

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Executive Board
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 5 January 2011

Present:

Councillors:

Sara Randall Johnson (Chairman)

Geoff Chamberlain

David Cox

Jill Elson

Ray Franklin

Graham Godbeer

Mike Green

Stuart Hughes

Andrew Moulding

Also Present:

Councillors:

Vivienne Ash

David Atkins

Ray Bloxham

Roger Boote

Peter Bowden

Bob Buxton

Iain Chubb

Andrew Dinnis

Chris Gibbings

Roger Giles

Steve Hall

Peter Halse

Douglas Hull

Jim Knight

Ann Liverton

Graham Liverton

Frances Newth

Helen Parr

Philip Skinner

Pauline Stott

Graham Troman

Tim Wood

Steve Wragg

Also present:

Officers:

Mark Williams, Chief Executive

Denise Lyon, Deputy Chief Executive

Karime Hassan, Corporate Director

Peter Jeffs, Corporate Director

Diccon Pearse, Corporate Director

Simon Davey, Head of Finance

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

Councillor Graham Brown

Non-Board

Members:

Councillors:

Paul Diviani

Christine Drew

Stephanie Jones

Marion Olive

Ken Potter

Eileen Wragg

The meeting started at 5.33 pm and ended at 8.28 pm.

*131 **Public Questions**

The Leader welcomed members of the public present; no questions were raised.

***132 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Stuart Hughes	145	Personal	County Council Representative in respect of Shoreline Management
Cllr Sara Randall Johnson	140	Personal	County Council Representative re the Devon Pension Fund
Cllr Vivienne Ash	148	Prejudicial	Member of Honiton Town Council, Trustee of Honiton Development Trust, Council's representative on the Honiton Community and Arts Centre Project Working Group. Councillor Ash asked for it to be noted that she had to leave before the proposed Honiton Community Centre item on the agenda was reached and that she would have declared a prejudicial interest in any case.
Cllr Peter Halse	148	Personal	Member of Honiton Town Council.

***133 Minutes**

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

***134 Fortfield Hotel – up-date**

The Leader asked the Head of Environmental Health and Health Equalities to up-date the Board on the current situation in respect of the Fortfield Hotel site. Due to the confidential nature of the up-date, this item was deferred until the meeting was in private session (Part B).

***135 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 134 above (Para 3 Schedule 12A – information relating to the finance or business affairs of any particular person (including the authority holding that information)) be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

***136 Forward Plan**

The contents of the Forward Plan for the period 1 January to 30 April 2011 were noted.

***137 Matters referred to the Executive Board**

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

138 Minutes of the meetings of the Overview and Scrutiny Committees*Housing Review Board – 25 November 2010**

Councillor Pauline Stott presented the minutes and outlined the issues being considered by the Housing Review Board.

The Chairman of the Council took this opportunity to pay tribute to the staff at Home Safeguard and for their dedication over the Christmas holiday period. He went on to acknowledge the efforts of all staff whom he had thanked on behalf of the Council.

RESOLVED: (1) that the following decisions be noted:

Minute 32 that a letter be written to Devon County Council expressing the Board's concern over the advertising of Age Concern alarms in libraries and asking if EDDC's alarm service could also be advertised in County Libraries.

Minute 34 that the Housing Review Board forward plan be noted.

Minute 35

- (1) that the contents of the Comprehensive Spending Review 2010 – housing implications - report be noted
- (2) that Officers be requested to report back on the key housing implications of the Spending Review when known, and begin preparations for the changes;
- (3) that the Tenant and Leaseholder Customer Panel consider the Spending Review and prepare their own response to be considered along with the Council's response at the next meeting of the Board on 13 January 2011.

Minute 38 that, in respect of the review of social housing regulation, the Board's ongoing commitment to the approach to comply with the regulatory expectations, be noted.

RESOLVED (2) that the following recommendations be approved:

Minute 36(2) that the issue of budget prioritisation be considered by the Tenant Participation Panel.

Minute 39 that the preparations for re-tendering the housing maintenance contract be approved;

Minute 41

- (1) that the key factors, as identified in the review of the provision of disabled adaptations for tenants report, be accepted and agreed in principle to be included in a revised policy on adaptations to council homes, including priorities already adopted;
- (2) that a further report with a revised policy be presented to the Board;
- (3) that Officers be requested to consult further with tenants and with Devon County Council prior to submitting a further report.

Minute 42 that the Individual Garden Maintenance Scheme continue to be provided as a subsidised service, but the changes recommended by the Review Panel be implemented and a Service Charge of £50 per annum, as a starting point, be introduced.

