

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Executive Board
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 6 October 2010

Present:	Councillors: Graham Brown (Vice-Chairman in the Chair) Geoff Chamberlain David Cox Graham Godbeer Mike Green Stuart Hughes Andrew Moulding
Also Present:	Councillors: David Atkins Ray Bloxham Peter Bowden Paul Diviani Christine Drew Chris Gibbins Roger Giles Graham Godbeer Steve Hall Stephanie Jones Jim Knight Ann Liverton Graham Liverton Frances Newth Helen Parr Philip Skinner Pauline Stott Steve Wragg
Also present:	Officers: Mark Williams, Chief Executive Denise Lyon, Deputy Chief Executive Peter Jeffs, Corporate Director Diccon Pearse, Corporate Director Donna Best, Principal Estates Surveyor John Golding, Head of Housing and Social Inclusion Karen Jenkins, Head of Organisational Development Rachel Pocock, Head of Legal, Licensing and Democratic Services Simon Smale, Head of Environmental Health and Health Equalities Diana Vernon, Democratic Services Manager
Apologies:	Councillors: Sara Randall Johnson (Chairman/Leader) Jill Elson
Non-Board Members:	Iain Chubb Mark Williamson Karime Hassan, Corporate Director

The meeting started at 5.30 pm and ended at 7.15 pm.

*66 **Public Questions**

The Deputy Leader welcomed members of the public to the meeting and invited questions.

Carol Manley, representing Seaton's Voice thanked the Council for its support to date. She asked the Board to agree the proposed interest free loan (agenda item 15) which would mean that progress could be made in advance of the Town Hall lease being finalised. She invited Councillors to contact her if they had any doubts about the legal arrangements or business plan, which she confirmed were all above board and fully audited.

***66 Public Questions (cont)..**

Councillor Roger Giles drew Members' attention to the changed arrangements for Local Democracy Week this year. The Council was using the opportunity to consult students on the Local Development Framework. Members had now been invited to attend the sessions as observers. Councillors Giles said that Ward Members worked closely with schools and Local Democracy Week was a key opportunity to progress their community involvement.

Those present appreciated that it was a good idea to consult with students on the Plan and the future of their community. However there was concern that the Councillors' role at the sessions was being limited. It was suggested that Councillors would benefit the process and contribute to it with their local knowledge and understanding.

Councillor Christine Drew, Member Champion for Young People said that it would be inappropriate to withdraw from this part of the consultation programme now as there had been a great deal of support from the schools and preparation work was already taking place.

The Chairman gave credit to Councillor Drew for her input to-date and was regretful that communications with Councillors had caused discontent. Councillors were encouraged to attend the schools' events and use their discretion in respect of appropriate input during the process. Future consultation, which actively involved local Councillors, should also be considered.

***67 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Jim Knight	79 – Seaton's Voice	Personal	Member of Seaton Town Council and as a Devon County Councillor had made a financial contribution.
Cllr Stuart Hughes	86 – Rationalisation Panel	Personal	DCC Highways Committee
Cllr Ray Franklin	90 - Seaton Re-generation	Personal (did not vote)	Chairman of the Seaton Regeneration Programme Board

***68 Minutes**

The minutes of the meeting of the Executive Board held on 1 September 2010 were confirmed and signed as a true record.

***69 Urgent item – Seaton Re-generation: Land Agreement**

The Chairman agreed for the confidential report in respect of the terms of a conditional land agreement to facilitate the re-generation of Seaton to be taken as a matter of urgency to avoid delaying progress.

***70 Exclusion of the Public**

RESOLVED: that the classification given to the documents to be submitted to the Board, including the urgent item raised at Minute 69 above (Para 3, Schedule 12A) be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

*71 **Forward Plan**

The contents of the Forward Plan for the period 1 October 2010 to 31 January 2011 were noted.

*72 **Matters referred to the Executive Board**

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

*73 **Minutes of the meetings of the Overview and Scrutiny Committees**

Communities – 8 September 2010

Economy – 9 September 2010

Housing Review Board – 9 September 2010

Co-ordinating – 15 September 2010

Service Delivery and Performance – 22 September 2010

Councillor Helen Parr, Chairman of the Communities Overview and Scrutiny Committee advised that the meeting in September had been very interesting and effective. The next meeting would enable useful follow-up to help address local health issues and concerns.

Councillor Steve Wragg, Vice Chairman of the Economy Overview and Scrutiny Committee advised that the meeting reported had been very interesting with the A3052 and A376 transport corridors being discussed in detail. The County Council was planning to address traffic problems at certain times of the day and was aiming to improve local bus and rail services. The Committee had also discussed the Council's small business workshops and their positive rate of return. Ways of increasing the availability of such workshops were being explored.

