

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Executive Board**  
**held in the Council Chamber, Knowle, Sidmouth**  
**on Wednesday, 1 December 2010**

**Present:**

**Councillors:**

Sara Randall Johnson (Chairman)

Graham Brown  
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  
Bob Buxton  
Iain Chubb  
Andrew Dinnis  
Paul Diviani  
Chris Gibbings  
Roger Giles  
Steve Hall  
John Humphreys

Ben Ingham  
Stephanie Jones  
Ann Liverton  
Frances Newth  
Darryl Nicholas  
Helen Parr  
Ken Potter  
Philip Skinner  
Pauline Stott  
Tim Wood  
Steve Wragg

**Also present:**

**Officers:**

Mark Williams, Chief Executive  
Denise Lyon, Deputy Chief Executive  
Diccon Pearse, Corporate Director  
John Golding, Head of Housing and Social Inclusion  
Karen Jenkins, Head of Organisational Development  
Rachel Pocock, Head of Legal, Licensing and Democratic Services  
Chris Powell, Head of ICT  
Diana Vernon, Democratic Services Manager

**Apologies:Non-  
Board**

**Members:**

**Councillors:**

Malcolm Florey  
Graham Liverton  
Eileen Wragg

The meeting started at 5.30 pm and ended at 9.05 pm.

**\*114 Public Questions**

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

**\*115 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Jill Elson	128	Personal	Ring and Ride Volunteer
Sara Randall Johnson	120	Personal	Employee of Flybe
Stuart Hughes	120	Personal	DCC Councillor on Highways Committee
Chris Gibbings	120	Personal	Director on CAB Board

**\*116 Minutes**

The minutes of the meeting of the Executive Board held on 3 November 2010 were confirmed and signed as a true record.

**\*117 Exclusion of the Public**

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

**\*118 Forward Plan**

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

**\*119 Matters referred to the Executive Board**

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

**\*120 Minutes of the meetings of the Overview and Scrutiny Committees**

**Economy – 7 October 2010 and 11 November 2010** (The additional meeting on 11 November had been agreed at the Committee's October meeting to facilitate discussion in respect of the Devon Economic Assessment, Local Enterprise Partnerships and a report from the Economy Portfolio Holder)

The Vice-Chairman of the Committee, Councillor Steve Wragg referred to the informative presentations given at both meetings and advised the Board of the potential benefits of Business Improvement Districts (BIDs). He believed that Exmouth was in a position to progress a business-led BID using Section 106 monies available. He advised that the initiative had the support of the local Chamber of Commerce. He referred to the useful update from the Portfolio Holder – Economy.

Councillor Ray Franklin, Portfolio Holder – Strategic Planning and Regeneration up-dated Members in respect of the Growth Point and permissions and funding now in place. He praised the Growth Point Team and Councillor Andrew Dinnis (Design Champion) for the progress made.

**Communities – 20 October 2010** (Councillor Paul Diviani to be added to those present)

Councillor Helen Parr, Chairman advised that the presentation in respect of NHS Devon had raised Members' concerns that the Trust had a possible lack of understanding about the importance of the local community hospitals. There was also concern that the service would be hosted by the North Devon Trust.

**Minutes of the meetings of the Overview and Scrutiny Committees cont/..****Service Delivery and Performance – 27 October 2010**

Councillor Frances Newth, Vice Chairman, referred to the improved performance reported and congratulated the teams involved for their efforts and hard work.

**Co-ordinating – 17 November 2010** (Councillor Bob Buxton's apologies to be added).

Councillor Ray Bloxham, Chairman outlined the useful discussion in respect of the review of the scrutiny structure and the recommendations put forward to achieve improved ways of working. This would involve further deliberation when the restructuring of the Council had been agreed and there was more information on the expected Localism Bill. The Committee had discussed proposed changes to the Council's governance arrangements and believed that it was more appropriate to appoint a Council Leader annually rather than for four-year periods.