138 **Minutes of the meetings of the Overview and Scrutiny Committees (cont)..**

- RESOLVED (2) that the following recommendations be approved (cont)..**
- Minute 43**
- (1) that the findings of the survey carried out by the Community Research Team in respect of parking at Dray Court be recognised as legitimate;
 - (2) that the wishes of the majority of Dray Court residents as represented by the findings of the survey be implemented;
- Minute 44**
- (1) that the reported process of decommissioning of unsuitable sheltered housing and how to achieve this over the next five years be approved;
 - (2) that the terms of reference for the continuation of a Sheltered Housing Task and Finish Forum to explore the delivery of housing related support services in the wider community be approved.
- Minute 45** that the Sheltered Housing Support Services be delivered through the cluster working model throughout the remainder of the District.
- Minute 46**
- (1) that the land at Bonners Glen be transferred by the way of a 125 year lease at a nominal rent to Sanctuary Housing Association, subject to funding being available for the development to proceed;
 - (2) that the demolition of two existing council houses at Bonners Glen to provide ten new affordable homes, be approved.
- RESOLVED (3) that the following recommendations be taken into account during the budget setting process:**
- Minute 36(1)** that the following areas of the Housing Revenue Account (HRA) budget be given priority: gas servicing, boiler replacement, HRA deficit, housing management software system upgrade, upgrade of electrical specifications.
- RESOLVED (4) that the following be considered by Council:**
- Minute 43 (3)** that the role of Board and Councillor Member Champions be promoted and be open to any member of the Board, including Councillors.

*139 **Recycling and Refuse Partnership Board Minutes**

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 25 November 2010. The Leader asked Councillor David Cox, Portfolio Holder – Streetscene, to thank SITA's management and teams for their efforts during the difficult weather conditions prior to and over the Christmas period. The Council had taken the decision to take the SITA vehicles off the road to avoid accidents to staff and residents and damage to property and vehicles on untreated roads. SITA was now working hard to catch up with the collection schedule and this was appreciated. Councillor Cox advised that lessons had been learnt during the recent disruption to service and, in future, steps would be taken to provide more regular up-dates to the media and to post real time information on the web site. The feasibility of a dedicated telephone number for the most up-to-date information would be investigated.

Members were advised that a new press release with revised collection dates had now been up-loaded onto the Council's website.

***139 Recycling and Refuse Partnership Board Minutes (cont)..**

Councillor Cox up-dated Members on proposed and actual improvements to the service provided. He referred to a presentation given by the SITA Transport Manager at the November meeting in respect of a new GPS system that SITA was planning to introduce across their fleet to track its vehicles. This would reduce fuel usage and improve driver awareness of economical driving methods. Real-time tracking would also mean that the most conveniently located vehicle teams could be called on to pick up missed collections. Predicted savings to EDDC were anticipated as 10-12% of fuel costs.

The intention would be to use the anticipated cost savings to extend the range of materials collected for recycling. Councillor Frances Newth, Sustainability (Eco Issues) Champion, welcomed the proposed fuel savings which would help reduce the Council's carbon footprint.

RESOLVED

- (1) that the Partnership Board's decision to positively consider the implementation of the CMS Supatrak (GPS) system subject to this being at least cash neutral be supported and the range of materials collected for recycling extended subject to budget considerations;
- (2) that a Waste Management Officer attend a future meeting of the Partnership Board to discuss issues witnessed whilst on rounds with SITA waste and recycling crews;
- (3) that the views of locally elected Members in Sidmouth/Sidford/Ottery St Mary/Newton Poppleford areas be sought to respond to Devon County Council's consultation paper for the location of a new recycling centre for the area.

REASON

To continue to explore ways to improve the recycling and refuse service provided. .

***140 Draft Revenue and Capital Estimates 2011/12**

Diccon Pearce, Corporate Director presented the draft Revenue and Capital Estimates for 2011/12 for adoption prior to consideration by the Overview and Scrutiny Co-ordinating Committee. That Committee's Task and Finish Forum (TaFF) was to meet on 17 January and would make recommendations to the Overview and Scrutiny Committee meeting on 26 January 2011. The Housing Review Board was to meet on 13 January 2011 to make recommendations in respect of the Housing Revenue Account. The Executive Board would consider the recommendations from these meetings at its meeting on 9 February 2011.

The Corporate Director outlined the Council's financial position and the reasons for this (including the 25% cut over the next 2 years of the Government Formula Grant) and steps taken to deliver a balanced budget for 2011/12. There was on-going uncertainty in respect of Government intention and this continued to make the budget setting process challenging. Members anticipated future reductions in Government funding and recognised the need to achieve on-going savings. Due to the efforts of the Rationalisation Panel, monitoring by the accountants, Service Heads and Managers in addition to the review undertaken by the Budget Working Party, the proposed budget was currently in surplus (that is projected income greater than expenditure).

In view of the current level of balances the Corporate Director advised it would not be appropriate to set a budget which would add to this position. Instead he advocated the Budget and Service Planning TaFF consider how the Council might sensibly use the surplus available to help address future budget deficits, for example through pump priming initiatives.

