

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 10 June 2009**

**Present:**

Councillors:

Sara Randall Johnson (Chairman)  
Graham Brown (Vice Chairman)

David Cox  
Jill Elson  
Mike Green  
Peter Halse  
Stuart Hughes  
Andrew Moulding

**Also Present:**

Councillors:

Vivienne Ash  
David Atkins  
Christine Drew  
Malcolm Florey  
Roger Giles  
Graham Godbeer  
Douglas Hull  
Ann Liverton  
Graham Liverton  
Frances Newth  
Helen Parr  
Margaret Rogers  
Philip Skinner  
Pauline Stott  
Tim Wood  
Steve Wragg

**Also present:**

Officers:

Mark Williams, Chief Executive  
Denise Lyon, Deputy Chief Executive  
Diccon Pearse, Corporate Director  
Karime Hassan, Corporate Director  
Peter Jeffs, Corporate Director  
Simon Smale – Head of Environmental Health  
Chris Lane, Democratic Services Officer  
John Golding – Head of Housing  
Andrew Ennis – Environmental Health Manager

**Apologies**

Councillors:

Ray Bloxham  
Geoff Chamberlain  
Ray Franklin  
Steve Hall

The meeting started at 5.30 pm and ended at 7.45 pm.

\*1 **Public Questions**

The Chairman welcomed Members of the public present and invited them to put their questions.

Ian Holmes of Ottery Town Council referred to the issue of Dog Control Orders and expressed his concern about some of derogatory letters and accusations made by Ottery Dogs. He had tried to liaise with them but had received no response to communications sent.

John Harding of Ottery Town Council expressed concern about dog mess left in Winters Lane Playing Fields by irresponsible dog owners. He was of the view that little was being done to find and punish offenders.

Paul Lewis of Ottery Town Council expressed concern over the personal nature of a letter dated 2 June 2009 from the Chairman of Ottery Dogs.

Mr Millar representing Sidmouth Against Flood Emergency (SAFE) spoke of his concern about ensuring adequate sea defences for Sidmouth. He wanted the District Council to start construction work to put these sea defences into place.

Mr Hand, representing Salcombe Hill Association, expressed his concern about the erosion of Salcombe cliffs and the possible flooding of Sidmouth eastern town. He supported the formation of SAFE and reported in future that they would be representing the views of his organisation.

Karime Hassan, Corporate Director, reported that he would be attending a meeting the following day to discuss the report into the Salcombe cliffs erosion and the possible change in status of 200m of the cliffs.

\*2 **Minutes**

The minutes of the meeting of the Executive Board held on 6 May 2009 were confirmed and signed as a true record.

\*3 **Urgent item**

The Leader agreed to an item on the Boundary Committee being considered as urgent under Part B of the agenda to enable a prompt decision to be made.

\*4 **Exclusion of the Public**

**RESOLVED** that the classification given to the documents to be submitted to the Board, including the item raised as urgent under Minute 3, be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

\*5 **Forward Plan**

The contents of the Forward Plan for the period 1 June 2009 to 30 September 2009 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.

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## **Minutes of the meetings of the Corporate Overview Committee, Housing Review Board and the Scrutiny Committee**

The Board noted the minutes of the following meetings:

- Corporate Overview Committee held on 23 April 2009
- Housing Review board held on 30 April 2009
- Scrutiny Committee held on 13 May 2009

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

- |                                       |   |
|---------------------------------------|---|
| <b>Corporate Overview Min 48</b>      | that the Countryside Manager, Charlie Plowden, provide a written report to a future meeting of the Council on the World Heritage Coast Management Plan as there were a number of issues in the Draft Management Plan that related to the Local Development Framework and needed consideration before comments could be sent to the World Heritage Site,   |
| <b>CO Min 51</b>                      | <ol style="list-style-type: none"> <li>1. that the Corporate Overview Committee express its concern about the closure of pubs in communities and that this issue be highlighted in the emerging core strategy, to reflect the wish to resist the change of use of pubs;</li> <li>2. that a press release be issued highlighting Members' concern over the closure of community pubs and its intention to highlight this problem through the core Strategy.</li> </ol>   |
| <b>Housing Review Board Minute 85</b> | that a letter be sent from the Housing Review Board to Heather Williamson, thanking her for her work, and expressing regret in losing her from the membership of the Board.   |
| <b>HRB Min 86</b>                     | that Sue Bewes continues to progress arrangements of the coffee morning sessions, with consideration to alternative venues.   |
| <b>HRB Min 87</b>                     | <ol style="list-style-type: none"> <li>1. that the report on anti-social behaviour contain a general explanation about the Council's role, including legislation obligations and current policy; as well as feedback from the LSP and Place Survey and specific consideration of anti-social behaviour issues affecting Honiton;</li> <li>2. that for the item, an invitation be extended to Councillor Chris Gibbings, Member Champion for Community Safety; Gerry Moore, Community Safety and Anti-Social Behaviour Coordinator; a representative from Honiton Town Council; and Honiton Ward Members.</li> </ol> |