Councillor Pauline Stott, Chairman of the Housing Review Board advised that tenants were now more fully involved in consultation with the Council. She reported on the new cash incentive to encourage tenants to down-size their accommodation to meet their changed circumstances. She outlined the benefits of partnership working and a current 'silver surfers' pilot with Brixington school.

Councillor Ray Bloxham, Chairman of the Overview and Scrutiny Co-ordinating Committee briefed the Board on the September meeting of the Committee and advised them of a Special Meeting on Monday 18 October 2010 (6.30 pm) to discuss asset management. He encouraged all to attend and contribute.

Councillor Frances Newth, Vice Chairman of the Service Delivery and Performance Overview and Scrutiny Committee advised that it had been an excellent meeting. The Committee had raised concerns about an IT performance indicator in respect of computer down-time. This had been explained; the way this was calculated would be revised to better reflect actual performance and to avoid the statistics being inappropriately skewed.

The Officer: Ward Member Communications Task and Finish Forum recommendations had been reported to the meeting and supported. A range of key points had been addressed and it was important that the resultant recommendations were actioned. The Chief Executive added that the recommendations would act as a valuable prompt and set out what Councillors had a right to expect from Officers, and vice versa. They would be especially useful for any new Councillors after next May's elections.

*73 **Minutes of the meetings of the Overview & Scrutiny Committees (cont)..**

RESOLVED: that the following decisions be noted:

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| Communities
O/S Cttee
Minute 13 | (1) that the following community groups be invited to attend the next meeting of the Committee: CAB, Ring & Ride – Honiton, Exmouth and Axe Valley, TRIP, Villages in Action and the Community Council of Devon. Groups would be briefed in advance of the meeting for their talk preparation. |
| | (2) that Members be circulated with a consultation paper entitled 'An Invitation to shape the Nature of England'. This paper was produced by DEFRA and examined open spaces and countryside issues. |
| Economy
O/S Cttee
Minute 13 | that the Local Development Framework Panel be requested to consider proposals made in the report to relax requirements for framing determinations of planning applications to operate a Farm Shop in East Devon. |
| Economy
O/S Cttee
Minute 16 | (1) that Members note the financial performance of the East Devon Business Centre in the period 2007/08 – 2009/10.

(2) that the Committee's support for the Council to continue its current policy of letting office space at the East Devon Business Centre to maximize its usage as much as possible be noted;

(3) that the Economy Overview and Scrutiny Committee continue to monitor the delivery of economic development services through the East Devon Business Centre on an annual basis. |
| Housing Review
Board Min 18 | (1) that the Housing Review Board forward plan be noted.

(2) that a final report on the work of the Sheltered Housing Task and Finish Forum be considered at the next meeting.

(3) that the Board be kept informed of developments regarding the soon to be renewed Home Safeguard maintenance contract for scheme based equipment.

(4) that the 'Disability Issues' item be included on the agenda for the next meeting of the Board.

(5) that the Housing Review Board self-assessment meeting be convened as soon as practicable and preferably on the afternoon of a Board meeting. |
| HRB Minute 26 | that the achievements and potential of community development work involving young people within East Devon District Council be noted. |
| HRB Minute 27 | that the contents of the Anti Social Behaviour benchmarking report be noted and used to build an accurate picture of the types of ASB being tackled. |
| HRB Minute 28 | that the Empty Properties (Voids) report be noted. |

