

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Cabinet
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 15 June 2011

Present:

Councillors:

Andrew Moulding (Vice Chairman in the Chair)

Ray Bloxham
Iain Chubb
David Cox
Jill Elson
Graham Godbeer
Stephanie Jones
Ian Thomas
Chris Wale

Also Present:

Councillors:

David Atkins
Maddy Chapman
Graham Brown
Bob Buxton
Trevor Cope
Deborah Custance Baker
Alan Dent
Christine Drew
Steve Hall
Peter Halse
Stuart Hughes

Douglas Hull
John Humphreys
Sheila Kerridge
Frances Newth
Helen Parr
Philip Skinner
Peter Sullivan
Pauline Stott
Phil Twiss
Mark Williamson
Tim Wood
Tom Wright

Also present:

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Head of Finance
John Golding, Head of Housing
Kate Little, Head of Economy
Chris Powell, Corporate Manager ICT
Simon Smale, Head of Environment
Debbie Meakin, Democratic Services Officer

Apologies

Councillors:

Paul Diviani (Chairman)

**Non-Board
Members:**

Peter Bowden
Geoff Chamberlain
David Key
Jim Knight

The meeting started at 5.30 pm and ended at 7.45pm.

***1 Public Questions**

Councillor Moulding welcomed all present and invited questions from members of the public.

Dr Mike Slot spoke about his concern for Sidmouth Health Centre. He advised of the pressure on the service, run from a building in need of improvement, from growing housing development in the town and surrounding area. He requested that any future development considered would require a contribution to the health care structure that would facilitate the process to lead to a new health centre.

Councillor Jill Elson commented on the limitations of section 106 contributions in that a request for contribution to social care or facilities could not be requested. She had concerns about the requirements of health in relation to the development of the Local Development Framework. It was not yet clear if the Community Infrastructure Fund could be another option to explore for funding of this nature, but Dr Slots comments were noted.

Mr Hushon, owner of the Longboat Cafe, gave the Cabinet a brief summary of the history behind the application, making reference to consultation with officers and Members in the process of refining the application. He outlined his opinion on the Shelter and requested that the Cabinet looked favourably on supporting the release of the Shelter for the redevelopment of the Longboat Cafe with a view to stimulating tourism for the area as well as job creation.

Mr Hugh Barlow of Seaton Development Trust asked for consideration to amending the planned public realm area, to permit the toilets off Harbour Road to be retained. He outlined the importance of the facility to the area, in particular to users of the Coach Park and good access for disabled users. He considered that the planned footpath could be altered slightly without detracting from the scheme whilst allowing the facility to be retained.

Councillor Philip Skinner asked what action he could take now in light of a Member of the Development Management Committee having signed a pledge of the Communities Before Developers. He considered that any Member signing up to the pledge could put the Council in a difficult position. Denise Lyon, Deputy Chief Executive and Monitoring Officer, reminded Members that advice had been issued in relation to the Code of Conduct and this particular issue. She advised Councillor Skinner to encourage any Councillor that had signed up to the pledge to heed the advice, and that if he considered that any actions of those Councillors had, in his opinion, brought the Council into disrepute, to make a complaint to the Standards Committee to consider if to pursue.

***2 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Stephanie Jones	5	Personal	Ward Member for Seaton
David Cox	4	Personal	Trustee of Leisure East Devon
Graham Godbeer	4	Personal	Governor of Axe Valley school that share the Sports Centre facility
Andrew Moulding	4	Personal	Member of Advisory Committee for Axe Valley Sports Centre

***3 Minutes**

The minutes of the meeting of the Executive Board held on 30 March 2011 were confirmed and signed as a true record.

*3 **Minutes (continued)**

Councillor David Cox enquired as to an apparent lack of Members Expenses and Register of Interests information online, despite the recommendation from the Overview and Scrutiny Coordinating Committee later agreed to public the information. He was advised that some Member Expenses information was online but clearly not signposted well to find and this would be reviewed; work was also in progress to upload the Register of Interests.

*4 **Axe Valley Sports Centre – urgent item**

The Chairman agreed for this item to be brought forward as urgent to enable the works to be carried out during the school summer holidays. The report of the Property Services Manager had been forwarded to Members in advance of the meeting. This indicated that tenders received for project works at Axe Valley Sports Centre had come in over budget and Cabinet approval was needed for the additional costs.