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**Minutes of the meetings of the Corporate Overview Committee, Housing Review Board and the Scrutiny Committee (cont)..**

(1) that the following decisions be noted (cont)..

- HRB Min 88**
1. that a target of a further 23% cut in carbon dioxide emissions from Council owned housing stock over 5 years, from 2009 until 2014, be adopted;
  2. that in reviewing the Housing Revenue Account, priority be given to funding projects for reducing carbon emissions from Council owned housing stock;
  3. that the Government be lobbied for financial aid in meeting the funding required for such projects, including specifically targeting the Secretary of State for Energy and Climate Change with copy to local Members of Parliament.
- HRB Min 89** that the Systems Thinking Redesign proposals be endorsed and the report be noted.
- HRB Min 90** that a lower level of rent increase be implemented in accordance with revised Government advice for 2009/10.
- HRB Min 91** that the report on the Tenant Services Authority event be noted.
- HRB Min 92** that the progress on the recommendations flowing from the Audit Commission inspection of housing management services be noted.
- HRB Min 93**
1. that the ongoing development of Devon Home Choice and the benefits that this will bring to people seeking housing in Devon be noted;
  2. that the signing of a contract with Northern Consortium to purchase the Abrisas system be noted;
  3. that the current project implementation programme for the scheme be noted.
- HRB Min 94**
1. that the suggestions detailed in the report on the Leaseholder Survey be carried out;
  2. that the terms of reference of the Tenant and Leaseholder Customer Panel be explored to consider form of sub-panel of leaseholders to report their concerns to the main Tenant Panel.
- HRB Min 95** that the STATUS Survey benchmarking report be noted.

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**Minutes of the meetings of the Corporate Overview Committee, Housing Review Board and the Scrutiny Committee (cont)..**

(1) that the following decisions be noted (cont)..

- HRB Min 96**
1. that the proposals from the Football Club including a community hall on their land be supported in principle;
  2. that the setting up of a community group to progress the project be supported;
  3. that officers progress negotiations with the Planning Service regarding the relocation of the play area;
  4. that the maintenance and management of the Weycroft Senior Citizens Centre be continued until the proposals have been fully investigated and if possible delivered;
  5. that the state of the Weycroft Senior Citizens Centre be confirmed to the working group to be safely used for the next few years

**HRB Min 97** that the Housing Review Board Annual Report be adopted and submitted to the Annual Council meeting on the 20 May 2009.

- Scrutiny Committee Min 77**
1. that concern be expressed concerning on low level of funding in Devon for mental health provision;
  2. that concern be expressed on the lack of awareness of mental health in Devon.

(2) that the following recommendations be approved:

- Scrutiny Committee Min 77**
1. that a letter be sent to the Devon PCT asking for a review of funding with a view to allocation of more resource to mental health provision, particularly considering the development of memory clinics and dementia cafes;
  2. that a letter be sent to the Devon PCT expressing grave concern at the lack of attendance by the Devon PCT at the meeting to specifically address APAUSE; the lack of consultation prior to withdrawal of funding; and the lack of assessment of the impact on teenage pregnancy and sexually transmitted infections;
  3. that the Devon PCT be asked to review their methods of communication to ensure that clear information is given out to the public.

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**Minutes of the meetings of the Corporate Overview Committee, Housing Review Board and the Scrutiny Committee (cont)..**

(3) that the following recommendations be approved:

**Scrutiny  
Committee  
Min 78**

1. that a regular report from the Community Safety and Anti-Social Behaviour Co-ordinator for East Devon be made to the Overview and Scrutiny Coordinating Committee, to inform that Committee of the work undertaken and to consider any areas for further review or scrutiny;
2. that the funding expiry date of 31 March 2010 for the Community Safety and Anti-Social Behaviour Co-ordinator for East Devon be noted and that future funding be sought to continue the post.