*73 **Minutes of the meetings of the Overview & Scrutiny Committees (cont)..**

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| Service Delivery
O/S Cttee
Minute 13 | (1) that the report on monitoring performance of the 1 st Quarter for 2010/11 be noted; |
| | (2) that the Head of Organisational Development be requested to attend the next meeting of the Committee to answer Members' questions on the non-sickness 'reward'. |
| Service Delivery
Minute 14 | that the Performance Measures report in respect of the Housing Service for the 1 st quarter of 2010/11 be noted. |
| Service Delivery
Minute 15 | that the Performance Measures report in respect of the Benefits Service for the 1 st quarter of 2010/11 be noted. |
| Service Delivery
Minute 16 | (1) that the report in respect of Development Management for the 1 st quarter of 2010/11 be noted; |
| | (2) that a report be presented to a future meeting of the Committee detailing income generated from pre-application charges; |
| | (3) that a report be presented to a future meeting of the Committee detailing the back log of Planning Enforcement cases. |
| Service Delivery
Minute 20 | that the Committee's forward plan for 2010/11 be noted. |
| RESOLVED | that the following recommendations be approved: |
| Communities O/S
Cttee
Minute 11 | (1) that the Portfolio Holder, Communities, be asked to write a letter to MPs, and NHS Devon including the Committee's view that: <ul style="list-style-type: none"> a) The deadline for the decisions on compulsory new ownership/management of Community Hospitals was unreasonably tight. It did not allow proper due diligence, nor allow health economists to evaluate the true cost effectiveness of alternatives put forward; b) No consultation has been carried out with the communities affected by decisions on Community Hospitals. This flies in the face of 'localism', and provides no local management option; c) The District Council (and other elected representative bodies) needed to be given the opportunity to contribute to the considerations of future management of Community Hospitals - either at selection stage, or when a preferred provider is being scrutinised; d) The Secretary of State for Health be advised that a limit of 500 new 'GP consortia' will give a scale of operation which does not tie in with natural communities and will not reflect true localism especially for varied and dispersed rural communities. EDDC's experience from previous PCT structures is that a structure based on East Devon (almost coterminous with the District) provided an effective, efficient and well-managed organisation capable of responding to local need. |

*73 **Minutes of the meetings of the Overview & Scrutiny Committees (cont)..**

RESOLVED that the following recommendations be approved (cont)..

(2) that the District Council take a proactive stance as new health structures emerge to ensure that the health needs and health priorities of East Devon are properly recognised, as is the representative role of the District Council.

(3) that Council Members be encouraged to make contact with their current local GP consortia in order to share concerns about health in their wards

Economy O/S Minute 12 that the District Council support the proposal from Devon County Council for a 'Devon Metro' concept.

Economy O/S Minute 14 (1) that Economy Portfolio Holder be requested to investigate the Council's current stock of Workshop Units for purposes not originally intended and in particular the use of units for storage;

(2) that the Principal Estates Surveyor be requested to investigate on behalf of the Economy Portfolio Holder the possibility and viability of borrowing money from the private sector in order to build new business units in East Devon and where applicable to ask Town Councils for their support.

Economy O/S Minute 16 that Members support the efforts being made to develop practical linkage between the East Devon Business Centre and the Exeter Innovation Centre and ultimately to the successful delivery of the Exeter Science Park.

Housing Review Board Minute 19 (1) that the suggested draft Local Offers be approved,
 (2) that the process for consulting with all tenants on these Local Offers be approved,
 (3) that the format and content of the Annual Report to tenants be approved.

HRB Minute 20 (1) that the Tenant Involvement Strategy for the period April 2010 to March 2012 be approved,
 (2) that any final changes to the draft document be made by the Head of Housing and Social Inclusion in consultation with the Chairman and Vice Chairman of the Board and the Tenant and Leaseholder Customer Panel.

HRB Minute 21 (1) that the Tenant Scrutiny action plan and scrutiny role descriptions be approved.
 (2) that the Tenant Scrutiny Panel initially report to the Housing Review Board.

*73 **Minutes of the meetings of the Overview & Scrutiny Committees (cont)..**

RESOLVED that the following recommendations be approved (cont)..

HRB Minute 22 that the proposed changes to the Housing and Social Inclusion Service organisational structure be approved.

HRB Minute 23 that the preparations for a new housing finance system be approved.

HRB Minute 25 that the car parking improvement scheme for The Green, Littleham, Exmouth be not implemented.

HRB Minute 30

- (1) that the report in respect of the Councils' partnering contractor which had gone into administration be noted and further information be communicated should the situation deteriorate.
- (2) that the Head of Housing and Social Inclusion in consultation with the Chairman and Portfolio Holder, Communities, be given delegated authority to terminate or vary the partnership agreement following discussions with other partners and the administrators.

HRB Minute 31 that a four year contract be offered to the contractor named in the report for the annual servicing and maintenance to 3371 gas fired appliances installed in council properties, to commence on Friday 1 October 2010, with a forecast annual service and repair cost of £395,000.

Service Delivery Cttee Minute 17

- (1) that the recommendations of the Officer:Ward Member Communications Task and Finish Forum be approved and actioned.

RESOLVED that the following recommendations be referred to Council for approval:

HRB Minute 24 that the following changes to the Cash Incentive Scheme for tenants under-occupying council homes be approved:

- (1) To increase the financial incentive to a maximum of £3,000 made up of £1,500 for reimbursement of costs, and £500 per bedroom.
- (2) To allocate a budget of £75,000 annually (including the cost of staff resource to administer this policy).
- (3) To set a target of 'downsizing' 30 tenants each year.
- (4) To identify a staff resource to support the tenant through the process including helping to arrange the move (including removals, gas, electric and telephone).
- (5) Tenants to be given a choice of decoration.

