

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 6 June 2007**

**Present:**

Councillors:

Miss S M Randall Johnson (Chairman)

R G Franklin (Vice Chairman)

D J Cox

T A Cope

Miss J M Elson

M J L Green

J P Halse

S Hughes

G K Liverton

A T Moulding

**Also Present**

Councillors:

Miss V Ash

P N Bowden

P A Diviani

Mrs C E Drew

C F A Gibbings

A R Giles

Mrs A E Liverton

Mrs F I Newth

Mrs H E Parr

Mrs P A Stott

The meeting started at 5.30 pm and ended at 7.55 pm.

**\*1 Welcome**

The Leader welcomed Members to the first meeting of the Executive Board of the newly elected Council.

**\*2 Urgent Items**

Post Number 03/310

The Leader agreed for this item to be considered as urgent under Part B of the agenda to enable a prompt decision to be made.

Accident in Maer Road Car Park

Members were advised that a serious accident had occurred in Maer Road Car park, Exmouth, earlier in the day. The incident had involved a 17 year old 'surfing' on the roof of a moving car. As a result of this a decision had been made to close the car park at 7.00pm each night. The condition of the teenager was not known. Members expressed their sympathy for the family concerned.

**\*3 Minutes**

The minutes of the meeting of the Executive Board held on 4 April 2007 and of the special meeting of the Executive Board held on 11 April 2007 were confirmed and signed as a true record.

\*4 **Exclusion of the Public**

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

\*5 **Forward Plan**

The contents of the Forward Plan for the period 1 June to 30 September 2007 were noted.

\*6 **Matters referred to the Executive Board**

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

\*7 **Consultation response re unitary bids**

Members noted the letter which had been sent by the three political group leaders to the Department of Communities and Local Government in response to the expression of interests in unitary bids. The letter set out the severe reservations held about the underlying integrity to the bid by Exeter City Council for unitary status and concluded that it would not be appropriate for the unitary bid to be allowed to progress further.

The Leader advised Members of a visit made by a contingent from Devon County Council and partnership authorities to Phil Woolas MP, Minister for Local Government and Community Cohesion. The contingent were the only group to have seen the Minister in opposition to a unitary bid.

**RESOLVED** that the agreement of the Executive Board to the contents of the letter sent to the Department of Communities and Local Government in response to the expression of interest to unitary bids be noted.

\*8 **Revenue and Capital Outturn report for 2006/07 – key decision**

Members considered the report of the Financial Services Manager which compared the outturn figures for Revenue and Capital against the original and revised budgets for General Fund Services, the Housing Revenue Account and the Capital Programme for the financial year 2006/07. Members had considered the budget monitoring reports on a monthly basis, noting the total outturn situation against budget, the effect of the outturns on reserves and balances held by the Council and remedial/corrective action taken. Most of the material variations against budget had already been reported to the Executive Board as part of the monthly monitoring process.

The Capital balances year on year had reduced. However the outturn figure of £1,758,000 (net of funding), created an under spend of £1,589,000. Of this, £1,429,000 had been added to the 2007/08 capital programme (proposed budget) relating to scheme slippage.

The Portfolio-Holder – Resources congratulated the Directors and Heads of Service for the savings achieved and for presenting a balanced budget. Although a surplus was shown in the outturn report, Members were warned that the Council should continue to be prudent. Members welcomed the Invest to Save budget. It was hoped that the visioning exercise would produce a number of 'invest to save' ideas to help the Council meet efficiency targets.

Members were asked to note the variations from the budgets identified and approve the final position. Consideration was given to the level of housing benefit subsidy. It was noted that a small percentage difference in this could have a significant difference on the outturn figure. Member agreed that receipt of a provisional estimate on a quarterly basis would aid monitoring in 2007/08.

\*8 **Revenue and Capital Outturn report for 2006/07 – key decision (Cont.)**

The report would be considered by the Scrutiny Committee at its meeting on 13 June 2006.

- RESOLVED**
1. that the 2006/07 outturn position be agreed,
  2. that the £0.552m agreed commitments against the General Fund Balance be 'reserved'
  3. that the Executive Board receive an estimate of the level of housing benefit subsidy on a quarterly basis for monitoring purposes

\*9 **Treasury Management Performance 2006/07 – key decision**

Members considered the report of the Corporate Director – Economy detailing the overall performance of the Council's investment portfolio during 2006/07.

