

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Cabinet
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 30 November 2011

Present:

Councillors:

Paul Diviani (Leader/Chairman)
Andrew Moulding (Vice Chairman)
Ray Bloxham
David Cox
Jill Elson
Graham Godbeer
Stephanie Jones
Ian Thomas
Chris Wale

Also
Present:

Councillors:

Roger Boote
Peter Bowden
Bob Buxton
Geoff Chamberlain
Maddy Chapman
Deborah Custance Baker
Steve Gazzard
Steve Hall
Tony Howard
Stuart Hughes
Sheila Kerridge

Frances Newth
John O'Leary
Helen Parr
Philip Skinner
Pauline Stott
Peter Sullivan
Graham Troman
Phil Twiss
Tim Wood
Claire Wright
Tom Wright

Also
present:

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Simon Davey, Head of Finance
John Golding, Head of Housing
Kate Little, Head of Economy
Simon Smale, Head of Environment
Rachel Pocock, Corporate Legal & Democratic Services Manager
Donna Best, Principal Estates Surveyor
Laurelie Gifford, Financial Services Manager
Claire Read, Accountant
Diana Vernon, Democratic Services Manager

Apologies

Councillors

Iain Chubb

Non-Cabinet
Members:

Graham Brown
David Chapman
Alan Dent

Vivien Duval Steer
Geoff Pook
Mark Williamson

The meeting started at 5.30 pm and ended at 8.15 pm.

***117 Public Questions**

The Chairman welcomed Councillors and members of the public to the meeting. No questions were raised at this part of the meeting.

***118 Minutes**

The minutes of the meeting of the Cabinet held on 2 November 2011 were confirmed and signed as a true record subject to clarification of the pre-amble at Minute 110 (Thelma Hulbert Gallery – forecast budget report). The likely net cost of running the Gallery this year was £81,821 – that is £29,821 more than the original estimated sum of £52,000.

***119 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr David Cox	128	Personal	Owner of a second home in East Devon
Cabinet members, Chairman of Overview and Scrutiny Committee, Chairman of Housing Review Board, Chairman of Licensing and Enforcement Committee, Vice Chairman of Development Management and Leader of Liberal Democrat Group	130	Personal	In receipt of Special Responsibility Allowances
Cllr Jill Elson	132	Personal	Governor, Exmouth Community College
Cllr Graham Godbeer	132	Personal	Governor, Axe Valley School
Cllr Stuart Hughes	133	Personal	Devon County Council Portfolio Holder for Highways & Transportation, Snow Warden for Sidmouth

***120 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.

***121 Forward Plan**

Members noted the contents of the Forward Plan for the period 1 December 2011 to 31 March 2012. The Chief Executive advised that the Plan would be further refreshed in January.

*122 Matters referred to the Cabinet

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

*123 Minutes of the Overview and Scrutiny Committee meeting 27 October 2011

The Cabinet noted the minutes of the meeting of the Overview and Scrutiny Committee held on 27 October 2011.

Councillor Peter Bowden who had chaired the Ward Member Customer Satisfaction with Planning Task and Finish Forum presented the final version of the report. He advised that the recommendations of the Forum would give greater opportunities for Ward Members to be involved throughout the planning application process. The Forum recognised that co-operation between Officers and Ward Councils would benefit the service provided.

Councillor Bowden advised that the planning teams were organising an interactive planning training session for all Members in February. The aim was to demonstrate the work of the teams throughout 'the life of a planning application' and would include all of the processes involved from receipt to sign-off. Members recognised the importance of understanding and being involved in planning decisions affecting their Wards.

In respect of Minute 31, the Chairman fed back discussion on the Exmouth Business Improvement District (BID) Feasibility Study at the meeting of the Cabinet on 2 November. The Ice/Snow/Frost Treatment Plan report on which the Chairman intended to comment had been withdrawn from that meeting and would be considered later in this agenda.

RESOLVED: that the following decisions be noted:

Minute 38 the up-date from the Devon and Cornwall Constabulary on budget implications.

Minute 40 the update from the Portfolio Holder – Finance.

Minute 41 the Overview and Scrutiny Committee Forward Plan.

RESOLVED: that the recommendations of the Task and Finish Forum – Improving Ward Member interaction with Planning be approved and implemented as printed.

*124 Minutes of the meeting of the Recycling and Refuse Partnership Board

Members noted the minutes of the meeting of the Board held on 25 October 2011.

In the absence of Councillor Iain Chubb, Portfolio Holder – Environment, Councillor Cox highlighted the Side Waste Policy. The Board recognised the importance of how this Policy was communicated to residents.

