOC | Disabled Facilities Grant | £3679 |
| 04/90339/TENHA | Disabled Facilities Grant | £9132 |
| 05/00146/OOC | Disabled Facilities Grant | £6013 |
| 05/00189/OOC | Disabled Facilities Grant | £2898 |
| 04/90090/OOC | Disabled Facilities Grant | £11785 |
| 05/00151/OOC | Disabled Facilities Grant | £3762 |
| 05/00172/TENHA | Disabled Facilities Grant | £2445 |
| 05/00167/OOC | Disabled Facilities Grant | £9843 |
| 01/00474/TENREP | Renovation Grant | £7985 |

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04/90337/OOC	Revised – Increased By	£1355
05/00081/OOC	Revised – Increased By	£405
04/90352/TENHA	Revised – Increased By	£25
05/00037/OOC	Revised – Increased By	£911
05/00119/TENHA	Revised – Increased By	£30
02/00026/OOC	Revised – Increased By	£810
05/00127/OOC	Revised – Increased By	£2056
05/00065/OOC	Revised – Increased By	£1664
05/00101/TENHA	Revised – Increased By	£254

00/00458/TENHA Approval is sought for extension due to delay
in completion of paperwork

258. EQUALITY SCHEME

The Executive considered a draft Equality Scheme which had been endorsed by the Council's Overview and Scrutiny Committee.

The Portfolio Holder for Youth and Partnerships advised that the scheme was to promote equality across Teignbridge as a whole and that individual service departments had a responsibility to support their respective elements of the scheme.

The Leader was advised that there had been no additional resources required to implement the scheme nor were there any particularly significant implications for the Executive to consider in approving it.

Councillor Corney raised concern that the consultants used to undertake the public consultation had been unable to engage with anyone from the gay and lesbian community and made reference to regional groups which could have assisted. The Community Initiatives Manager advised that rather than commission further research, the Council sought independent consultation with the hard-to-reach groups. Councillor Corney was satisfied with the answer although doubted whether the Council had obtained value for money for the work undertaken.

Resolved

That the Equality Scheme 2005/2008 and Action Plan be adopted.

259. ESTABLISHING A TEIGNBRIDGE-WIDE DISCOUNT CARD

Councillor Austen, who had chaired the Overview and Scrutiny review group which investigated this proposal advised that the final conclusions were unexpected. After nine meetings the review group had favoured a smartcard and not a discount card as originally envisaged. Unfortunately, there was insufficient interest from the business and commercial sectors to progress a discount card proposal but there were opportunities for the Council to work

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with Devon County Council. The Portfolio Holder for Community Services advised that the Devon County Council Transport Unit was keen to work with the Council on a smartcard for accessing free concessionary travel and it was noted that smartcards were already being used by some schools.

The Leader personally thanked the review group for the work undertaken and noted that the smartcard could be used for discounts at some stage in the future. He felt it best to progress the development of a smartcard scheme and then look at any specific benefits which could be introduced. Any budgetary considerations which would be part of specific benefits would be addressed by the Executive at that time.

Resolved

That the recommendations contained within the report be approved.

260. DESIGNATION OF AIR QUALITY MANAGEMENT AREAS

The Portfolio Holder for Environment and Environmental Health referred to the need for the Council to designate Air Quality Management Areas. This was a statutory requirement, although no additional Government Funding had been given to complete the task. Four areas had been identified in the District with high nitrogen dioxide levels which were above Government set maximum levels. The Council had a responsibility to designate the areas and to develop remedial plans working in consultation with the County Council to reduce the pollution. He advised there were three other areas in Newton Abbot which were likely to become designated at Balls Corner, East Street and Queen Street. It was for these reasons that the proposed designation for Newton Abbot was larger than for the other areas. The Environmental Control Officer advised that the Council needed to have twelve months data to support a designation. At the moment only nine months data was available for the three extra areas mentioned although it was anticipated that they would need to be designated.

The Portfolio Holder advised that some consultation had already taken place with local residents and there would be more. It was likely to take 12 to 18 months before remedial measures addressed the issues.

Reference was made to other parts of the District and the Environmental Control Officer advised that there had been a desktop survey of the whole District which had taken into account traffic data from the County Council to identify particular problem areas. These would then be assessed through detailed monitoring.

There would be a three-year rolling programme to identify new areas as traffic patterns and pollutants changed.

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Councillor Howe spoke against the larger designation for the Newton Abbot area. The Environmental Control Officer reported that DEFRA had advised designation within the basis of existing boundaries. Newton Abbot had specific problems due to the traffic-flows through and around it and it was highly likely that other areas would be coming forward for designation. There were good technical reasons to adopt the larger designation for the Newton Abbot area.

Resolved

That the following areas designated as Air Quality Management Areas in accordance with Section 83(1) of the Environment Act 1995:

- (i) The area of Newton Abbot town edged red on Plan 2 in the Council minute book.
- (ii) The A380 between Penn Inn and Kerswell Gardens roundabouts and adjacent properties shown edged red on Plan 6 in the Council minute book.
- (iii) The A379 known as Bitton Park Road between Shaldon Bridge junction and the Exeter Road junction in Teignmouth and adjacent properties shown edged red on Plan 7 as detailed in the Council minute book.
- (iv) The A379 known as Iddesleigh Terrace and adjacent properties in Dawlish edged red on Plan 8 in the Council minute book.

