

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Executive Board
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 3 November 2010

Present:

Councillors:

Sara Randall Johnson (Chairman)

Graham Brown
Geoff Chamberlain
David Cox
Jill Elson
Ray Franklin
Graham Godbeer
Mike Green
Andrew Moulding

Also Present:

Councillors:

Vivienne Ash
David Atkins
Ray Bloxham
Roger Boote
Peter Bowden
Bob Buxton
David Chapman
Iain Chubb
Andrew Dinnis
Paul Diviani
Vivien Duval-Steer
Chris Gibbings
Steve Hall
Peter Halse
Ben Ingham

Stephanie Jones
David Key
Jim Knight
Graham Liverton
Frances Newth
Darryl Nicholas
Marion Olive
Helen Parr
Tony Reed
Philip Skinner
Pauline Stott
Ian Thomas
Graham Troman
Tim Wood
Steve Wragg

Also present:

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Peter Jeffs, Corporate Director
Karime Hassan, Corporate Director
Donna Best, Principal Estates Surveyor
Simon Davey, Head of Finance
John Golding, Head of Housing and Social Inclusion
Rachel Pocock, Head of Legal, Licensing and Democratic Services
Chris Powell, Head of ICT
Simon Smale, Head of Environmental Health and Health Equalities
Diana Vernon, Democratic Services Manager

Apologies:

Councillors:

Stuart Hughes

**Non-Board
Members:**

Derek Button
Christine Drew
Malcolm Florey

Roger Giles
Mark Williamson
Eileen Wragg

The meeting started at 5.30 pm and ended at 8.30 pm.

***91 Public Questions**

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

Richard Eley, Chairman of the Sidmouth Chamber of Commerce spoke about car parking issues and the level of charges. He referred to this as a long-standing problem which impacted on the local economy. He advised that local businesses appreciated that the Council was struggling to balance its budget but warned against further increases in car parking charges which he believed would have a negative effect on the Council's revenue and on the town. He advised that local businesses welcomed an opportunity to be consulted on the level of car park charges. He believed that the Council should explore alternative charging methods – that there should be different charges dependent on location, with designations in respect of long and short term parking being reviewed. He suggested that experimental changes could be introduced and monitored. The aim was for car parks to be full to capacity.

The Leader thanked Mr Eley for his comments which she confirmed would be taken into account. On a separate issue, the Leader asked Mr Eley if he thought that businesses would support an increase in business rates if money generated could be used to support the local economy. The new Coalition Government was currently exploring this as an option. Mr Eley advised that he believed that local businesses would support any such moves as they would directly benefit the town.

***92 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Jill Elson	106	Personal	Exmouth Lymptone Hospiscare Volunteer and user of Elizabeth Hall
Cllr David Cox	110	Personal	EDDC appointed Trustee on the Board of Leisure East Devon

***93 Minutes**

The minutes of the meeting of the Executive Board held on 6 October 2010 were confirmed and signed as a true record.

***94 Urgent item – Hind Street Car Park, Ottery St Mary**

The Chairman agreed for this item to be considered as urgent in Part B of the meeting to progress negotiations with Sainsbury's Supermarket Ltd in respect of the proposed Ottery St Mary store.

***95 Exclusion of the Public**

RESOLVED: that the classification given to the documents to be submitted to the Board, including the urgent item referred to at minute 94 (Para 3, Schedule 12A) be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

***96 Forward Plan**

The contents of the Forward Plan for the period 1 November 2010 to 28 February 2011 were noted. Key Decision 6 (Proposals from the Joint Integration Committee) would be deleted from the Plan.

***97 Matters referred to the Executive Board**

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

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

Co-ordinating – 18 October 2010 (Special Meeting). The confidential details of recommendation 3 of Minute 29 were discussed in detail in Part B of the meeting.

RESOLVED: (1) that the following decisions be noted:**Co-ordinating
O/S Cttee
Minute 29**

- (1) that a report on Asset Management be brought back to the Overview and Scrutiny Co-ordinating Committee on proposals to take forward asset management, to include proposal for a multi-disciplinary team shaped on the 'growth point' model;
- (2) that the report referred to in (1) takes account of a commercial approach to asset management to move towards a better contribution to the Council's revenue and capital budget position; takes account of community value of assets; considers options of market value disposals, asset transfer and alternative use; considers asset acquisition as a spend to save or generate further income option including option of borrowing to acquire; considers reality of office relocation benefits; and considers how assets can be more equitable across the District;
- (3) that on completion of the Committee's recommendation (3) a report on the public consultation findings and subsequent final recommendations on off-street car parks be submitted to the Overview and Scrutiny Co-ordinating Committee;
- (4) that the report on public open space, sport and recreation policy be noted.