Councillor Cox confirmed that there would be wider consultation in respect of the cardboard and mixed plastics collections trial in Beer. In reply to a question, he said that discussions were on-going with SITA for possible reinstatement of rear collections within specified areas of the Colonies and that Ward Members would be kept informed.

125 Council Plan (key decision)

Councillor Ray Bloxham, Portfolio Holder – Corporate Services outlined the consultation on the draft Plan which had been undertaken to-date. A wider consultation exercise would take place during December until early January. A copy of the draft Council Plan together with a summary would be presented to all Members at the Council meeting on 7 December. He would ask Members to encourage residents and businesses within their own Wards to give feedback on the draft Plan.

Councillor Jill Elson, Portfolio Holder – Sustainable Homes and Communities reminded Members of the 'Working Together for the Future of East Devon' event which was to be hosted by the Council on Friday, 2 December. Invitees included representatives from all local councils and voluntary organisations. The agenda included speakers on the Localism Act, Voluntary Sector, health and wellbeing changes and opportunities for input into the Council's future plans and priorities.

- RECOMMENDED**
- (1) that the content of the draft Council Plan be agreed for consultation,
 - (2) that the consultation process (set out in Appendix A to the report) and the consultation summary example (in Appendix B to the report), be agreed.

REASON The recommendations emphasised the Council's wish to hear the views of the public and partners before finalising its plans.

*126 Financial monitoring report 2011/12 – Month 7 October 2011

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2011/12 at the end of month 7 (31 October 2011). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level. The predicted under-spend was noted.
- The Housing Revenue Account Balance would be maintained at or above the adopted level due to identified savings.
- There was sufficient Capital Reserve to balance this year's Capital Programme. The current position was improved over last month with £1.134m being available in the Reserve to support the Programme from 2012/13 onwards.

*126 Financial monitoring report 2011/12 – Month 7 October 2011(cont)..

The Head of Finance up-dated his report due to further downgrading of UK financial institutions announced the previous evening. The current position was that Santander UK (formerly Abbey), Nationwide Building Society and Barclays had been downgraded from AA- to A+ and Lloyds TSB and the Royal Bank of Scotland from A+ to A. This took them below the Council's external lending list criteria. The Council did not currently have external investments in Santander, Lloyds TSB or the Royal Bank of Scotland but had £5.7M in external investments in Nationwide and £3M in Barclays. The Head of Finance recommended that investments in Nationwide and Barclays be held until maturity. He also recommended that the Council's criteria be changed to allow investments in an agreed list of A+/A rated UK institutions - up to a maximum proportion of the total Fund. This action would avoid over-exposure to foreign institutions.

- RESOLVED**
- (1) that the variances identified as part of the Revenue and Capital Monitoring process up to Month 7 be noted;
 - (2) that the Council hold the investments in Nationwide and Barclays until maturity;
 - (3) that, for future investments, the Council's lending list criteria be changed to allow a maximum of 20% of the fund (currently £6M) to be invested in specified A+/A rated institutions, namely, Nationwide Building Society, Lloyds TSB, Royal Bank of Scotland, Santander (formerly Abbey) and Barclays.

REASON To keep the Council's finances under review, including considering whether any corrective actions were required for the remainder of the financial year.

Changes to the Council's investment criteria as detailed would help protect the Council from over-exposure to foreign institutions.

*127 Treasury Management Performance 2011/12 – 1 April 2011 to 30 September 2011

Members considered the Finance Management Performance half yearly report which detailed the overall performance of the Council's investment portfolio during the first 6 months of 2011/12. The half yearly reporting was a requirement of the Council's investment strategy. Members questioned the performance of the Council's external investors' performance.

RESOLVED that the investment return for the first six months of 2011/12 be noted

REASON The Investec report to 30 September 2011 (Appendix A to the report) substantiated the performance of the Council's externally managed funds. Members acknowledged the safeguards in place to protect the Council's investments.

- *128 Empty Dwellings in East Devon and the Council House discount on second homes (report on motion to Council)

Councillor Jill Elson Portfolio Holder – Sustainable Homes and Communities presented the Chief Executive's report which was in response to a motion submitted to the October meeting of the Council on the issue of empty dwellings and possible action needed. Councillor Elson advised that she had held a useful Think Tank on empty homes and progress continued to be made.