*74 **SSDC/EDDC Joint Integration Committee**

Members noted the minutes of the meeting of the Joint Integration Committee held on 9 September 2010. This had been a useful up-date meeting; the previous meeting having been in June. Lead Officers in a number of services had presented their business plans for shared service between EDDC and SSDC and as a result had provided the Committee with a useful steer.

(The confidential minutes of this meeting which included exempt information in accordance with Paragraph 3 of Schedule 12A of the Local Government Act 1972 were included in Part B (private session) of the meeting).

*75 **Recycling and Refuse Partnership Board**

Members noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 2 September 2010.

Devon County Council proposed to withdraw funding to Otter Rotters for composted materials in excess of 500 tonnes per annum. This action could compromise the future viability of Otter Rotters. Members also noted that SITA and EDDC's Waste and Recycling Manager were to consider an incentive scheme for SITA operatives aimed at improving driver performance and reducing the number of damage and insurance incidents to SITA's fleet.

Councillor David Cox, Portfolio Holder Streetscene advised that the next phase (Exmouth) was to go live next week.

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| RESOLVED | <ul style="list-style-type: none"> (1) that a letter be sent to Ben Jennings at DCC expressing the Partnership Board's disappointment with DCC's proposal to withdraw funding for composted material that is in excess of 500 tonnes per annum; DCC be asked to re-instate their original agreement with Otter Rotters (2) that the legal and other arrangements in respect of Otter Rotters be reviewed and clarified (3) that further consideration be given to the messages that could be displayed on the side of refuse vehicles at the next meeting of the Board. |
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REASON	To support the continued success of the Council's Recycling and Refuse initiative.
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*76 **Member Development Working Party**

Members considered the report of the Member Development Working Party held on September 2010. The Working Party had supported the recommendations of the Officer: Ward Member Task and Finish Forum with its list of ways to improve communications. Members also discussed how Portfolio Holders could work more closely with Councillors.

Members expressed appreciation to the Democratic Services Manager on the work and support she had given to the Working Party.

Councillor Andrew Moulding, Portfolio Holder – Resources and Chairman of the Working Party advised that Members had considered the feedback from the Member Development Charter assessors which had been reported to the meeting. The Council's particular strengths were noted and the suggested improvement areas were discussed. Lessons learnt and feedback from Councillors would be used to prepare and deliver the post-May 2011 election induction/welcome programme. The Working Group also supported the peer support/mentoring programme which would benefit newly elected councillors.

*76 **Member Development Working Party (cont)..**

The Working Group had considered whether it was appropriate and timely to try to achieve Charter Plus accreditation. Members felt that it would be helpful to include applying for Charter Plus status in its future plans and use this standard as a useful guide

The Working Party had considered a proposal in respect of part-funding the Devon-wide Member Development Officer as the Devon Improvement Programme funding of this post was due to run out in the near future. The cost of the individual council contributions was dependent upon the number of authorities agreeing to contribute. The Devon-wide Member Development Officer had been very supportive to the Member Development Working Party when it was working towards Charter status. However the Working Party felt that the cost of part-funding this post could not be supported during the current difficult financial time.

- RESOLVED**
- (1) that the Leader's and Portfolio Holders' Think Tank meetings be formally scheduled twice a year with ad hoc meetings called as required, with the Leader and Portfolio Holders encouraging members of their Think Tank to bring forward issues for discussion,
 - (2) that greater use be made of the 'reader acknowledgement' and 'yes/no' response facilities in Outlook (e-mail communication) in addition to user-friendly EDDC questionnaires/surveys that could be submitted on line,
 - (3) that the Working Party monitor and evaluate Councillor training opportunities as a standard agenda item
 - (4) that the Working Party plan and help deliver the induction/refresher programme for newly elected Councillors following the May 2011 elections to help promote the value of Member Development for the benefit of all Members,
 - (5) that newly elected Members be invited to meet the Member Development Working Party following completion of the three month induction programme to discuss learning opportunities, the forward development programme and the importance of learning from evaluation feedback,
 - (6) that the Charter Plus criteria be used to direct the Council's Member Development initiative but that application be not made for Charter Plus accreditation during the current period of change within the authority,
 - (7) that the Working Party be sent the up-dated Councillor questionnaire in the first instance and asked to provide feedback, including the ease in which they were able to complete the questionnaire and submit on line and any additional questions, before sending the final version to all Councillors with the aim of improving the service and support provided,
 - (8) that the 'exit' interview form for Councillors not intending to stand for re-election be up-dated to include positive reasons in the 'main reasons for leaving' section, (such as to spend more time with family), include a question about the influence of party politics and if retiring councillors would be willing to use their experience to assist the Council beyond the 2011 elections,