**Scrutiny  
Committee  
Min 79**

1. that clarification be sought on the requirement for regulatory training for Members;
2. that a breakdown of manual and office staff statistics on working days lost due to sickness absence be provided in future reports;
3. that monthly monitoring be carried out on indicators L102 and L103 on calls answered and provided to the Executive Board; with particular attention paid to the service provided following the launch of Phase 2 of the Refuse and Recycling Contract

**Scrutiny  
Committee  
Min 80-**

1. that the Scene and Heard Panel be retained, but establishing consultation links with other existing groups of young people set up by various services within the Council, and links with outside groups such as school councils, youth councils and Youth Parliament members;
2. that the Scene and Heard Panel be expanded by recruiting from Youth Councils in schools and communities, youth clubs, and Youth Parliament;
3. that suitable issues for the Scene and Heard Panel and other consultation be explored, including the Local Development Framework, service prioritisation, and Neighbourhood Assessments;
4. that officers be encouraged to be aware of other youth work, across services and to link with other services more closely, to help achieve the Council's corporate objective relating to Young People.

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**Minutes of the meetings of the Corporate Overview Committee, Housing Review Board and the Scrutiny Committee (cont)..**

(2) that the following recommendations be approved (cont):

5. that the Scrutiny Committee encourage more publicity of the ideas and concerns raised by young people during Local Democracy Week, and other related events through the year;
6. that the ideas and concerns raised during Local Democracy Week each year be reported to the relevant Overview/ Scrutiny Committee to decide on how to progress action where possible for those ideas and concerns. The actions can then be reported back to the relevant Committee and fed back to the schools who participated, inviting them to attend the meeting, and include more widespread feedback;
7. that the 11 Million Takeover Day be reviewed with a view to enabling more schools to take part, by means of more open days but minimising the resource required;
8. that the the current work carried out with Young People by the Council be supported, as it was seen to be a necessary positive step towards a Council commitment to the "Hear by Right" standards of active involvement of children and young people;
9. that local members of the Youth Parliament be invited to address the Council on their youth manifesto;
10. that when consulting Young People we ensure that we are consulting on issues of interest and in a way that will be of interest to young people, and that we provide clear guidance at the outset what the likely result of the consultation will be. At the end the results of the consultation and our proposed actions be fed back to them.
- 11.that the lease terms of all Council owned public land and community buildings be reviewed, and amended where necessary, to ensure that the leaseholder cannot preclude young people from using the facility;

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**Minutes of the meetings of the Corporate Overview Committee, Housing Review Board and the Scrutiny Committee (cont)..**

(2) that the following recommendations be approved (cont):

12. that a web presence for young people, with links to useful information about venues, and opportunity to give views on specific consultation, in parallel to the Council's website;
13. that a formal review of the Place Survey results in respect of the comments on youth provision be made and actions suggested in light of those results;
14. that closer working with the Devon Youth Service be undertaken by the Scrutiny Committee in reviewing the requirements for funding of youth facilities with particular focus on potential to obtain section 106 revenue funding to help start facilities and run where needed. Recognition of DCC's new role in making youth provision under s507B of the Education Act 1996.
15. that the proposed project for employment of young people as local occasional press officers, be introduced;
16. that the agreed 'presentation event' for young people who have helped their local East Devon community be established this year.
17. that Devon County Council be approached with a view to encouraging a similar approach to recommendation 11 for County owned public and community buildings.

(3) that the following recommendations be referred to Council for approval:

- |  |  |
|--|--|
| <b>Corporate Overview<br/>Min 50</b>   | that the draft Community Engagement Policy be approved.; |
| <b>Housing Review Board<br/>Min 93</b> | that the proposed Devon Home Choice Policy be adopted    |

\*8 **Recycling and Refuse Partnership Board**

Members noted the minutes of the meeting of the Partnership Board held on 28 April 2009.

The Portfolio Holder – Street Scene reported that the second phase of the new recycling and refuse contract had been rolled out in Sidmouth and Ottery St Mary.

\*9 **Planning Delegations Working Group**

Members noted the recommendations of the Planning Delegations Working Group from the meeting held on 22 April 2009. The Group had been asked by the Executive Board to reconvene to specifically consider procedures for applications for certificates of lawfulness.