A summary of the Investec's (external fund manager) performance to the end of the financial year was included with the report.

Members were advised that the Council's investment portfolio return, after management fees, had marginally failed to achieve the local authority loans benchmark figure. In the main the poor performance was due to a prediction made early in the year that interest rates would remain static for some time which resulted in a lengthening of the portfolio. However, strong recoveries in Europe and Japan resulted in a rising market which adversely affected the funds valuation. Investec predicted that interest rates would begin to fall from mid 2007. The same portfolio had been held for 18 years and over that period the benchmark figure had been exceeded by a total of 9%.

Members noted performance in respect of 'in-house' managed funds and levels of borrowing during 2006/07. The Council was budgeted to borrow £1.5m in the 2007/08 year to fund equipment associated with the new recycling and refuse contract. This would result in the Council no longer being a debt free authority but would not affect the Council's investment policy or disadvantage the Council's ability to invest.

- RESOLVED** that the Council's investment return for 2006/07 and the intention of the Portfolio Holder – Resources to hold a Think Tank to consider investment options be noted.

\*10 **The draft Climate Change Bill – key decision**

Members considered the report of the Corporate Director – Environment setting out the key elements of the draft Climate Change Bill and the affect it would have on the Council. The Bill would set statutory targets for carbon reduction together with a system of carbon budgeting. The Government was seeking views on the draft Bill by 12 June 2007. Members supported the proposals in the Bill to introduce statutory targets with 5 year budgets and concentrating on Carbon Dioxide (CO<sup>2</sup>) emissions.

In order for the Government's challenging CO<sup>2</sup> reduction targets, included in the Bill, to be met, it was imperative for new developments, such as Cranbrook, Skypark and other developments in the New Growth Point areas, to be as close to zero CO<sup>2</sup> emissions as technically and economically feasible. Members were advised that the New Growth Point Steering Board, at its meeting on 3 April 2007, had welcomed the development of a low and zero energy strategy, which would help steer current and future growth in the New Growth Point area and had resolved that a low and zero carbon energy sub group should be constituted with the appropriate multi agency representation.

Members noted the initiatives the Council was taking forward as a contribution to the climate change agenda. It was proposed that the Council should commit to participating in the Carbon Trust's Local Authority Carbon Management Programme. This programme

\*10 **The draft Climate Change Bill – key decision (Cont.)**

would provide the technical and change management support to help the Council realise emission savings, with the aim of reducing emissions under the direct control of the Council.

Members were advised that a link had been included on the Communities page of the Council's website to a site which enabled users to calculate their carbon footprint.

**RESOLVED**

1. that the Draft Climate Change Bill be welcomed and the comments set out in section 2.0 of the report be forwarded to the Department for Environment Food and Rural Affairs as the Council's formal consultation response;
2. that the resolution of the New Growth Point Steering Board to constitute a low and zero carbon energy sub-group with the appropriate representation from East Devon District Council, Exeter City Council, Devon County Council, South West Regional Development Agency, Devon Sustainable Building Initiative, Centre for Energy and Environment, South West Renewable Energy Agency and the Housing Corporation to design and commission a low and zero carbon energy strategy for developments East of Exeter be welcomed;
3. that the Council's commitment to participating in the Carbon Trust's Local Authority Carbon Management Programme starting on the 1 April 2008 be confirmed, noting that this would entail identifying a project manager with a resource commitment of two days per week for ten months.

\*11 **Delivering a vision for the newly elected Council – key decision**

Members considered the report of the Corporate Director – Central Services which set out the timetable and arrangements for developing a vision for the Council. The arrangements would allow the newly elected Council to set out its ambitions and priorities for the following four years and would seek to align capacity and manage performance to enable aspirations to be achieved effectively and on time.

Members were advised that, together with two Members representing the Liberal Democrat group, membership of the Member Panel would comprise Councillors: R Franklin, A Moulding, Miss J Elson, R Bloxham, M Florey, J Williamson, Miss S Randall Johnson and M Green.

**RESOLVED**

that the timetable and arrangements for developing a vision for the newly elected Council be approved.