*76 **Member Development Working Party (cont)..**

- (9) that Local Councils and District Councillors be encouraged to invite members of the public, particularly those who are interested in local democracy and who may wish to stand as candidates in the local elections, to attend an information event on Tuesday 9 November 2010,
 - (10) that the Chairman and Vice Chairman of the Council take on the role of giving particular support to newly appointed members of the Independent Group and of Single Ward Members,
 - (11) that feedback from the 2007 welcome/refresher programme be used to positively influence the 2011 programme – its content and how it is rolled out.
 - (12) that newly elected Councillors meet the Chief Executive and Corporate Directors on the Saturday following the election day for introductions, to sign the Acceptance of Office Register, have photographs taken, and be issued with information packs (with a ‘walk through’ to explain the content).
 - (13) that the first evening session, to which members of the Standards Committee and Housing Review Board will be invited, to cover essential information for newly elected Councillors; this will be followed up by more in-depth learning sessions within the 3 month welcome/refresher programme
 - (14) that welcome/refresher sessions during the 3 month programme be held in the evenings and where possible are ‘bite sized’ learning opportunities in advance or at the start of relevant scheduled meetings,
 - (15) that the information provided to new Councillors be limited to essential reference material and presented in a user-friendly way, with Officers explaining the relevance of the information included,
 - (16) that a training session for Councillor peer supporters/mentors be provided in March 2011
 - (17) that the option to part-fund the Devon-wide Member Development Officer when Devon Improvement Programme funding ceased to be available be not taken up.
- REASON** To further embed the value of member development within the culture of the authority.

*77 **Financial monitoring report 2010/11 Month 5**

Members considered the report of the Senior Accountants which summarised the Council's overall financial position for 2010/11 at the end of Month 5. All large, high risk and volatile budget areas had been taken into account and predicted spending patterns linked to operational activity. It was noted that, other than the Housing Revenue Account (which required further savings of £28,000), the Council's balances and reserves were being maintained at the adopted levels. The Council had adopted a higher level for the General Fund Balance (£1.830m) than the required level at the present time due to the many financial uncertainties and risks facing the Council.

Members noted that the Transformation Reserve balance currently stood at £2.168.

The Council was currently experiencing an excess of cash, mainly as a result of an increase in council tax collection rates, VAT refunds and additional grant monies secured. It was proposed that in order to manage the excess funds, it would be appropriate to increase the Council's counterparty limit on its Bank of Scotland Instant Access Account and investing £3m with the Council's external fund managers. The Council was striving to achieve the best rate of return.

Additional expenditure in respect of the Capital Programme was noted as were two other potential variations – the Honiton Community Hall and the ICT Programme.

The Portfolio Holder – Resources gave credit to the Head of Housing and Social Inclusion for minimising the impact on service when one of the Council's main contractors went into administration.

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| RESOLVED | <ul style="list-style-type: none"> (1) that the variances identified as part of the Revenue and Capital Monitoring process up to month five be noted and progress continue to be monitored in future reports concerning budget savings required within the Housing Revenue Account, (2) that the counterparty limit on the Bank of Scotland instant access account be increased to £3m and that £3m be invested with Investec. |
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| REASON | To monitor the overall financial position of the authority and to take corrective action as required. |
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*78 **Feniton new Village Flooding**

Members noted the report of the Senior Engineer (Technical) which up-dated the Board on the Council's successful negotiations with Devon County Council and the Environment Agency to try and reduce the possibility of flooding in Feniton New Village. The cost of the proposed scheme was £40,000 and the Environment Agency had agreed to match-fund £20,000 with this Council. This money could be claimed back from DEFRA when DEFRA's Project Appraisal Board had passed the appraisal.

Members were asked to approve an exemption from the Council's Standing Orders to use the contractors who had worked closely with the Council on this project.

The Chairman thanked Officers, particularly Keith Steel, Senior Engineer, who had helped to achieve this result.

***78 Feniton new Village Flooding (cont)..**

RESOLVED (1) that the Council make £20,000 available to carry out an appraisal of Feniton New Village to address the flooding problems and present it to DEFRA's Project Appraisal Board,

(2) that an exemption from the Council's Standing Orders be made to allow the appointment of Howick Consultants to carry out the appraisal and presentation to DEFRA's Project Appraisal Board on EDDC's behalf.