RESOLVED (2) that the following recommendations be approved:**Co-ordinating
O/S Cttee
Minute 29**

- (1) that the Corporate Property Asset Management Plan 2010 – 2013 be endorsed subject to minor amendments in consultation with the Portfolio Holder for Resources;
- (2) that Ward Member consultation and liaison be undertaken with any asset review and challenge.
- (3) that the recommendations of the Committee on the car parks' review be considered by the Executive Board, prior to public consultation, in the confidential part of this agenda (Para 3 Schedule 12A – information relating to the financial or business affairs of any particular person (including the authority) holding that information) see minute 108,
- (4) that the programme of work identified for drawing up and implementing a public open space, sport and recreation policy be approved.

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

RESOLVED (3) that the recommendations of the Committee in respect of the EDDC and SSDC shared service agenda be put on hold due to the decision of SSDC to delay progressing joint management team until after the district elections in May 2011.

*99 **Public Consultation Notice**

The Public Consultation Notice in respect of Executive and Governance Arrangements (Executive Board minute 80 refers) had been included on the agenda for the Board's information. The extended closing date for public comment was noon on 12 November 2010. The outcome of the consultation would be reported to the Board at its meeting on 1 December 2010.

The Chairman of the Overview and Scrutiny Co-ordinating Committee reminded Members that this would also be discussed at the next meeting of the Committee on 17 November 2010 when options for further improvement and changes to the Overview and Scrutiny would be considered in detail.

*100 **Financial Monitoring Report 2010/11 – Month 6**

Simon Davey, Head of Finance presented the half yearly financial monitoring report for consideration. The report gave a summary of the Council's overall financial position for 2010/11 at the end of month 6. The risks, predicted spending patterns, variances and balances continued to be closely monitored.

The Head of Finance drew Members' attention to the General Fund which now showed a saving against budget. He advised that the Planning Service overall showed a predicted year end saving/additional income of £140,000.

Additional savings of £23,000 were required to keep the Housing Review balance at the recommended level; the Service was working to achieve this.

Members were advised that there was very limited capital budget available. Slippage between years and schemes deleted/reduced were noted. If the capital programme was to be progressed the Council would need to consider borrowing.

The Portfolio Holder – Resources thanked the Head of Finance for the clear and well presented report.

RESOLVED that the variances identified as part of the Revenue and Capital Monitoring process up to Month Six be noted and progress continue to be monitored in future reports concerning budget savings required within the Housing Revenue Account,

REASON To monitor the overall financial position of the authority and to take corrective action as required for the remainder of the financial year.

***101 Treasury Management Performance 2010/11 – 1 April 2010 to 30 September 2010**

Simon Davey, Head of Finance, presented the half yearly report on the overall performance of the Council's investment portfolio.

Members noted that the annual investment return from its external investment was 0.32% higher, and from its in-house investments, was 0.03% higher than the annualised 7 day rate for the first half of the current financial year. The Council had not been obliged to borrow during this period although the Council had agreed to borrowing against certain capital schemes including the new social housing and recycling and refuse.

Members were asked if they continued to give the Council's external and internal investment strategy their support - the Council's Treasury Management Strategy was fundamentally 'minimising risks whilst maximising returns'. This approach involved stringent credit rating checks on the Council's investments and limiting the amounts that could be invested in any one institution. The Council also ensured, through its cash flow monitoring system, that it had adequate funds available to use when needed.

Members noted that returns achieved to date were underperforming against budget due to the Bank of England's decision to maintain the interest base rate at 0.5%. However the Portfolio Holder – Resources described performance as satisfactory in the current economic climate and thanked the Head of Finance for the preparation work involved in presenting the report.

RESOLVED that the investment return for the first six months of 2010/11 be noted.