261. CONCESSIONARY FARES

The Portfolio Holder for Economy and Tourism advised that the Government intended to expand the current concessionary half-fare bus scheme to a free fare scheme from 1 April 2006. The current Devon-wide partnership, to which the Council belonged, provided half-price fares for off-peak periods. It was likely that the extra costs for the Council would be somewhere in the region of £1.11 million. The Council was expecting funding from the Government but there would be a shortfall somewhere in the region of £40,000 depending on the level of grant and the final costs of the scheme which were being negotiated with local bus companies. The Leader noted that the costs could add 1% to the Council's element of the Council Tax if sufficient government grant was not forthcoming.

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Resolved

That the local Members of Parliament be asked to support the Council's case for reimbursement of the full costs of introducing the new concessionary fares scheme.

262. DAWLISH REGENERATION PROJECT – STRATEGIC PLAN 2005-2015

The Executive received a report from the Portfolio Holder for Economy and Tourism detailing a request from Dawlish for assistance in delivering the Regeneration Project's Strategic Plan 2005-2015. A similar plan had been prepared for Teignmouth and the Executive was keen to provide the same level of support to Dawlish. The Executive noted the support from Councillors Protheroe and Clatworthy for the Regeneration Group's request.

Resolved

(a) That the Council assist the Dawlish Regeneration Group in its delivery of its Community Strategic Plan and, where appropriate, it consider using Council assets and 'in kind support', where possible, as its contribution towards any project.

(b) That the request for funding of £2,500 per year for three years to progress both the Teignmouth and Dawlish Plans be deferred to the next meeting of the Executive to ascertain the funding streams to be used.

263. TOBY JUG INN, BICKINGTON

The Leader presented a Position Statement regarding the Toby Jug Inn, Bickington, and the positions of the owner of the buildings, Heavitree Brewery and STAG, the local action group.

The Leader reported that there was insufficient information from either party to progress the question of a possible Compulsory Purchase Order and reminded the meeting of the need for STAG to clearly identify the community benefits and funding for the purchase of the pub and the provision of the social and community objectives.

The local Ward Member, Councillor Christophers, spoke in support of the scheme and reminded the Executive it was an opportunity for the Council to meet its corporate aims and objectives. There was already funding in the region of £11,000 and the likelihood of significant grants from lottery funding.

Resolved

(a) That the Council seek a further meeting with Heavitree Brewery.

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(b) That STAG be invited to submit a report setting out its position in relation to the objectives set out on 1 November 2004 in relation to a purchaser of the pub and the availability of necessary funding to meet the social and community objectives.

(c) That the support that could be provided by the Community Initiatives team in providing this information be noted.

(d) That a further report be brought to the Executive in six months including all submissions received to update the Executive at which time a decision will be made as to whether to continue with the Compulsory Purchase Order process or whether other avenues of support are available.

264. LAND AT TREMLETT'S CLOSE, TEDBURN ST MARY

Further to the report, the Head of Legal and Administrative Services advised that solicitors acting for the Hastoe Housing Association had advised they were not in support of the proposal to use Section 237 of the Town and Country Planning Act 1990 to permit the use of the site for general needs housing. They were, however, happy for the Council to continue with the application to the Lands Tribunal but had also requested that the Council consider taking compulsory purchase action under Section 226 of the Town and Country Planning Act 1990.

It would take in the region of four to five months to pursue a Lands Tribunal case and the compulsory purchase suggested by Hastoe Housing Association was likely to take somewhere in the region of 12 months. There was no clear answer on how long the Housing Association funding would be available although the Leader reminded the Executive that there was a need to remove the covenant to provide general needs housing on the site at some stage.

The Executive favoured a negotiated settlement which would assist with the early delivery of a housing scheme and ensure the scheme could benefit from Housing Corporation funding.

Resolved

That in the event that a negotiated settlement cannot be reached, the officers be authorised to proceed to seek to have the covenant discharged by the Lands Tribunal and/or to secure the removal of the covenant by using powers of compulsory purchase under Section 226(1)(a) of the Town and Country Planning Act 1990.

265. REFURBISHMENT OF NEWTON ABBOT PANNIER MARKET AND FOOD HALL, CHICKEN CAFÉ – COMPULSORY PURCHASE ORDER

The Executive was advised that the Council had failed to reach agreement with the lessees of the Chicken Café, regarding compensation and relocation

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arising from the Council's desire to refurbish the retail market in Newton Abbot.

The Executive noted that the delay to reach agreement was preventing the refurbishment and redevelopment which was necessary to promote the vitality and viability of the Pannier Market and the Food Hall.

The meeting moved into private session.

266. EXCLUSION OF PRESS AND PUBLIC FROM THE MEETING

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 9 of Part I of Schedule 12A of the Act.

267. CHICKEN CAFÉ – COMPULSORY PURCHASE ORDER

The Executive received information on the possible compensation package for the current lessees of the Chicken Café, Newton Abbot and the current offer.

268. REFURBISHMENT OF NEWTON ABBOT PANNIER MARKET AND FOOD HALL, CHICKEN CAFÉ – COMPULSORY PURCHASE ORDER

The meeting resumed and agreed the need to pursue a Compulsory Purchase Order to enable the refurbishment programme and

Resolved

That the Council makes a Compulsory Purchase Order using its powers under Section 226(1)(a) of the Town and Country Planning Act 1990 to acquire the leasehold interest in the Chicken Café.

269. BUDGET MONITORING – GENERAL FUND AND CAPITAL

The Executive received and noted a report from the Head of Financial Services on Budget Monitoring – General Fund and Capital.

Resolved

(a) That the budget variations as shown at Appendix 2 to be previously circulated report be approved.

(b) That the updated Capital Programme as shown at Appendix 3 to the previously circulated report be approved.

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- (c) That the Financial Planning items discussed in paragraph 5 be fed into the Initial Financial Plan proposals for 2006/07 to 2008/09.

ALAN CONNETT
Chairman