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

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| <b>Communities<br/>O/S Cttee<br/>Minute 21</b>      | that summary of the findings from the Equalities Assessment 2010 be forwarded to Members when available.   |
| <b>Service Delivery<br/>O/S Cttee<br/>Minute 21</b> | (1) that the report on monitoring performance of the 2 <sup>nd</sup> Quarter for 2010/11 be noted;<br><br>(2) that the Economic Development Manager present a report on employment provision in the east of the District to a future Committee meeting.  |
| <b>Service Delivery<br/>Minute 22</b>               | that the report on Housing Service - Performance Measures for the 2 <sup>nd</sup> Quarter of 2010/11 be noted.   |
| <b>Service Delivery<br/>Minute 23</b>               | that the report on Benefits Service - Performance Measures for the 2 <sup>nd</sup> Quarter of 2010/11 be noted.  |
| <b>Service Delivery<br/>Minute 24</b>               | (1) that the report on Development Management – Performance Measures for the 2 <sup>nd</sup> Quarter 2010/11 be noted;<br><br>(2) that a breakdown of costings for the pre-application enquiry service be brought to the next meeting of the Committee;<br><br>(3) that the total number of planning decisions made during the quarter be provided alongside the number of appeals.  |
| <b>Service Delivery<br/>Minute 25</b>               | (1) that the early results of 'check' in StreetScene Operations West be noted;<br><br>(2) that the improvements in performance resulting from the area working test and mobile working test in StreetScene East be noted and developments in these areas continue to be pursued;<br><br>(3) that improvement in end to end time to resolve customer demand for street cleansing be noted;<br><br>(4) that the report on StreetScene – Performance Measures Report for the 2 <sup>nd</sup> Quarter 2010/11 be noted |

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

- Service Delivery Minute 26** that the Systems Thinking progress in other areas update be noted.
- Service Delivery Minute 27**
- (1) that the Diversity Peer Challenge Report be presented at the next Committee meeting;
  - (2) that the Quarterly Monitoring of Service Plans and Performance Indicators and Service Performance Measures reports for the 3<sup>rd</sup> Quarter be moved in the Forward Plan to 9 March 2011 meeting.
- O/S Co-ordinating Committee Minute 34**
- (1) that the remit of each Overview and Scrutiny Committee be clarified to ensure that all areas of the Corporate Strategy and the areas of responsibility of the Portfolio Holders are covered;
  - (2) that the option of using Task and Finish Forums was noted;
  - (3) that Committee Members increase their independent research into issues where necessary;
  - (4) that scoping be undertaken for all reviews, with a scoping template to be made available for information at the next meeting of the Committee;
  - (5) that in principle, any main Overview and Scrutiny Committee track, as a standard agenda item, the work of the Executive Board by meeting as frequently as required with meetings being in alignment with those of the Executive Board;
  - (6) that the effectiveness of the Executive Board Forward Plan be reviewed;
  - (7) that a recommendation on the structure of the Overview and Scrutiny function, and the frequency of meetings, be deferred until the management restructure is agreed;
  - (8) that a debate on the number of elected members on the Council and the implications of reducing that number be held at a future meeting of the Committee;
  - (9) that a debate on Portfolio Holder roles at District and County level be held at a future meeting.
- RESOLVED**
- (2) **that the following recommendations be approved:**
- Economy O/S Cttee Minute 21** that this Council supports the proposed Business Improvement District for Exmouth on the basis that Exmouth Town Council supports it as well, with the Portfolio Holder Economy providing a useful link between the Council and business community.
- Communities O/S Cttee Minute 19**
- (1) that concerns raised by the Committee that North Devon Trust may not understand, and may seek to adversely direct, the work of the local community hospitals be noted;
  - (2) that information on the performance and services of North Devon Trust during its transitional management period be monitored with any concerns being fully considered;