REASON To monitor the overall performance of the Council's investment portfolio holder - the Investec Report to 30 September 2010 had been included in the agenda and substantiated the performance of the Council's externally-managed funds.

***102 Performance Monitoring report – September 2010**

Members considered the report of the Communications and Improvement Manager setting out performance information for the 2010/11 financial year. The Deputy Chief Executive advised that all key performance indicators were now performing well. She explained the relevance of the 3-month rolling reports included within the agenda in respect of planning and housing performance. Managers used the information in these charts to track trends and make sure that services were delivered to predictably high standards. Any exceptions to the norm were analysed and issues addressed. It was suggested that using traffic lighting would help to make the charts easier to read and would highlight areas where questions should be asked.

In respect of the housing performance, the Portfolio Holder – Communities congratulated the team for improvements to rent collection and to end to end times for new tenants in Council accommodation. She also acknowledged the service provided by Skinners to overcome problems relating to one of the Council's partner contractors going into administration.

The Deputy Chief Executive confirmed that future reports would include a relevant ICT indicator. The previous indicator in respect of computer down-time had been misleading.

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

***102 Performance Monitoring report – September 2010 (cont)..**

REASON To monitor on-going progress towards achieving targets set for relevant PIs; areas of concern also being highlighted through this process.

***103 Homelessness Strategy**

The Portfolio Holder – Communities presented the report of the Head of Housing and Social Inclusion/Housing Needs Manager which provided the annual up-date on the Council's Homelessness Strategy 2008/2013 including significant homelessness issues. She drew Members' attention to progress made to date in implementing the action plan which had been approved as part of the Strategy in 2008. She said that the results were good news and reflected improved performance of the housing advice and homeless service in preventing homelessness. Members recognised the importance of working with partnership agencies. Key information included a reduction in the number of homeless acceptances in 2009/10 and in the use of temporary accommodation.

The Portfolio Holder congratulated the staff involved for their efforts. She also thanked all Members for supporting funding investment but cautioned that levels of homelessness could increase as the effects of the recession deepened.

RESOLVED

- (1) that progress on implementing the EDDC Homelessness Strategy 2008-2013 be noted
- (2) that the developments and improvements in the Homelessness and Housing Options Service be noted

REASON Legislation requires the publication of a new Homelessness Strategy every 5 years. Members had agreed that they should receive an up-date report annually.

***104 A Sustainable Energy Future – A Strategic Partnership with E-ON**

Members considered the report of Karime Hassan, Corporate Director in respect of the Council's partnership working with E-ON to deliver a combined heat and power plant at Skypark to serve both the employment park and the new community as a means of delivering low carbon development.

The Corporate Director advised that E-ON was now keen to work with the Exeter and East Devon New Growth Point and enter into an informal, non-legally binding and non-exclusive, energy partnership agreement with Exeter City Council and East Devon District Council as a means of reducing the carbon emissions of the wider growth area. The partnership would pool expertise and resources and build on progress already achieved by the local authorities in respect of tackling carbon reduction. It was anticipated that this arrangement would help draw down national and European funding. The existing New Growth Point team were already in place to promote joint working arrangements.

The Corporate Director advised that the partnership would endeavour to engage Devon County Council which would extend the areas of influence, including transport and education.

*104 **A Sustainable Energy Future – A Strategic Partnership with E-ON (cont)..**

The Portfolio Holder – Strategic Planning and Regeneration said that the initiative highlighted the value of the New Growth Point Team and their efforts.

The Portfolio Holder - Economy confirmed that any partnership working would be carefully monitored to achieve on-going value and to minimise any potential risks.

Funding for the New Growth Point development had been retained despite the Government cuts and the Portfolio Holder - Environment believed that much credit for this should be given to Karime Hassan and his teams.

The Portfolio Holder – Resources believed that a partnership with E.ON could help access to private sector and Government funding. He said that the Council needed to monitor the benefits generated as a result of the partnership.

The Leader thanked Officers for their concerted efforts.

- RESOLVED**
- (1) that East Devon District Council enter into an energy partnership agreement with E.ON and Exeter City Council,
 - (2) that the Exeter and East Devon New Growth Point Board function as the governance structure for assessing performance and managing the partnership,
 - (3) that the partnership seeks to engage Devon County Council in taking forward the work programme,
 - (4) that the Projects Director for the New Growth Point acts as the principal lead for the partnership.