REASON To take action to address the problem of flooding in Feniton new village. The arrangements agreed meant that the monies could be reclaimed if the Project Appraisal Board passed the submitted appraisal. Using Howick Consultants who had sound background knowledge of the project would mean that the appraisal could be submitted to meet the March 2011 timescale.

***79 Interest free loan to Seaton's Voice**

Members considered a report of Peter Jeffs, Corporate Director, which proposed that an interest-free loan be provided to Seaton's Voice as a means of helping them progress their management of Seaton Town Hall.

The Board was advised that Seaton's Voice currently had preferential rates from EDDC for hiring the Hall at off-peak times and this enabled them to experiment with bringing in new community lettings. Seaton Town Council had agreed, with caveats, to grant aid Seaton's Voice by £32,000 which would enable equipment to be installed in the Hall as a way of increasing its letting potential. The Town Council had yet to release the grant. It was proposed that a meeting be held between Seaton Town Council and EDDC might help to resolve any issues but if this could not be achieved, it was suggested that EDDC could consider providing an interest free loan subject to Seaton's Voice demonstrating that they could afford the repayments.

Local Councillors supported the recommendation and the initiative for the benefit of the town and its community.

RESOLVED that Seaton's Voice be given the option of an interest free loan of £8,000 if the grant offered by Seaton Town Council is not released in the near future.

REASON To permit progress of this active community group towards testing their business model with an ultimate aim of asset transfer.

***80 Statutory Changes – Leader and Executive governance model**

Consideration was given to the report of the Head of Legal, Licensing and Democratic Services which advised that the Local Government and Public Involvement in Health Act 2007 required every authority operating a Leader and Cabinet model of Executive to change its executive arrangements in accordance with a statutory timetable (including consultation and adoption). The Council was required to make a decision by 31 December 2010 with the new arrangements then taking effect immediately after the May elections.

Following discussion about the current arrangements and the committee structure which it replaced, Councillor Ray Bloxham invited Members to attend a future meeting of the Overview and Scrutiny Co-ordinating Committee when Overview and Scrutiny committee arrangements would be debated and re-considered. The Committee would consider whether the Council was operating with an optimum number of Committees and whether they were effectively helping to contribute to the Council's priorities.

***80 Statutory Changes – Leader and Executive governance model (cont)..**

The Chief Executive confirmed that when the current Government's proposals regarding re-introducing the committee system were known, then the Council would have an opportunity to fully debate the matter.

RESOLVED To implement change required by the requirements of the Local Government and Public Involvement in Health Act 2007 with respect to executive arrangements, it be recommended to Council that:

- (1) the Council indicates it is minded to continue to operate the Leader and Cabinet Executive subject to the new requirements imposed by the Act and pending the outcome of consultation;
- (2) the Council's Solicitor be authorised to carry out appropriate consultation on executive arrangements, indicating the Council's preferred model, as stated in (1), and also including reference to the alternative option provided for in the 2007 Act. (The consultation to include information about the differences between the available options and also the implementation timetable),
- (3) following consideration of the consultation response, proposals be reported to a future Meeting of the Council, no later than 31 December 2010, for the Council to resolve as to the form of executive arrangements to be operated by it.

REASON To comply with statute.

***81 Performance Monitoring Report August 2010**

Members considered the report of the Communications and Improvement Manager setting out performance information for the 2010/11 financial year.

It was suggested that the 3 month rolling period reports in respect of housing and planning performance were not user-friendly and that consideration be given to this information being presented in an alternative format.

RESOLVED that the performance and proposed remedial action against specific performance indicators for the 2010/11 financial year until August 2010 be noted.

REASON To monitor performance and progress in achieving targets set for relevant Performance Indicators.

***82 Absence Report – Quarter One 2010**

Members considered the report of the Head of Organisational Development which outlined the absence levels and reasons for absence for the first quarter of 2010. Members welcomed the reduction to medium and long term absence rates and thanked Karen Jenkins, Head of Organisational Development for helping to achieve this significant improvement.

RESOLVED that the Council's improving picture in relation to absence be noted – in the first quarter of 2010 this was at its lowest level for four years.

REASON To demonstrate progress in achieving this particular target where the Council's past performance had raised concern.

***83 Exemption from Standing Orders**

Members considered the report of the Head of Housing and Social Inclusion seeking exemption from Standing Orders to appoint building contractors to undertake responsive repairs and work to void properties following one of the Council's main contractors going into administration.

RESOLVED that the request for an exemption to Standing Order 1.13 for the reasons given in the report be approved.

REASON To address the problem of one of the Council's partnering contractors going into administration and continue to meet the terms and conditions of the housing maintenance contract.