\*12 **Review of progress in implementing the Corporate Strategy during 2006/07**

Members considered the report of the Policy Manager which set out the progress made in implementing the Corporate Strategy during 2006/07 and the current state of play in achieving key priorities, outcomes and actions. Of the 89 measures 60% had been achieved, 14% were on course to being achieved, 11% were progressing and 11% had failed to be achieved.

**RESOLVED**

that the current state of play in implementing the Corporate Strategy and the progress review be noted.

\*13 **Best Value Performance Indicators – comparison of performance**

Members considered the report of the Policy Manager setting out performance information for 2006/07 compared with the national average figures for district councils in 2005/06, the best value performance indicators (BVPIs) to be monitored each month by the Executive Board during 2007/08 together with action plans for these. Members noted that action plans relating to BVPIs 106 and 2b would follow in due course.

- RESOLVED**
1. that the comparison of the Council's performance on BVPIs for 2006/07 with the national average figures for district councils in 2005/06 be noted;
  2. that the proposed list of BVPIs to be monitored every month by the Executive Board during 2007/08 and the action plans for these be approved.

14 **Benchmarking Policy and Guide**

Members considered the report of the Policy Manager setting out a proposed Benchmarking Policy and Guide which would establish the Council's overall approach to benchmarking and how this would be promoted to best effect.

Benchmarking was a means of improving the Council's performance and service delivery through a systematic comparison of performance, processes and ways of working in different organisations.

- RECOMMENDED** that the Benchmarking Policy and Guide be approved.

\*15 **Delivering efficiency in local services**

Members considered the report of the Corporate Director – Economy, up-dated at the meeting, with regard to the annual efficiency statement. From 2005/06, each local authority was expected to achieve 2.5% per annum efficiency gains compared with their 2004/05 budget. Local Authorities were given full flexibility on how and where to achieve those gains. The efficiency agenda concerned improvements to productivity – getting more from the same resource, rather than cuts in service. The report set out how the Council proposed to achieve the required efficiency gains equivalent in 2007/08 to 7.5% of the 2004/05 budget.

Local Authorities had to prepare an Annual Efficiency Statement reporting the gains made, identifying savings for the current year and the strategy being put in place to make sure that the required level of gains could be achieved.

This was the third year in which the Council had been required to report on efficiency savings. The report listed areas where gains had been made, together with details of the most significant areas where future savings would be realised. If these savings could be achieved, it was anticipated that the Council would meet the 3 year efficiencies target of £1.55M.

- RESOLVED** that the Annual Efficiency Statement for 2007/08 be adopted.

\*16 **2008 Concessionary travel scheme**

Members considered the report of the Corporate Director – Economy in respect of the administration and cost of the National Concessionary Travel Scheme. The Department for Transport favoured the use of a smart card and recommended that authorities should now start to capture, or up-date, the data on current pass holders.

\*16 **2008 Concessionary travel scheme (Cont.)**

Members were advised that approximately £2.90 would be given to authorities for each pass holder, to contribute towards the cost of gathering information and producing cards. It was known that smart cards would be used but information on how fares would be funded was still awaited. Concern was raised over the question of which authority would pay for journeys made by visitors to East Devon.

**RESOLVED** that the Corporate Director – Economy, in consultation with the Resources Portfolio Holder, be given delegated authority to use part of the set up grant to cleanse and up-date the pass holder data base should this prove necessary.

\*17 **Charges for major pre-application advice, tree advice and Member involvement in pre-app activity**

Members considered the report of the Head of Planning and Countryside Services in respect of the principle of charging applicants for pre-application advice in connection with major planning applications and tree advice from Arboricultural Officers. Members welcomed the proposal to establish a Member protocol for pre-application Member involvement which would comply with the Planning Code of Conduct and would address any concerns regarding probity.

Members considered the benefits and disadvantages of provision of pre-application advice and which matters were suitable for pre-application discussion. The Scrutiny Committee had favoured charging for major pre application advice and had recommended trialling this for 12 months. Concern was raised that once the Council started charging for advice a higher level of service would be expected which the Council might not be in a position to give due to, for example, staff shortages and the pressure on processing applications. Members supported the principle of a charging system but recognised the decision on implementation should be taken by the Chief Executive when he was satisfied that resources permitted its introduction.