REASON

The Council's Vision is to provide an "Outstanding and sustainable quality of life for everyone in East Devon". East Devon District Council believes the Council must play its part in its role as community leader to address the climate change challenges faced by East Devon. The largest and most cost effective reductions in CO2 emissions are likely to be in domestic and business emissions through energy reduction and energy efficiency measures. Greater achievement will be made though including Devon County Council in the initiative.

105 **Changes to the Council's formal complaint procedure**

Members considered the report of Denise Lyon, Monitoring Officer setting out proposed changes to up-date the Council's formal complaints' procedure. The existing process involved three stages. This was proving to be unnecessarily lengthy in some cases. Members were asked to consider approving a two stage process which would continue to ensure that the complaint was fully and appropriately investigated but would streamline the current procedure. Members noted that Local Government Ombudsman guidance recognised that two stages were appropriate for dealing with most complaints.

Complaints helped to indicate problem areas which were then addressed to improve performance and service delivery; any relevant issues would be referred to future meetings for consideration.

- RECOMMENDED** that the suggested changes to the complaint procedure be approved.
- 106 **Elizabeth Hall Advisory Forum (Exmouth) – proposed update to constitution and policy document**

Consideration was given to a report of the Democratic Services Officer who serviced the meetings of the Elizabeth Hall Advisory Forum proposing that the existing constitution be up-dated to reflect changes in the executive functions of the Council.

Councillor Vivien Duval-Steer had been re-elected Chairman of the Advisory Forum at its annual meeting on 2 November 2010. She advised that the Elizabeth Hall had broken even in the last 6 months. Users of the facility had been invited to apply to be members of the Forum. This had generated interest and 8 applications had been received. The Forum had discussed and supported the proposed changes to the Constitution and in addition asked for the number of User Representatives to be increased to 7.

The Forum had questioned the Policy Document (Item 2 Part b) as it was understood that Charities did not have to pay for a Performing Rights' Licence.

- RECOMMENDED**
- (1) that the updated Elizabeth Hall Advisory Forum constitution be approved subject to the number of user representatives on the Forum being increased to 7,
 - (2) that the Elizabeth Hall Advisory Forum policy document be approved subject to any amendments following clarification of Performing Rights' Licence requirements in respect of charitable organisations, (the Chairman of the Forum and Leader, in consultation with the Council's legal and licensing teams, be given authority to agree appropriate wording following clarification of this issue.)

*107 **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).

*108 **Hind Street Car Park, Ottery St Mary**

Consideration was given to a report of the Principal Estates Surveyor in respect of the Council's land interest in Hind Street Car Park.

Members discussed the proposed transfer of land and balanced the loss of income in respect of car park revenue with savings resulting from the closure of the toilets and the value of regular revenue from the proposed lease arrangements with Sainsbury's Supermarket Ltd. The proposed terms for the transfer were discussed and supported.

RESOLVED that delegated authority be given to the relevant Director to conclude a lease of Hind Street Car park to Sainsbury's Supermarket Ltd based on the Heads of Terms contained within the report.

***109 Asset Management**

Members noted the confidential recommendations from the meeting of the Overview and Scrutiny Co-ordinating Committee held on 18 October 2010 in respect of Asset Management. (Minute 29(3) refers).

The comments made by the Chairman of the Sidmouth Chamber of Commerce were taken into account during the discussion.

The Portfolio Holder – Economy advised that charges in each car park would be reviewed with the aim of maximising income. The Portfolio Holder – Communities reminded the Board that short term parking in town centres had been introduced so that employees from businesses did not block parking spaces which would otherwise be used by visitors. The Estuary car park in Exmouth was long stay to encourage rail use. Members recognised the importance of working in partnership with towns.

RESOLVED that the range of car parking issues detailed in the confidential minute of the Overview and Scrutiny Co-ordinating Committee be subject to further public consultation with Town and Parish Councils, Devon County Council (Highways) and individual Chambers of Commerce in East Devon with this feedback being referred to the Portfolio Holder – Economy for collating and reporting back to the Council.

REASON As detailed within the confidential minute.