A request was made to check if penalty clauses had been included in the contract.

RESOLVED: That the relevant Portfolio Holder be given authority to accept the lowest tender figure for the Axe Valley Sports Centre capital project and the budgetary provision be approved as detailed in the report, to enable the work to proceed on schedule.

*5 **Toilets off Harbour Road/Underfleet, Seaton – urgent item**

The Chairman agreed for this item to be brought forward as urgent. The Cabinet had already heard from Mr Barlow on the topic.

Councillor Stephanie Jones, as local Ward Member, outlined to the Cabinet the local concern at losing the facility. Coach operators had already indicated that, if the facility close to the Coach Park was removed, they would not run trips to the town as it was impractical to park elsewhere for their customers to use other facilities. The location of the current toilets also linked with the Harbour Road shops and Seaton Tramway terminus. The other facilities in the town were of considerable distance away and therefore the removal of the facility was not acceptable, especially for the elderly and young families. Providing a facility by means of accessing the toilets within the Tesco store once built may also not be a viable option for visitors to the area.

The Chief Executive reminded Members of the report on the regeneration proposals back in 2009 that covered all aspects of the regeneration, including the issue around the toilet block. In discussion over that report with Members and local interested parties, the demolition of the block was agreed and four options for providing facilities debated, including temporary toilets and associated costs. The resolution was made that the other facilities in the town, located 250 metres and 400 metres away, given good signposting for visitors, would be sufficient. The toilet block in question was not to be retained in the planned public realm area. The block itself is outdated and needs substantial reinvestment if the decision was taken to go back on the earlier decision to demolish. Reconsidering this decision would mean reconsidering the approach to the public realm area which is integral to the integration of the store to the town.

Councillor Peter Halse, Chairman of the Council, spoke about his attendance at a local protest meeting to hear the concerns about the loss of the facility. He thought that retaining the block would not impact greatly on the public realm area and whilst he agreed that the present block did need replacing with upgraded facilities, he recommended providing the replacement first before removing it.

***5 Toilets off Harbour Road/Underfleet, Seaton – urgent item (contined)**

Councillor Christine Drew, Young People Champion, voiced her concern on the planned demolition of the youth centre adjacent to the toilet block as part of the public realm scheme. The Chairman advised her that alternative arrangements were in place for providing youth facilities elsewhere.

Concern was raised by several Members that more information was needed before any decision could be made, but care had to be taken not to delay the regeneration of the area. The Chief Executive reminded Members that the planned Visitor Centre would provide toilet facilities, but the centre design had been delayed following Development Management Committee request for a more sustainable design.

Councillor Graham Godbeer, Chairman of the Seaton Regeneration Programme Board, outlined the changes since the 2009 decision, including the withdrawn cycle hub and delays to the Visitor Centre being delivered. He considered it was vital to the overall regeneration to get this area right. He was aware of the concerns of local residents and businesses. A temporary provision should be provided until facilities were available at the Visitor Centre if Tesco was not acceptable as a suitable alternative facility. Clear plans with an overlay were required to establish the exact location of the toilet block in the public realm design.

RESOLVED: that the Toilet block off Harbour Road/The Underfleet, Seaton be considered at the next meeting of the Cabinet, with the report covering detailed plans, replacement options with costs and how provided.

***6 Exclusion of the Public**

RESOLVED: that the classification given to the documents to be submitted to the Cabinet, be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

***7 Forward Plan**

The contents of the Forward Plan for the period 1 June to 30 September 2011 were noted. The plan was identified as in need of review to better reflect the work of the Cabinet.

***8 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committee or the Council.

***9 Revenue and Capital Outturn Report 2011/12**

Members considered the report of the Head of Finance which set out the final position for the year, giving a comparison of the outturn position against budgets set for 2010/11. The report detailed the effect these results had on the Council's reserves and balances. Councillor David Cox, Finance Portfolio Holder, highlighted a number of points including the excellent work by officers that had turned a shortfall into a surplus; and the Housing Revenue Account balance being below the recommended level.

Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder, outlined the reasons for the HRA balance, including the large number of long-term tenants moving that had led to substantial upgrading of properties. Savings would be made to return the balance to the recommended level. She congratulated the service for their 99% collection rate on rents.