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

- Communities O/S Cttee Minute 19** (3) that EDDC be engaged in setting the permanent arrangements for management of local community hospitals, and reserving the right to tender to host them if legally permitted. (EDDC to also expect the Leagues of Friends and all local GPs to be fully engaged in this process).
- Co-ordinating Committee Minute 34** (1) that SPAR software be investigated to determine if it can be used to track the progress and implementation of decisions;
- (2) that a letter be sent to the Minister for Housing and Local Government, advising that of the two options, the Leader option is preferred but the notion of a four year term is rejected; and that the constraints of the Local Government and Public Involvement in Health Act 2007 imposed by the previous administration be reversed;
- (3) that the seating arrangements at full Council be revised to provide a fairer layout for the minority political and independent groups.
- (4) that the Committee progress discussions with Town and Parish Councils on the future delivery of community services (following the presentation by North Dorset District Council on 9 December 2010);
- Co-ordinating Committee Minute 35** (1) that on completion of the CCTV review at Mid Devon District Council, consideration be given to facilitate sharing that resource with EDDC when an identified need arises;
- (2) that an officer with sufficient delegated authority attends the Community Safety Partnership to represent the Council if the Chief Executive is unable to attend in person; and that other agencies and authorities in the Partnership be requested to ensure sufficient delegated authority is in place;
- (3) that Members representing the Council on Local Area Groups, the Community Safety Partnership or in any other capacity regularly update their Council on progress and the positive work undertaken.
- RESOLVED** (3) **that the following recommendations be taken into account during the budget setting process:**
- Communities O/S Cttee Minute 20** (1) Funding towards the Community Council for Devon to include assistance towards the CCD post of Rural Enabling Officer.
- (2) Funding towards the East Devon Citizens Advice Bureau.
- (4) **that the following be considered by Council:**
- Co-ordinating Committee Minute 34 (2)** that the Chairman of the Housing Review Board be automatically included as a member of the Overview and Scrutiny Co-ordinating Committee to facilitate a stronger link with the Overview and Scrutiny function.

**\*121 Recycling and Refuse Partnership Board Minutes**

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 27 October 2010.

Councillor David Cox, Portfolio Holder – Streetscene advised that the roll out of Recycling Phase 5 had gone well with only minor issues. He referred to the amount of kitchen waste collected and the public demand for a composting service. He advised that Otter Rotters had reformed themselves and had approached the Council with a proposal to act as EDDC agents. They had sought planning permission for the development of their site to facilitate the expansion of their composting service. The Partnership Board had expressed certain reservations about the Council offering this recycling service exclusively to Otter Rotters when other companies had come forward with expressions of interest. There were also concerns raised in respect of the proposed Environment Agency fee of £10,000 which would be required from Otter Rotters for the provision of a bespoke waste management permit to carry out the composting operation. The Council was proposing to pay a recycling collection credit to Otter Rotters based on £8.00 per tonne with a total first year cost of £10,000. This would be funded from savings in SITA fleet, fuel and staffing costs. The scheme would help the Council to achieve more recycling credits and reduce the cost of landfill. The Executive Board was asked to consider this credit payment and was recommended to proceed with using Otter Rotters as the Council's contracted garden waste collector.

The Board acknowledged the effective partnership working with SITA.

- RESOLVED:**
- (1) that the estimated sum of £10,000 for the Council's recycling collection credit payment to Otter Rotters be supported,
  - (2) that Otter Rotters be used as the Council's garden waste collection contractor for a 12 month period from January 2011, renewable on an annual basis, subject to compliance with Council constitutional requirements;
  - (3) that a letter be sent by the Council to the contractor who had expressed an interest in operating a similar service to explain the proposed current 12 month renewable contract arrangement with Otter Rotters;
  - (4) that a letter be sent to the Environment Agency questioning their proposed fee of £10,000 to undertake checks of the composting operation and ask for an itemise breakdown and justification of their costs,
  - (5) that the proposed changes to positions within SITA be noted – these would not result in any additional cost to the existing contract.