***110 Minutes of the meeting of the Seaton Re-generation Programme Board**

Members noted the minutes of the meeting of the Seaton Re-generation Programme Board held on 13 October 2010. Councillor Stephanie Jones welcomed the progress being made in re-generating the town. She thanked Karime Hassan and Donna Best for their valued and on-going contribution. Fellow Ward Member, Councillor Jim Knight also referred to the Officers' work and progress being made.

The Portfolio Holder – Economy advised that there had been useful discussions with the Town Council about the role of the proposed Town Manager and that this post had now been advertised.

RESOLVED that the minutes of the Seaton Re-generation Programme Board held on 13 October 2010 received and the decisions and recommendations noted and supported.

REASON As detailed within the confidential minutes.

***111 Minutes of the meeting of the Rationalisation Panel**

The Chairman of the Panel, Councillor Graham Brown, thanked all of the Councillors and Officers involved in the work of the Panel. The Leader thanked Councillor Brown and the Panel for their efforts and savings achieved. The Panel's meetings were now put on hold.

The Panel had recognised the value of working with local councils and acknowledged that certain services could be provided more effectively at grass roots levels.

RESOLVED that the recommendations of the Rationalisation Panel from its meeting held on the 13 October 2010 be noted and approved.

REASON As detailed within the confidential minutes.

***112 Leisure East Devon – Code of Workforce Practice (COWP)**

Members considered the report of Peter Jeffs, Corporate Director in respect of a request from Leisure East Devon (LED) to change the legal agreement with EDDC to remove the requirement for LED staff to work to the Code of Workforce Practice. Members noted the advantages and issues in respect of this proposal.

The Portfolio Holder – Resources acknowledged the valued work of Leisure East Devon and appreciated the contribution by Councillors David Cox and Darryl Nicholas as the Council's appointed Trustees on the Board of LED. He anticipated that further savings could be achieved through this partnership working.

RESOLVED that the requirement in the Leisure East Devon (LED) legal agreement to comply with the Code of Workforce Practice be removed on the condition that LED ensures that it works in accordance with relevant Transfer of Undertakings (Protection of Employment Regulations) TUPE requirements..

REASON To provide more flexibility to LED in conditions of work and to achieve savings which will be returned to EDDC.

(All Officers present – other than the Chief Executive and Democratic Service Manager - left the meeting in advance of the following item.)

***113 The Government's Comprehensive Spending Review**

Members considered and discussed the implications of the Government's Comprehensive Spending Review (Announced 20 October 2010) and budget preparations.

The Leader advised that EDDC's proposed Strategic Alliance with South Somerset District Council would not be extended to include a shared Management Team at the current time and, as a result, the Council had to look to alternative ways of addressing its budget deficit so that it could set a balanced budget for 2011/12. Final details of the Government Settlement would be known in December but in the meantime the Council had to progress its budget preparations and would make certain assumptions in respect of the Settlement, including that this would be 'front loaded' (with greatest savings required in the early years of the Government's four year strategy) and estimated levels of the Council's contribution to concessionary fares.

The Chief Executive reminded Members of the 'three pronged' approach (organisational restructuring, closer working with local councils and efficiencies identified through the Rationalisation Panel) being progressed to date and outlined the achievements.

The Leader proposed that a small Working Party be set up to consider how the Council could meet the budget shortfall and continue to deliver its key services. This Working Party would report its recommendations to the next meeting of the Board. All Councillors would have an opportunity to positively contribute to the budget setting process through the Service Planning and Budget Task and Finish Forum, Overview and Scrutiny Co-ordinating Committee, Executive Board and Council.

In summing up, the Leader thanked Members present for their input and the quality of the debate throughout the meeting. She suggested that Councillors have informal meetings to work though budget issues and put forward ideas and possible ways forward.

***113 The Government's Comprehensive Spending Review (cont)..**

RESOLVED

that a Working Party be set up comprising the Leaders of the Council's political groups (Councillors Sara Randall Johnson, Geoff Chamberlain and Mike Green) and Councillors Graham Brown (Deputy Leader) and Andrew Moulding (Portfolio Holder – Resources), to assess existing budgets and make any appropriate recommendations so that the Council can set a balanced budget for 2011/12 – the Working Party to report back to the Executive Board at its meeting on 1 December 2010.

REASON

To take steps to ensure the Council set a balanced budget for 2011/12

Chairman Date