Members considered the possible situations which could arise if a charge was made for advice concerning Tree Preservation Orders.

**RESOLVED**

- (1) that the principle of a charging system for major planning application pre-application work be agreed as set out in the report with the Chief Executive, in consultation with the Portfolio Holder – Environment, being given delegated power regarding the implementation date;
- (2) that a charging system for general Arboricultural advice provided by the Council be set up, with no charge being made for advice regarding Tree Preservation Orders;
- (3) that a protocol for Member involvement in major pre-application activity be set up and implemented.

\*18 **Business Support and Advice Services**

The Board had considered the provision of an independent business support and advice service for small and medium sized businesses at its meeting on 14 March. Members now considered the report of the Economic Development Manager which gave an up-date on progress made in securing this provision. It was proposed that the service could be provided in collaboration with West Devon Business Information Point.

**\*18 Business Support and Advice Services (Cont.)**

**RESOLVED** that the draft Service Level Agreement, attached to the report, be approved as the basis for collaboration between the Council and West Devon Business Information Point in the delivery of the Rural Enterprise Development project to small and medium sized businesses in East Devon for the period to 31 March 2009.

**\*19 Awards for Young People**

The Board considered the report of the Corporate Director – Communities seeking Members' support for awards for young people in recognition of their contribution to the Community either through their personal commitment or by becoming a role model for others. Members noted and supported the positive impact the awards could have. Nominations would be sought from schools, youth services, Connexions, Parish Councils and Sports/Arts organisations. It was felt that the awards would help address the unfair stereotyping of young people and improve the links between the Council and young people.

- RESOLVED**
- (1) that the Council budgets for one Chairman's reception evening per year for up to 50 'Young People'.
  - (2) that partners (through the Local Strategic Partnership) be asked to contribute, participate and help promote the Awards scheme.
  - (3) that a Members' 'Young People's Awards Selection Panel', to include young people and representatives of partners who agree to contribute to the scheme, be established to meet once per year,
  - (4) that £1,000 be included in the 2007/08 budget to meet the cost of the presentations, including framed certificates (plus an unframed copy for personal records, with business sponsorship being sought for the scheme,
  - (5) that Young People be asked to help construct the scheme of awards (age groups, categories and criteria.)

**20 Health Act 2006 and Smoke Free Legislation**

Members considered the report of the Head of Environmental Health and Health Equalities setting out the implications of the Health Act 2006 which would come into force on 1 July 2007, making it an offence to smoke in all enclosed public spaces. Relevant policies attached to the report set out how the Council would enforce this legislation and the approach it would adopt. The Council approach was to provide help and guidance to businesses and would only implement formal proceedings as a last resort.

A member expressed their support for making all Council property and grounds a smoke free zone.

**RECOMMENDED** that the Smoke-Free Enforcement Policy and No Smoking Policy attached to the report, be adopted subject to the Chief Executive being given delegated authority to make amendments following consultation with the Head of Organisational Development and Unison representatives.

**\*21 Independent Remuneration Panel - remit**

Members were asked to consider the remit for the forthcoming meeting of the Independent Remuneration Panel. At its meeting on 18 January 2006, the Executive Board had recommended a scheme of allowances proposed by the Independent Remuneration Panel be approved. The approved scheme included the provision to increase allowances from April 2007 inline with the local government pay award. The report of the Corporate Director – Economy drew Members' attention to the existing Special Responsibility Allowances (SRAs) which currently included 29 positions. It was proposed that the Panel should be asked to review the SRAs to reflect various changes in areas of responsibility. The review would include looking at whether a payment should be made to the Chairman/Vice Chairman of the Housing Review Board.

It was noted that on previous occasions the Panel members had found it useful to interview Members about their different roles. The following Councillors were nominated as Members to be interviewed: Miss V Ash, R C Peachey, A Moulding and A Reed.