***84 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, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

***85 Minutes of the meeting of the Joint Integration Committee**

Members noted the confidential minutes of the meeting of the Joint Integration Committee; held on the 9 September 2010.

The Chief Executive advised that the proposed restructuring of EDDC and SSDC management tiers 2 and 3 would be considered at the next meeting of the Joint Integration Committee on 28 October. The draft structure had now been considered by the Rationalisation Panel and their recommendations, together with input from consultation with SSDC, would be included in the proposal for consideration.

***86 Minutes of the meeting of the Rationalisation Panel**

Members considered the recommendations of the meetings of the Rationalisation Panel held on the 25 August and 13 September 2010.

Members were reminded of ways in which the Council was trying to deliver a balanced budget in 2011 and following years. The combined approach of organisational restructuring/shared agenda, closer working with local councils and efficiencies being identified through the Rationalisation Panel was supported. Where opportunities for savings were identified, such as by a Head of Service, these needed to be progressed. The Head of Service recommendation to reduce clerical support within the Legal and Democratic Services was therefore agreed.

It was also agreed that Devon County Council be asked to extend its investigation into the problem of camper vans and similar vehicles parking overnight on Exmouth Seafront to include Budleigh Salterton where these problems were also reported.

RESOLVED	25 August 2010
	Planning Service
(1)	that the proposed savings from the 2011/12 budget of 7.7% through voluntary reduction in staff hours be noted,
(2)	that the proposed cuts to the Land Charges and Development Management teams in 2012/13 be noted with any cuts being achieved through natural wastage rather than redundancy,

*86 **Minutes of the meeting of the Rationalisation Panel (cont)..**

Planning Service (cont)..

- (3) that potential for sharing specialist officers with other authorities be further explored as a means of achieving savings without adversely impacting on the service currently provided;

Legal Services

- (4) that, a budget provision of £5,000 per annum be made to support the expenses of an internship in Legal, Licensing and Democratic Services, funded from other savings proposed,
- (5) that the practice administrator post in the Legal Team be identified as a potential redundancy, subject to appropriate Council procedures,

Democratic Services

- (6) that the Knowledge be replaced with an on-line Local Democracy page (zone) providing links to all relevant information including Council meetings and decisions,
- (7) that consideration be given to reducing the number of Overview and Scrutiny Committees,
- (8) that Special Responsibility Allowance payments to Planning Inspections Committee members cease with the Council considering setting up politically balanced panels to give all Members of the Development Management Committee experience of the site inspection process.
- (9) that the Committee print budget be reduced by 25% in 2011/12 with further savings in subsequent years,
- (10) that Councillors continue to be provided with a paper version of the Year Book.
- (11) **Legal and Democratic Services – clerical support**

that the level of clerical support within the Legal and Democratic Services teams be reduced to meet the requirements of the service .

Licensing

- (12) that a part-time Licensing Assistant be appointed and a suitable honorarium paid to the Officer undertaking higher grade activities, pending a longer term solution,
- (13) that the principle of computerising cemetery records be approved, with appropriate funds being allocated from the current licensing budget surplus or from the 'spend to save' budget,

*86 **Minutes of the meeting of the Rationalisation Panel (cont)..**

13 September 2010

- (14) that the Portfolio Holder – Resources, Asset Management Champion, Karime Hassan, Corporate Director and Donna Best, Principal Estates Surveyor, be invited to a future meeting of the Panel to provide an up-date on the work and current approach of the Asset Management Forum and to answer questions,
- (15) that Members of the Panel be encouraged to attend the Special meeting of the Overview and Scrutiny Co-ordinating Committee on 18 October 2010 when Asset Management at EDDC would be considered in detail.
- (16) that Devon County Council be asked to investigate the problem of camper vans and similar vehicles parking overnight on Exmouth and Budleigh Salterton Seafronts with a view to resolving and reducing associated costs,
- (17) that Denise Lyon, Deputy Chief Executive continue to negotiate service improvements and re-structuring with the Streetscene teams in respect of the operational and strategic management of East Devon's beaches.
- (18) that Denise Lyon, Deputy Chief Executive investigate the problem of silting in the Exe Estuary, together with the lack of river patrols, to determine where the responsibility lay and how these problems could be addressed.
- (19) that the Council's Service Level Agreement with Leisure East Devon continue to be monitored to maintain service levels and best use of assets and where opportunity arose to negotiate to achieve cashable savings.
- (20) that the minutes of the meeting of the Overview and Scrutiny Co-ordinating Committee held on 23 June 2010 (referring to Leisure East Devon) be circulated to all members of the Panel for information.
- (21) that it be recognised that the preferred way of achieving savings was through a combination of organisational restructuring, taking a hard look at asset management and working much closer with parish and town councils to see how services could be delivered more efficiently; all members would need to be thoroughly engaged in the process to provide a strong link between this council and local councils and community groups,
- (22) that the 'North Dorset Experience' be presented to EDDC Councillors, East Devon's parish and town councils and community groups to illustrate the procedure and benefits of delivering services through local partnerships.