The Forum would be asked to consider the Council's position on the Capital Budget and how the shortfall could be addressed. The Capital Programme was currently being funded through Reserves, but this approach was unsustainable. It was suggested that the Council would need to consider borrowing if it wished to maintain a Capital Programme. Interest receipts could be used to support the Programme.

***140 Draft Revenue and Capital Estimates 2011/12 (cont)..**

The Portfolio Holder – Resources thanked Diccon Pearse, Simon Davey, Head of Finance and their teams for the quality of their efforts during difficult times. He also acknowledged the positive work of the Rationalisation Panel, the Budget Working Party and the Service Heads. He recognised that the TaFF would need to address the budget challenges through careful deliberation in order to present recommendations for delivery of a balanced budget that was fit for purpose.

Councillor Ray Bloxham, Chairman of the Overview and Scrutiny Co-ordinating Committee extended an invitation to all Members to attend the meeting of the TaFF on 17 January and contribute to the budget setting process.

RESOLVED: that the draft Revenue and Capital Estimates be adopted and forwarded to the Overview and Scrutiny Committee for consideration.

REASON To enable the Council to meet the requirement to set a balanced budget for 2011/12, levy and Council Tax and set Council House Rents.

***141 Council Tax Base**

Members considered the report of the Revenues and Benefits Manager setting out the tax base for each parish, expressed in terms of Band D equivalent properties. This would be used as the basis for the Council's 2011/12 Council Tax.

RESOLVED that the tax base for 2011/12 at 57,076 Band D equivalent properties be confirmed.

REASON As required by Local Authority (Calculation of Tax Base) Regulations 1992 (SI 612/1992) as amended by S84 of the Local Government Finance Act 2003.

***142 Financial Monitoring Report 2010/11 – Month 8**

Members considered the report of the Senior Accountants presented by Diccon Pearse, Corporate Director, which summarised the Council's overall financial position at the end of Month 8. Large, high risk and volatile budget areas had been taken into account in preparing the report. It was noted that the Council's Balances and Reserves (other than the Housing Revenue Account which was slightly below) were being maintained at or above adopted levels. The report indicated a larger under-spend than previously anticipated which put the Council in a good position.

RESOLVED that the variances identified as part of the Revenue and Capital Monitoring process up to month 8 be noted.

REASON To reflect the monthly monitoring being undertaken by elected Members on the Council's financial position.

***143 Performance Monitoring report November 2010**

Members considered the report of the Communications and Improvement Manager presented by the Deputy Chief Executive. The report set out performance information for the current financial year for November 2010 in respect of selected Performance Indicators.

Details of the number of computer user hours made unavailable (downtime) each month would be reported more fully at the next meeting. The current figure in respect of this indicator showed improvement but Members felt that it would be helpful for the figures to differentiate between planned downtime (which would be less disruptive to the service) and that which was unplanned.

***143 Performance Monitoring report November 2010 (cont)..**

The positive improvement to the Council's performance in respect of working days lost due to sickness absence was again noted.

The figures in respect of the planning services were noted. Karime Hassan, Corporate Director, explained that the teams facilitated delivery of good planning decisions. Where applications were complex or controversial' planning officers would spend time with the applicant and undertake any necessary negotiation which sometimes resulted in delay in the process but achieved a better quality result. It was suggested that being able to charge actual cost for the application would benefit the service.

The housing figures were noted and these showed generally good trends with few exceptions.

RESOLVED that the performance and proposed remedial action against selected Performance Indicators for the 2010/11 financial year until November 2010 be noted.

REASON To reflect the monthly monitoring being undertaken by elected Members on the Council's performance in respect of key Performance Indicators and to take into account proposed remedial action.

144 Fees Charging – Local Land Charges

Members considered the report of the Planning Practice Manager in respect of fees for Local Land Charges. Under Environmental Information Regulations, access to Local Land Charges Registers was now free. However, in the main, for convenience, solicitors continued to use the official search route which meant that the Council's Local Land Charges section managed to recover its costs. Devon County Council had reduced the Highways element of their fee by £7.00 which now needed to be reflected in the Council's overall charges. An official search fee of £78.00 (currently £85.00) was proposed which would keep the service slightly above the average cost of an official search within Devon (but realistically competitive) and maintain the current level of service provided on the cost recovery basis (as required by legislation). Karime Hassan, Corporate Director, confirmed that he was aware of the on-going need to drive down costs to ensure that the service remained efficient and competitive.

RECOMMENDED that the current cost of an official Land Charges search be reduced to the cost recovery level of £78.00

REASON To reflect the reduction in the Highways' element charge, remain competitive and maintain cost recovery.