- RESOLVED**
- (1) that the Independent Remuneration Panel be requested to review the current schedule of positions meriting a special responsibility allowance and to make recommendations for 2007/08.
  - (2) that Special Responsibility Allowances continue to be paid at the current rate on the understanding that should these allowances be cancelled any monies paid since the start of the Council year will be debited from future Basic Allowance payments for the Member/s concerned

**\*22 Job Evaluation – final position**

Consideration was given to the report of the Head of Organisational Development which outlined the final position for job evaluation (JE). Following the JE announcement in December 2006, 170 people had appealed their JE score. Panels were convened to re-evaluate the posts and this resulted in 99 increasing their original score. The final outcome resulted in 12% of posts being 'red circled' (salary scale decreased), 39% 'white circled' (unaffected), and 48% 'green circled' (salary scale increased).

- RESOLVED** that the information contained in the report concerning the final position for job evaluation at East Devon District Council be noted.

**23 Revised Stress Management Policy**

Members considered the report of the Head of Organisational Development with regard to a revised Stress Management Policy. The Policy, attached to the report, outlined the Council's pro-active approach to addressing stress and set out a commitment to ensure that all Council employees were trained in stress management techniques and the importance of their own well being.

- RECOMMENDED** that the Stress Management Policy revision be approved.

**\*24 Internal Audit Structure**

Consideration was given to the report of the Internal Audit and Governance Officer with regard to a proposal to restructure the audit team to enable greater flexibility, an opportunity to develop senior audit staff and avoid further audit staff turnover. The current structure consisting of three trainees and one manager had been designed and implemented in 2003. Members were advised that virtually all the work undertaken by the Audit Manager did not exist at that time and consequently had not been taken into account during that restructure. The proposed restructure would elevate certain posts in the expectation that the post holders would accept some of the work being undertaken by the manager.

\*24 **Internal Audit Structure** (Cont.)

**RESOLVED** that the proposed restructure of the Internal Audit team be accepted.

\*25 **Appointment of a part time Axe Wetlands Project Development Coordinator**

Members considered the report of the Countryside Manager which outlined the need to appoint a two year part time Project Development Coordinator to help progress funding applications. The Environment Agency and Natural England had agreed to provide funding towards the post, totaling £35,000 (to be confirmed) and the Executive Board had previously agreed a budget allocation of £10,000. The proposal was to appoint the part time Great Trees Project Coordinator into the position.

**RESOLVED** that the internal appointment of a part time Axe Wetlands Project Development Co-ordinator be approved for a two year period.

\*26 **Imperial Recreation Ground**

Consideration was given to the report of the Principal Engineer with regard to proposed remediation work to the Imperial Recreation Ground, Exmouth which was necessary to comply with Environment Agency regulations. Remediation prevents chemically contaminated land from harming the environment and restores property to safe and usable conditions. Specialist land remediation consultants had been employed to review previous studies and to recommend any further action which could be necessary with regard to the former landfill site. As a result a program of additional site investigations had been designed. A total capital budget provision of £1,150,000 had been made available for this scheme. No firm estimates of the likely turn out cost were available at this stage.

**RESOLVED** that additional site investigations to be carried out on the Imperial Recreation Ground in summer 2007 be noted together with the implementation of the proposed solution planned for 2008/09.

\*27 **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, of the description set out on the agenda is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

\*28 **Sidbury Cemetery Extension**

Consideration was given to the report of the Licensing Officer with regard to Sidbury Cemetery. The Cemetery was likely to reach full capacity within a few years. Members considered whether the cemetery should be extended or declared closed when filled with no further burials being allowed. If the cemetery was extended the capital cost would be taken from the current Capital budget. Subsequent revenue costs would be programmed into future year's revenue budgets.

**RESOLVED** that further land be acquired as set out in the report and appropriate infrastructure provided to enable Sidbury Cemetery to remain open for the next 30 years

\*29 **Request for early retirement**

Members considered the report of the Corporate Director – Environment with regard to the early retirement of an employee.

**RESOLVED** that approval be given to the early retirement of the holder of post 09/201 from October 2007 under the 'Employers Consent' rule.

\*30 **Post Number 03/310**

Members considered the report of the Head of Organisational Development with regard to the possible early retirement of the holder of post 03/310 for the reasons given in the report. Members noted that if early retirement was accepted the Council would take the opportunity to review the job description relating to the post to ensure that it met with the aims of the Corporate Strategy.

**RESOLVED** that the Head of Organisational Development be authorised to grant early retirement under 'Employers Consent' rules to the holder of post 03/310.

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