**REASON** To clarify the position with Otter Rotters and achieve best value for money.

**122 New Homes Bonus – consultation**

Members considered the report of Diccon Pearce, Corporate Director in respect of the Department for Communities and Local Government consultation paper on the New Homes Bonus. The consultation period was 12 November until 24 December 2010. The purpose of the bonus scheme was to incentivise local authorities to increase their housing supply in a sustainable way.

The level of New Homes Bonus would be equal to the national average for the council tax band on each additional property and would be paid for the following six years as an 'unringfenced' grant. There would be an enhancement for affordable homes of a flat rate of £350 per year equating to £2,100 over 6 years. The scheme also included incentives for bringing empty homes back into use.

The approach reflected the Government's wider agenda of stimulating locally-driven growth. It proposed, as a starting point for local negotiation that the incentive allocation outside London would be 80% to lower tier authorities (districts) and 20% to upper tier (county councils). The Government intention was to announce the final scheme with the local government finance settlement early in the New Year to give local authorities clarity when setting budgets and levels of Council Tax for 2011/12.

The Leader said the funding of the scheme after the first year was as yet uncertain and could result in additional pressures on infrastructure funding.

**RESOLVED:** that the Corporate Director, in consultation with the Resources Portfolio Holder, be given delegated authority to respond to the New Homes Bonus consultation paper.

**REASON** The New Homes Bonus was to be funded using monies currently made available through Formula Grant. The sums to be redistributed through the mechanism would be significant and accordingly it was appropriate for the Council to comment on the proposals.

**\*123 Performance Monitoring report – October 2010**

Members considered the report of the Communications and Improvement Manager setting out performance information for the 2010/11 financial year up to October 2010. The report provided details on how the Council's computer systems were monitored including how failures in the delivery of service provision were measured and addressed.

Members noted improvement in performance and in its comparison with other authorities both locally and nationally; the systems thinking approach to improvement was achieving on-going positive results. Effective scrutiny by the Performance and Service Delivery Overview and Scrutiny Committee was acknowledged; the monitoring work undertaken had helped to achieve steady improvement.

Improvements to BV12 (Working days lost due to sickness absence) – steps taken to address identified high absence rates had been effective and Members noted that the rate had significantly reduced.

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

**REASON** The information reported enabled the Board to monitor the Council's progress in achieving targets set for relevant Performance Indicators and recommend steps to address areas of concern.

**\*124 Local Government Ombudsman Annual Letter 2009/10**

Members considered the report of the Communications and Improvement Manager summarising complaints made and the ways these had been processed. Members welcomed the reduction in complaints received compared with the previous year. There were no findings of maladministration and no local settlements during 2009/10. The report included a slow response to a housing based complaint but this was acknowledged as an exception to the Council's improved record.

**RESOLVED** that the Local Government Ombudsman's Annual Letter for 2009/10 be noted and welcomed

**REASON** The Ombudsman's Annual Letter indicated improvement year on year showing that the Council had improved its procedures and had learnt from previous complaints received.

**125 Changes to Redundancy Policy**

Members considered the report of the Head of Organisational Development which proposed a change to the Council Redundancy Policy. The existing policy which introduced a differential for employees over 55 took effect in June 2010 following agreement of the local branch of UNISON. However, the regional branch of UNISON had raised concerns about potential age related discrimination within the operation of the policy. The proposed adjustments addressed these concerns. However for the policy to continue to be sustainable, it was proposed that the multipliers used be reduced from 3 to 2.5; this was more in line with other South West Councils and had been agreed by the Union.

In respect of redeployment, the Union had asked for 2 year protection for staff redeployed to a post designated at one grade lower. The Board asked the Head of Organisational Development to refer this back to the Union with a proposal that this level of protection was excessive and that one year would be more reasonable.

The Portfolio Holder - Communities reminded the Board of the importance of the Council being a good employer and supporting staff through the redundancy process. The Leader confirmed that these arrangements were in place.