***145 Shoreline Management Plan 2**

Members considered the report of the Senior Engineer (Technical) which set out the Shoreline Management Plan 2. This was a non-statutory document which provided a large scale assessment of the appropriate response (short, medium and long term) to coastal erosion. It also included a policy framework to address the identified risks in a sustainable way. South Devon and Dorset Coastal Authorities Group had asked the Council to agree and sign off the Plan so that it could then be adopted by Defra and the Coastal Groups and used as guidance for future development and coastal management.

The Council's Planning Policy Team had raised concerns in respect of the medium term policy and in particular how the proposed managed retreat would affect the Maer. Exmouth Members expressed similar concerns and the impact that this would have on activities and facilities along Exmouth Seafront.

***145 Shoreline Management Plan 2 (cont)..**

Karime Hassan, Corporate Director, advised that the Council had previously accepted the need for a managed retreat at the Maer but that the Plan did not include a technical solution or how the affects of such a retreat would be resolved.

Peter Jeffs, Corporate Director, urged all Councillors to read the Plan in detail due to the future implications in respect of East Devon's shoreline including the Exe Estuary.

RESOLVED that the Shoreline Management Plan 2 be noted but not signed off for adoption by Defra and the Coastal Groups until the relevant technical information/evidence (particularly in respect of the managed retreat at the Maer, Exmouth) was available for detailed consideration.

REASON The Council could not support the adoption of the Plan until the technical facts were available.

***146 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).

***147 Fortfield Hotel – up-date**

The Head of Environmental Health and Health Equalities gave Members the background to the current problems in respect of the empty Fortfield Hotel and the action taken to date by the Council and Emergency Services. The Board had previously considered the situation and was aware of the deteriorating state of the building and owner's failure to secure the property. The Board had given the Portfolio Holder (Communities) delegated authority to approve appropriate actions to bring about the effective security of the property against unauthorised access if there was no progress with informal negotiations. There was a major concern that a significant amount of Council Tax payers' money would be put at risk if the Council carried out work on behalf of an owner who was failing to fulfil his obligations. The property owner had objected to the Council's proposed action and had been in the process of preparing a scheme of works and negotiating a sale with a developer.

However in the meantime there had been a serious fire at the Hotel. Members were now advised that the developer had proposed a permanent solution to the problem which should be completed within the next two weeks and in the meantime would provide replacement security fencing of the site and arrange regular patrols. This information had been relayed verbally to the Fire Authority who, subject to confirmation of details, were happy with the approach.

RESOLVED that a press statement be issued to up-date the public on the current situation and plans in respect of the Fortfield Hotel site.

REASON To up-date the Board in respect of the Fortfield Hotel site.

***148 Site for the proposed Honiton Community Centre**

The Executive Board had considered a report on the Honiton Community Centre at its meeting on 1 September 2010. At that meeting, the Board had resolved that a decision in respect of the Community Centre be deferred for further consultation and negotiation with Honiton Town Council. The Board now believed that further work should be done to explore the feasibility of using land at Dowell Street.

- RESOLVED**
- (1) that, in principle, the Council continue to support the delivery of a Community Centre in Honiton,
 - (2) that, in principle, the Council continue to support the provision of a grant towards a Community Centre at Honiton (as detailed in the report) in addition to transfer of land,
 - (3) that, Karime Hassan, Corporate Director analyse the feasibility of using the Dowell Street site (including the Magistrate Court buildings) to deliver the Community Centre and report back in February for consideration.

REASON To clarify the Council's position and to enable the Board to explore the feasibility (including valuation and legal implications) of the Dowell Street site for the delivery of a new Community Centre to serve Honiton.

***149 Market testing of cleaning services at Knowle**

Members noted the report of the Property Services Manager which proposed that a market test be carried out to see if savings could be made by outsourcing the cleaning services at Knowle.

- RESOLVED** that the cleaning services at Knowle be market tested to evaluate quality against the current service provided and identify any financial and management savings.

REASON To explore potential savings that could be achieved with no detriment to the service currently provided.

***150 Exmouth Regeneration Programme Board**

Members noted the confidential report of a meeting of the Exmouth Regeneration Programme Board held on 18 November 2010. In respect of the recommendation to carry out further investigatory work on the Imperial Recreation Ground Slipway, Karime Hassan, Corporate Director, advised that the site had potential to increase access to the water and was worthy of investigation but any scheme would need the support of both Natural England and the Environment Agency.

- RESOLVED**
- (1) that the recommendations (excluding at Minute 4) proposed by the Programme Board be supported and approved.
 - (2) that Natural England be asked if they have any objection in principle to a scheme to develop the Imperial Recreation Ground Slipway before the Council commits to any investigation work in this respect.

REASON As identified in the report and to avoid the unnecessary cost of investigation work if Natural England is not supportive of potential development of the Slipway.

Chairman Date