The Council's policy commitment was to bring empty homes back into use. Members were reminded of the Empty Homes Strategy 2009-2014 which set out this commitment and positive action being taken

Councillor Claire Wright who proposed the motion was invited to speak. She recognised positive action being taken by the Council's housing service to bring empty homes back into use but referred to the scale of the problem and the size of the Council's waiting list. She said that ownership of second homes and holiday lets was a growing problem and that empty homes did not benefit the local economy or communities.

The report advised that removing the 10% discount currently given to owners of second homes would generate only limited funds and would be unlikely to deter people from owning a second home. In April 2004, the Second Home Council Tax discount had been reduced from 50% to 10% and yet the number of second homes in the district had significantly risen since then.

The Department for Communities and Local Government was currently consulting on reforms to Council Tax which could result in billing authorities having greater discretion over Council Tax relief

Members noted the number of local people on the waiting list for Council housing.

There was a national housing crisis and this picture was reflected within East Devon. There were not enough houses being allocated in development plans or being built to satisfy growing demand.

The Chief Executive referred to the local housing market as 'broken'. He explained that the average cost of a house in the district was £266,000 and with an average wage of £18,500, the only option for the majority of local working people was social/Housing Association housing opportunities. He emphasised the importance of the Council taking positive steps to meet demand and keep provision of affordable housing high on its agenda.

RESOLVED

- (1) that the consultation response to the motion on empty dwellings in East Devon and the Council Tax discount on second homes as set out in Appendix B to the report be adopted;
- (2) that the Council continue to take positive action to bring empty homes back into use;
- (3) that provision of affordable homes remain a Council priority.

- *128 Empty Dwellings in East Devon and the Council House discount on second homes (report on motion to Council) (cont)..

REASON To support steps being taken to remove the Council Tax discount from second home, bring empty properties into use and increase the quantity of affordable homes in the district.

- *129 New Homes Bonus – recommendations of Panel

Members considered the report of the New Homes Panel. The Panel had been set up by the Cabinet on 13 July 2011 to consider various options on how to use the New Homes Bonus (NHB) funds to meet local priorities for the benefit of the wider community. The Panel had considered basic criteria for the allocation of the funds.

A favoured option for one third of the sum available this year was to contribute to the Devon County-wide scheme. This would add up to a combined annual Community Fund of around £115,000 per annum to be distributed across towns and parishes. This Council's contribution could fund the scheme for the next 10 years. The Panel proposed that the remainder of the funds be used to fund community Capital and One-off projects.

- RESOLVED**
- (1) that the principle of New Homes Bonus (NHB) funding being distributed between a Community Fund and a Capital One-off Programme be agreed on the following basis:
 - Community Fund allocation to be £105,000 annually;
 - Capital One-off Programme allocation to be £205,000 (2010/11) with a further £600,000 (approximately) being made available from 2012/13 onwards.
 - (2) that the following conditions be agreed in principle for the two funding streams:

Community Fund

 - a) Alignment with Devon County Council (DCC) elector fund;
 - b) Reflect local priorities and deliver benefits for the wider community;
 - c) One-off local funding and no on-going/revenue funding implications;
 - d) Encouragement to multiple parish and town proposals.

Capital and One-off Programme

 - a) Prioritise spend on projects that will show return on investment;
 - b) Prioritise projects that will optimise EDDC assets – such as marketing, planning disposal, refurbishment and redevelopment;
 - c) Time limited project spend that does not require on-going financial commitments such as running costs.

*129 New Homes Bonus – recommendations of Panel (cont)..

- (3) that Officers under the guidance of the NHB Panel, undertake further work to examine the mechanisms required to distribute the NHB funding including taking forward arrangements to discuss with DCC the alignment of EDDC Community Fund with the existing DCC elector related funding.

REASON

To make best use of the New Homes Bonus for the benefit of local communities within East Devon.

130 Independent Remuneration Panel - recommendations

The Leader welcomed Bob Wiltshire, Chairman of the Panel, to the meeting together with other Panel members – Tina Day, Susette Henson and Malcolm Elliott. Mr Wiltshire introduced the report of the meeting of the Panel held on 13 October 2011 and the recommendations made.

Although outside its remit, the Panel had expressed their strong concern over the lack of opposition representation on the Cabinet. The Leader advised that although his appointed Cabinet comprised Conservative Members, all Councillors were encouraged to take part in debate at Cabinet and be involved in the Portfolio Holder Think Tanks.

The Chairman of the Housing Review Board was advised that the allowances in respect of the Board would be considered at the next meeting of the Panel.

The Panel expressed their respect for the work that Councillors undertook and appreciated the efforts made to serve their local communities. The Leader thanked the Panel for their valued work and comments.