**RECOMMENDED** that the proposed amendments to the Council's Redundancy Policy be approved subject to further negotiation with the Union in respect of the period of protection, for staff re-deployed to a post designated at one grade lower, being reduced to one year.

**REASON** The policy has been reviewed to ensure that the multipliers used are more in line with those implemented by other South West Councils. The up-dated policy also removes potential for allegations of age discrimination.

**\*126 Feedback from Public Consultation Notice in respect of Executive and Governance Arrangements**

Members considered the report of the Head of Legal, Licensing and Democratic Services setting out feedback on consultation on governance models for the Council's Executive Arrangements. The Local Government and Public Involvement in Health Act 2007 required every authority operating a Leader and Cabinet model of Executive to change its executive arrangements. A decision was required by 31 December 2010 with the need for the new arrangements to be in place after the May 2011 elections.

## **Feedback from Public Consultation Notice in respect of Executive and Governance Arrangements (cont)..**

The public had been invited to comment on Leader and Cabinet or Elected Mayor governance models. If the former were to be retained, there would be a requirement for the Leader to be elected for a term of four years as opposed to the current annual election arrangement. Members were advised that the Coalition Government had indicated that it did not intend these changes to become law and changes to Governance would be included in the expected Localism Bill; although the timetable now appeared delayed. However the Council had been required to comply with the statutory consultation procedure.

It was noted that 36 responses had been received as a result of the consultation process and were predominately in favour of the elected Mayor model. The strong theme of supporting democratic accountability in the feedback was acknowledged. The Overview and Scrutiny Co-ordinating Committee had already proposed that a letter be sent to the Minister for Housing and Local Government, advising that of the two options, the Leader option was preferred but the notion of a four year term was not supported.

It was anticipated that through the Localism Bill there would be opportunity to introduce a system similar to the old committee structure.

**RESOLVED** that an Extra Ordinary meeting of the Council be held before the next Ordinary meeting of the Council on Wednesday 8 December 2010 to pass a resolution concerning the Executive and Governance Arrangements of East Devon District Council; the Executive Board's preference for the Leader and Cabinet model of Governance to be taken into account together with feedback from the public consultation exercise.

**REASON** To comply with statute

### **\*127 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).

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

### **\*128 2011/2012 Budget Working Party - budget recommendations**

The Chief Executive presented the recommendations of the 2011/2012 Budget Working Party which had been set up at the last meeting of the Board and had now met on 3 occasions. The remit of the Working Party had been to assess existing budgets and make appropriate recommendations so that the Council could set a balanced budget for the 2011/12 financial year. The Board noted that the Working Party's recommended draft budget and approach adopted would achieve a balanced budget for 2011/12 and future years. The draft budget was based on 'worst case scenario' of a £2.4M funding gap reflecting low interest rates, the unconfirmed Government Settlement Grant and concessionary fares costs. When the funding position was clarified by Government in mid-December, there might be potential to increase budget spend during the scrutiny process. Members would also explore ways in which further income could be generated.

The suggestion that the Council had the potential to draw again on Reserves was discussed. The Leader acknowledge issues raised but said that in the first instance the Council should seek to bring in a balanced budget and reminded Members of the need to plan ahead.

**2011/2012 Budget Working Party - budget recommendations (cont)..**

The main areas of saving identified were through the proposed re-structure of Senior Management tiers 2 and 3 and cuts to spending within services. The Working Party had also considered the cost of certain assets and looked to the Government's Big Society initiative as a means of achieving effective community involvement. The cost of Council assets had been discussed over recent years. The Working Party was reasonably confident that the Council could afford to run the assets listed for the next 3 years. It was suggested that the private sector and local communities needed to be made aware of the Council's intention to transfer identified assets, with the Council providing support and funding for asset transfer over the next 3 years. Any assets not transferred at the end of year 3 might then be considered for disposal.