*9 **Revenue and Capital Outturn Report 2011/12 (continued)**

- RESOLVED**
- (1) that the outturn position be agreed by the Cabinet;
 - (2) that the HRA 2011/12 budgets be reviewed to bring the HRA balance back in line with the recommended level.

REASON The Outturn position was now known in relation to the Council's approved budgets for General Fund Services, Housing Revenue Account and Capital Expenditure. This final position would flow through to the Council's Statement of Accounts. Members were asked to note the variations from the budgets identified within the report and consider the final position.

It was appropriate at this stage to reflect on the reserves and balances held by the Council and determine if these were appropriate.

*10 **Treasury Management Performance 2010/2011**

Members considered the overall performance of the Council's investment portfolio during 2010/11. Councillor David Cox advised the Cabinet that Investec had been used by the Council for the past ten years. He had concluded that it was time to test the water and invite them present to the Council, particularly as they had a new product to market.

- RESOLVED**
- (1) that the investment return for 2010/11 be noted

REASON To monitor the overall performance of the Council's investment portfolio holder

*11 **The New Growth Point Enterprise Zone**

Members considered the report of the Head of Economy setting out the pros and cons of supporting a cross boundary Enterprise Zone in partnership with Exeter City Council and Devon County Council. An expression of interest had already been submitted to the Heart of the South West Local Enterprise Zone (LEP) due to tight timetabling. The deadline for submitting a fully worked up proposed Enterprise Zone submission was end June 2011. The LEP would then recommend to Government its preferred option from within the South West.

The Chairman welcomed Richard Cohen, Deputy Chief Executive to the meeting. Richard updated Cabinet on the situation since the report was compiled. All bidders had been invited to present to the LEP and he was sorry to report that the bid had not been successful; however he did not view this as a set back, as future legalistic changes may bring benefits such as accelerated planning procedures and flexible business rates. Learning from the process, it was apparent that it was key to respond quickly to such opportunities.

Members echoed Richard's disappointment and commented that it was key to continue good working relationships with Exeter City Council and Devon County Council.

- RESOLVED** that the report on the New Growth Point Enterprise Zone in partnership with Exeter City Council and Devon County Council, and subsequent outcome of the process, be noted

REASON In the light of the potential benefits, to allow the partners to continue working on the Enterprise Zone concept.

12 **Community Fund for Village Halls**

Members considered the report of the Engagement and Funding Officer setting out recommended use of the EDDC Village Hall funding contribution. The scheme was currently administered by the Community Council of Devon on the Council's behalf. The budget was currently not being fully utilised due to the required match funding arrangements.

RECOMMENDED That the following changes are made to the policy on Village Hall Funding with immediate effect too enable the money available to be used more effectively:

- a) Increase the maximum amount of grant from £3,000 to £5,000 for each village hall;
- b) If the Community Council of Devon (CCD) run out of money to match fund but there are projects in East Devon that have applied and been assessed as worthy, East Devon could exercise its discretion to fund them without match funding from CCD.

*13 **Performance Monitoring report until March 2011**

Denise Lyon, Deputy Chief Executive presented the report which gave detailed performance information for monitoring purposes. She drew attention to the outstanding achievements in all areas of service and particularly highlighted the Benefits Service position of 4th in Great Britain. She explained how the measures had been chosen and how to read the various charts and graphs for those Members unfamiliar with the reporting format. The graphs were a useful tool for quickly identifying large variances and more detailed information was available to officers to help manage workload.

One area of concern was raised in relation to the Planning service, which was explained as an administrative issue in closing down longstanding applications. Members were informed that there were some long-standing applications still not decided, but these were due to the request of the applicant to keep in that position.

RESOLVED that the progress and proposed remedial action for performance measurers for the 2010/11 financial year until March 2011 be welcomed and noted.

REASON Members acknowledged the progress being made in achieving targets set for relevant performance measures.

14 **Update on the implementation of the Freedom of Information Act**

Members considered the report giving factual information on the number and type of requests received. Mark Williams, Chief Executive, informed Members that the role of dealing with the requests was covered by a part-time employee who also held the responsibility for dealing with Ombudsman and level 2 complaints. Responses to FOI requests were published on line where possible. Many requests were effectively speculative by journalists or charities for example, with only a small number of real merit that would be of public interest to publish.

RESOLVED (1) that the number and type of requests made under the Freedom of Information Act during 2010 be noted.