RECOMMENDED

- (1) that no change be made to the allowance currently paid to the Vice Chairman of the Licensing and Enforcement Committee;
- (2) that no change be made to the allowance currently paid to the Chairman of the Overview and Scrutiny Committee;
- (3) that no change be made to the allowances currently paid to the Leader and Deputy Leader of the Liberal Democrats Group;
- (4) that no allowance be made at this time to the Leader of the Independent Group (the Group Leader had previously received an allowance as a Member of the Cabinet),
- (5) that the attendance fee paid to non-councillor members of the Standards and other Committees be £50 for half a day (4 hours) or multiples thereof, this to come into effect from 1 April 2012;

130 Independent Remuneration Panel – recommendations (cont)..

- (6) that the Panel meet with the Leader of the Council annually to discuss any proposed changes to the committee structure before the start of the new Council year;

(The Panel was now sent an electronic copy of the Knowledge and Members of the Panel would endeavour to attend Cabinet meetings as a way of keeping up-to-date with Council business).

REASON

The Cabinet appreciated the work undertaken by the Panel and the reasoning behind the recommendations which would be referred to Council.

*131 Building Control Financial statement 2010/11

Members considered the report of the Head of Economy setting out an annual end-of-year financial statement. This was a requirement following the setting up of the new fees regulations based on cost recovery only. The identified surplus would be invested in the mobile working initiative to help achieve improvements within the service.

RESOLVED

that the annual financial statement of the Building Control chargeable and non-chargeable accounts 2010/11 be noted.

REASON

The annual end of year financial statement was provided to Members for their information.

*132 Sustainability of the Exeter and Heart of Devon (EHOD) Employment and Skills Board

Members considered the report of the Head of Economy setting out the case and resource implications for retaining dedicated Employment and Skills Board officer support and to facilitate the continuing delivery of projects. Members considered the 3 year development and funding plan.

The Employment and Skills Board was now actively seeking to engage stakeholders and to attract sponsorship and had requested financial support from the Council. Members noted that financial support committed by Growth Board partners could lever additional funds into the Exeter and Heart of Devon area via the use of European Social Fund Technical Assistance which matched any public sector funding.

Members discussed the rising level of unemployment within the district, the employment opportunities of the New Growth Point, the importance of developing skills that matched the needs of current and future employers in the district and of providing timely careers advice to schools and colleges.

*132 Sustainability of the Exeter and Heart of Devon (EHOD) Employment and Skills Board (cont)..

- RESOLVED**
- (1) that the business case for sustaining the Employment and Skills Board be noted;
 - (2) that a special bid to the Service Planning and Budget Task and Finish Forum for a contribution of £12,500 per annum for 3 years be supported. This commitment would be subject to the contribution being matched equally by Devon County Council and Exeter City Council. The other half of the funding would be found by the private sector members of the Exeter and Heart of Devon Growth Board.

REASON To sustain the Employment and Skills Board and its benefits to local businesses.

*133 Ice/Snow/Frost Treatment Plan

Members considered the report of the Head of Environment setting out an interim plan for dealing with ice and snow disruption and related issues within the district and significantly in respect of Council-owned land including high risk areas such as access to sheltered housing.

Members appreciated that it would not be possible to treat all areas. The Plan set out a reasonable and practical response to dealing with severe weather conditions and included key areas to be treated. Members recognised the importance of co-operation between the District Council, County Council and local volunteer Snow Wardens.

RESOLVED that the Council approve Option 2 in the report, namely to grit the Council's primary car parks and other high risk areas which would require the following actions:

- To purchase bagged supplies of salt-grit and retain these at the main depots;
- Streetscene and Parking Civil Enforcement Officers to be supplied with manual snow cleaning equipment (including blowers and shovels) to enable them to manually clear key areas;
- To install lockable grit bins at the key car parks so that a stock of salt-grit is on site at the start of a severe weather event;
- To purchase two mechanical spreading hoppers to use with existing vehicles to spread salt-grit over key car parks;
- To close car parks which have not been treated or cleared;
- To liaise with the County Council and Snow Wardens.

REASON To establish a clear Council response to severe ice/snow/frost conditions.

***134** Performance monitoring report until October 2011

Denise Lyon, Deputy Chief Executive, presented the performance information for the 2011/12 financial year until October 2011. Detailed performance reports had been made available to Members on line rather than in printed form.

RESOLVED that the progress and proposed remedial action for performance measures for the 2011/12 financial year until October 2011 be noted.