The Leader asked the Chief Executive to explain the draft budget spreadsheet so that all Members could take the document away and consider it before the start of the scrutiny process. Members were advised that they could contact their Group Leaders or the Chief Executive if they required further explanation on the draft budget. Members were reminded of the confidentiality of the papers.

The draft budget would be referred to a meeting of the Budget and Service Planning Task and Finish Forum (17 January 2011) for detailed scrutiny; all Members were invited to attend. The Task and Finish Forum's recommendations would then be considered by the Overview and Scrutiny Co-ordinating Committee (26 January 2011) and referred back to the Executive Board (9 February 2011) for recommendation to Council on 23 February 2011.

**RESOLVED** that the recommendations of the Budget Working Party be adopted and forwarded to the Overview and Scrutiny Co-ordinating Committee for detailed consideration.

129 **2011/2012 Budget Working Party – restructure proposal**

The Chief Executive presented the recommendations of the 2011/2012 Budget Working Party in respect of the proposed restructure of services and management. The aim was to help meet the budget deficit and to group services in a logical way.

One of the assumptions of the Working Party was that there were savings that could be generated through rationalising Management Tiers 2 and 3 in the first instance and reviewing Management Tier 4 in the next financial year. Members were asked to consider reducing the current number of Corporate Director/Deputy Chief Executive posts to 2 with each new postholder having their own areas of responsibility – one dealing with Council/business operations and the other with District-wide Development and Partnerships. Both postholders would draw teams from Council sections on a project basis. Neither postholder would have strict defined line-manager duties. They would be accountable to Members in respect of delivery of projects.

Tier 3 Heads of Service would be reduced to 4 in the proposed new structure and would head service areas (to be confirmed) which would be logically grouped from the customer's point of view. The Heads of Service and Deputy Chief Executives would report to the Chief Executive.

The Board discussed timings, the recruitment process and Deputy Chief Executive draft job descriptions and person specifications which had been circulated at the meeting. Members recognised the importance of recruiting people with the right skills sets.

**2011/2012 Budget Working Party – restructure proposal (cont)..**

- RECOMMENDED**
- (1) that the proposed restructure of the Council's staffing establishment be agreed in order to help address the predicted budget deficit over the next few years whilst retaining enough capacity to manage the Council's business, subject to consultation with affected employees and relevant trade unions and the approval of full Council,
  - (2) that the shared Chief Executive arrangement, currently in place, be retained,
  - (3) that two Deputy Chief Executives be appointed with the skills necessary to fulfil the roles outlined in the report subject to:
    - the Chief Executive clarifying areas of responsibility through the consultation process and finalising the relevant job descriptions and person specifications,
    - An external consultant being appointed to provide input into the recruiting process, including, where appropriate, external interviews.
  - (4) that four Heads of Service be appointed following the appointment of the Deputy Chief Executives (subject to the Chief Executive clarifying areas of responsibility through the consultation process and finalising the relevant job descriptions and person specifications),
  - (5) that approval of the terms and conditions of the posts in the restructured management team be delegated to the Chief Executive in consultation with the Leader of the Council and the external recruitment consultant,
  - (6) that in respect of Management Tier 3, a similar recruitment process including the involvement of an external consultant be followed where appropriate,
  - (7) that authority be delegated to the Chief Executive, in consultation with the Leader, to make necessary Constitutional changes to facilitate implementation of the shared senior management structure, in consultation with the Head of Legal, Licensing and Democratic Services, noting that a report of those changes will be included in the report to the Annual Meeting of the Council,
  - (8) that following the restructure of 2<sup>nd</sup> and 3<sup>rd</sup> tier management, consideration be given to restructuring the 4<sup>th</sup> tier for implementation during 2011/12.

**\*130 Review of Council Office accommodation**

The Leader proposed that a politically balanced Working Party be set up to consider the arrangements for Council Office accommodation.

**RESOLVED** that a Working Party be set up to consider arrangements for Council Office accommodation; the membership to be agreed at the next Council meeting on 8 December 2010.

Chairman ..... Date .....