REASON

To progress the work of the Rationalisation Panel and its efforts to seek efficiencies within service areas.

*87 **Land at Peak Hill, Sidmouth**

Members considered the report of the Senior Solicitor which up-dated Members on the background and potential costs arising from on-going maintenance of the land adjacent to Peak House, Peak Hill, Sidmouth. The consequences of not supporting the proposed action in respect of the lease obligations were set out in the report.

- RESOLVED**
- (1) that the Head of Streetscene Services be authorised to implement the works specified in para.1.2 of the report within a timetable to be agreed with the owner of Peak House, but at the same time taking account of flexibility which may be demanded by the Council;
 - (2) that consideration be given by the Council into the most appropriate method of funding the remedial work required on land adjacent to Peak House, both in accordance with the costs identified in para.1.2 of the report, and on annual basis.

REASON To action the Council's responsibilities as lessee of the land.

*88 **Sale of Globe House, Woodbury**

Consideration was given to the report of the Programme Works Officer which advised that the Portfolio Holder – Communities had agreed for this property to be declared unsuitable for Council accommodation and sold with vacant possession.

- RESOLVED** that Globe House be declared surplus to requirement, and sold to the higher of the two bids received dated 17 September 2010, provided that exchange of contracts takes place within three weeks of submission
- REASON** The cost of improving the property to the Decent Homes Standard was prohibitively high; disposal was more cost effective.

*89 **Proposed legal action to secure a property**

Members considered the report of the Environmental Health Manager in respect of an identified empty property which was in a poor and deteriorating state. Members noted concerns raised and the failure of the property's owner to secure the building.

The Head of Environmental Health and Health Equalities up-dated Members on the current position and concerns raised by the Police and Fire Authority. He advised that the Council had the power (not duty) to intervene and had exercised this power in respect of smaller properties. He gave the estimated cost of securing the property which would not necessarily be recouped.

The Chief Executive explained the legal position and procedures including steps that could be taken to minimise the losses to the Council.

- RESOLVED** that, subject to further investigation of the ownership and financial liability regarding the property and if Officers are unable to make progress by negotiation, the Portfolio Holder (Communities) be given delegated authority to approve appropriate actions to bring about the effective securing of the property concerned against unauthorised access and to maintain the site in a clean and tidy condition.
- REASON** To secure the building against unauthorised access.

90 **Seaton Re-generation – Land agreement**

Members considered the report of the Principal Estates Surveyor seeking the Board's approval of the final terms of a conditional land agreement between this Council and Tesco Stores Limited. The main head of terms were detailed in the report. Members were asked to consider the implications for the Council.

The Board welcomed progress being made and the effective drawing together of the various strands of the re-generation initiative. The wider social and economic benefits to the community were acknowledged.

The Chairman of the Seaton Regeneration Programme Board, Councillor Ray Franklin, thanked Councillor Stephanie Jones, Seaton Member Champion, Karime Hassan, Corporate Director and Donna Best, Principal Estates Surveyor for their valued and ongoing support.

- RECOMMENDED**
- (1) that, on behalf of the Council, the Corporate Director in consultation with the appropriate Portfolio Holder be given delegated authority to finalise the terms and enter into a conditional land agreement with Tesco Stores Ltd (TSL):
 - (a) The grant of an easement in perpetuity, comprising a right of way over land at the Underfleet, Seaton, in favour of TSL and the owners and occupiers of TSL's landholding to the north of Harbour Road, Seaton for all purposes connected with the use of that land, together with rights of entry onto the land for the purposes of constructing landscaping and footpath works;
 - (b) The transfer to the Council of an area of marsh land to the north of TSL's land known as Sheep's Marsh,
 - (c) Other matters as set out in the report.
 - (2) that the Council exercises powers available to it under the General Disposal Consent 2003 under economic and social well-being grounds in relation to the disposal considered for the grant of the easement,
 - (3) that authority be given for the Council to grant rights to TSL under a 'Pipeline Licence' to enable engineering works to be undertaken over land owned by the Council on Seaton Beach, at Harbour Road and at Riverside Way.

Chairman Date