REASON To enable the Cabinet to continue to monitor the Council's progress in achieving excellent customer service using relevant performance measures.

***135** Results of Staff Engagement Survey 2011

Members considered the report of the Corporate Organisational Development Manager which set out the results of the staff engagement survey undertaken this year. The majority of staff had completed the survey on-line.

Results were generally very positive. The last staff engagement survey had been undertaken in 2008 and action taken as a result of feedback included improved people management, training and engagement initiatives. The feedback from the current survey would similarly be used to address issues identified.

The Leader expressed his appreciation of the loyalty and high performance of staff.

RESOLVED that the results of the staff engagement survey be noted together with the actions to be taken by the Strategic Management Team to address issues raised on a service by service basis.

REASON To use the feedback from the staff engagement survey to address issues identified.

***136** Former Drill Hall, Esplanade, Sidmouth

Members considered the report of the Head of Economy setting out the current position in respect of the former Drill Hall in Sidmouth. Legal completion was due very shortly. The Hall had been purchased at the beginning of November this year. Its condition was considered unsafe and unusable. The Hall had been purchased for demolition as part of the wider planned re-development of the Port Royal area. The Head of Economy asked for approval for the building to be demolished as soon as possible to avoid the cost of any necessary maintenance of the building.

RESOLVED (1) that the former Drill Hall, Sidmouth, be demolished and the ground made safe, with a budget of £48,038 being made available for use in the current financial year to facilitate the necessary works as soon as the Council is in the legal position to effect this;

*136 Former Drill Hall, Esplanade, Sidmouth (cont)..

- (2) that the Head of Economy investigate options for temporary use of the site including for possible car parking.

REASON Demolishing the Hall and making the site safe would avoid on-going maintenance costs and would mean that use could be made of the site.

*137 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).

*138 Asset Management Update

Members considered the joint report of the Head of Economy, Deputy Chief Executive (Richard Cohen) and the Principal Estates Surveyor which set out the revised Asset Management Plan 2011/14 and progress on delivery. Additional staff resource within the Estates Team had enabled identified asset transfers to be progressed.

The Deputy Leader expressed his appreciation of the work being carried out by the Asset Management Team (Councillors and Officers).

- RESOLVED**
- (1) that the revised Asset Management Plan 2011/14 be adopted;
 - (2) that the progress in the delivery of the Corporate Property Asset Management Plan made during the last year be noted;
 - (3) that the progress made and key achievements across the range of other services provided by the Council's Estates Team be noted.

REASON To endorse action taken so far in respect of managing the Council's assets in a strategic and structured way.

139 Office relocation

Members considered the joint report of Richard Cohen (Deputy Chief Executive) and the Principal Estates Officer on progress being made in respect of the office relocation project. The Office Accommodation Member Working Party had already met on a number of occasions and had supported the need for work to be carried out at an early stage to assess the feasibility of the move.

Discussion included the proposed budget for the initial investigatory works, an Exmouth base, mobile and smarter working, planning opportunities, partnership working, potential impact on staff and Sidmouth, site valuations and the current market down-turn.

139 Office relocation (cont)..

- RECOMMENDED**
- (1) that the action points from the Office Accommodation Member Working Party held on 19 October 2011 (Appendix 2 to the Committee report) be noted;
 - (2) that the project work undertaken to date be endorsed and Kensington Taylor's refreshed costings and confirmation that the project remains financially viable be noted;
 - (3) that Officers be authorised to pursue options for a partnership approach to bring forward the development of the project;
 - (4) that a budget of up to £200,000 be authorised to enable the immediate requirements of commencing necessary studies, the procurement of external legal advisors, the procurement of project management and the appointment of a relocation manager.

REASON To enable the project to progress.

*140 Exmouth Regeneration

Members considered the joint report of the Head of Economy, Deputy Chief Executive (Richard Cohen) and the Principal Estates Surveyor on how to progress the Masterplan for Exmouth. Work to date had developed a vision for the future development of the town and seafront. Members supported the incremental approach being adopted within the strategic plan.

RESOLVED that the Council commits to bringing forward the delivery of projects as identified in the report over a phased period of 4 years.

REASON As set out in the main body of the report.

*141 Cleaning Services at Knowle

Members considered the report of the Property Services Manager setting out the results of the market testing of outsourcing cleaning services at Knowle and future options. This had identified limited financial savings.

RESOLVED that cleaning services at Knowle be not outsourced.

REASON The proposed out-sourcing would not achieve significant savings.

Chairman Date