15 **Pay and Reward Strategy**

The Corporate Organisational Development Manager had set out proposed changes to the current pay and reward strategy in the report.

RECOMMENDED (1) That the up-dated Pay and Reward Strategy be approved.

*16 **Absence and Headcount 2010/11**

Members noted the summary of headcount changes set out in the report and welcomed the significant improvements to the Council's sickness absence in 2010/11 which had been achieved through a variety of positive actions. The Cabinet congratulated the HR team and managers who had proactively managed a significant reduction in absence levels

RESOLVED that summary of headcount changes and improvements to sickness absence in 2010/11 be noted.

REASON The information had been presented to the Cabinet to assist with on-going monitoring.

*17 **Exemption from Standing Orders – Occupational Health Services**

Members considered the report of the Corporate Organisational Development Manager setting out reasons for seeking exemption from Standing Orders to continue to use Well Being at Work, Devon County Council for occupational health services to EDDC.

RESOLVED that an exemption to Standing Order 1.39 be agreed to enable Human Resources to manage absence and well being with the support of professional occupational health intervention through the use of Devon County Council services.

REASON The current arrangement was cost effective and provided value for money.

*18 **Exemption from Standing Orders – Recruitment**

Members considered the report of the Corporate Organisational Development Manager setting out reasons for seeking exemption from Standing Orders to continue to use the advertising agency 'Thirty Three (33)' Temp Solutions (Devon County Council) for the supply of recruitment advertising and temporary staff.

RESOLVED that an exemption to Standing Order 1.39 be agreed to enable Human Resources to continue to use Devon County Council services and arrangements for the procurement of advertising space, temporary staff and sending out job packs.

REASON The current arrangement was cost effective and provided value for money.

***19 Exemption from Standing Orders – Up-date to East Devon Housing Market Assessment**

Members considered the report of the Planning Policy Manager seeking exemption from Standing Orders to appoint specified consultants to undertake an up-date to the East Devon part of the Exeter and Torbay Housing Market Assessment for reasons given in the report.

RESOLVED that an exemption to Standing Order 1.13 be approved to enable the appointment of Opinion Research Survey of Swansea to complete an up-date to the East Devon part of the Exeter and Torbay Housing Market Assessment with delegated authority being given to the Head of Economy to define the precise nature of the work up to a maximum cost of £5,000.

REASON The work was required to define and defend planning and housing policy. The Housing Market Assessments were the approved means to establish/measure need. ORS had already undertaken the original assessment work and so were the preferred choice for this up-date.

***20 Exemption from Standing Orders for Valuation of Housing Stock by District Valuer Service**

Members considered the report of the Head of Finance setting out reasons for seeking exemption from Standing Orders to use the District Valuer Service to value the Council's housing stock in order to prepare the Council's accounts.

RESOLVED that an exemption to Standing Order 1.11 be agreed to enable the Council to use the District Valuer Service to value Council dwellings.

REASON The last review had been undertaken by the District Valuer Service which held the Council's housing details on their database using agreed formats for data transfer. The Service had the expertise and knowledge to carry out the work; no real alternative existed due to the specialist nature of the work and the need for compliance with accounting practice.

***21 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).

***22 The Longboat Cafe, Budleigh Salterton**

Members gave consideration to the report of the Principal Estates Surveyor which set out the background in respect of the Longboat Cafe, Marine Parade, Budleigh Salterton. Planning permission had been granted in June to demolish an existing cafe/store and construct a new cafe/restaurant facility. The development was dependent on the cafe owner/developer acquiring land owned by Clinton Devon Estates and leased to the Council.

Members had already heard from the cafe owner under public questions. Councillors Steve Hall and Tom Wright, as local Ward Members, updated Cabinet on their involvement with the issue and their communications with Clinton Devon Estates.

*22 **The Longboat Cafe, Budleigh Salterton (continued)**

The importance of the shelter, both in position and physical appearance, was clearly set out by the Ward Members. Other examples were raised by Members of local opposition to removing shelters, including the shelter at West Walk in Seaton which had finally reached a positive conclusion as recounted by Councillor Stephanie Jones.

RESOLVED that the Council confirms as land owner that it does not wish to dispose of its interest to facilitate redevelopment of the Longboat Cafe (as per the approved planning application).

REASON The Council was asked to make a decision as land owner.

Chairman Date