- RESOLVED**
- (1) that the procedure detailed in the report for dealing with applications for Certificates of Lawful Existing Use of Development be adopted,
  - (2) that an email for information be sent to all Councillors and town and parish councils to explain the difference between a planning application and an application for lawful use to assist in future requests for evidence,
  - (3) that the Chairman of the Council be asked to include an item at a future Council meeting to give the Head of Planning and Countryside Services/Development Manager the opportunity to address all Councillors and explain applications for lawful use and the help that was sought from Ward Members.

10 **Revenue and Capital Outturn Report 2008/09**

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 2008/09. Members 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.

Diccon Pearse, Corporate Director, reported that there was a need to undertake more financial monitoring during the course of the year to maintain an up to date picture of the Local Authority's finances. The Revenue and Capital Outturn for 2008/09 had proved to be better than expected which showed the financial prudence of the Portfolio Holders. However, the anticipated position for future years was not so good and reductions in the budget would need to be made.

Members noted the new policy suggested for the Councils reserves and balances as detailed in the report, to ensure this complied with best practice and current advice from CIPFA (Chartered Institute of Public Finance and Accountancy). The Corporate Director advised each of the reserves and balances would be reviewed on an annual basis to ensure the sum, and the purpose for which it was held, remained appropriate. With regard to the General Fund it was proposed that the minimum level; be retained at 71/2% of the net expenditure and that the maximum held be double that sum. The proposal was made as it is now recognised severed economic downturns had a duration greater than one financial year.

10 **Revenue and Capital Outturn Report 2008/09 (Cont)**

**RESOLVED** that the 2008/09 outturn position be approved.

**RECOMMENDED** that a new policy be agreed on reserves and balances as detailed in the schedule contained in section 6 (para 6.3) of the report.

\*11 **Dog Control Orders**

Members noted that a number of proposed Dog Control Orders had been considered by the Board in May 2009 (Minute 235 of 6 May 2009 refers) and agreed. Officers had been asked to bring back to the Executive Board those proposals for additional dog controls that had been put forward by the Town and Parish Councils but not recommended for approval by the Corporate Overview Committee at its meeting on 26 March 2009 (Minute no 42 refers).

**RESOLVED** that the Dog Control Orders for the area listed in Appendix A to the report be approved, with the exception that:

- i) The Dogs Exclusion Order be not confirmed for Cliff Field (Chine Gardens) in Seaton, All Hallows' Playing Field in Honiton, The Glen in Honiton, Cliff Field in Seaton, Elizabeth Road Playing Field in Seaton;
- ii) The Dogs on Leads Order be not confirmed for Woodbury Cricket Field (1 October to 30 April), or Sidford Playing Field in Sidmouth.
- iii) Subject to the need for further consultation, a Dogs Exclusion Order for Winter's Lane field be confirmed apart from a small area of land up to 10 metres wide at the Oak Close end of Winters Lane which would be fenced off to provide an area for dog owners.

\*12 **Performance Monitoring report – for April 09**

Members considered the report of the Communications and Improvement Manager setting out the performance information for the 09/10 financial year for April 2009. Charts of Performance Indicators which had raised concern were included and those which had benefited from systems thinking.

**RESOLVED** that the Performance Indicators as proposed in the report, be monitored for 2009/10 and that the performance and proposed remedial action against these Performance Indicators be noted.

\*13 **Report of Exemption to Standing Orders for Exmouth and Seaton Design Services**

Members considered the report of the East Devon Visitor Centres Project Development Manager seeking approval for an exemption to Standing Orders to request tenders from three organisations with specialist exhibition design knowledge and proven track records, to advise on costs and exhibition designs for exhibit fit out. This would enable the District Council to apply to the Sea Change funding process for £2 million funding to complete the Visitor Centre projects in Exmouth and Seaton without following tendering procedures for the justified reasons presented in the report and as described above.

**RESOLVED** that the exemption from Standing Orders be accepted for reasons set out in the report.

**\*14 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, including the urgent item raised at Minute 3 (Para 3 Schedule 12A) is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

**\*15 Leisure East Devon – service payment review**

The Board considered the report of Peter Jeffs, Corporate Director on the proposed funding agreement for Leisure East Devon from 2011 onward.

Members thanked the Leisure East Devon team and Peter Jeffs, Corporate Director, for their excellent work in achieving this agreement.

**RESOLVED** that the funding agreement for Leisure East Devon for 2011 onward as set out in Annex 1 to the report be approved, subject to the addition of the word ‘not’ in the first line of paragraph 3.

(Councillor David Cox declared a personal and prejudicial interest in this item as a Board Member of Leisure East Devon and left the room during discussions and having made a short statement).

**\*16 To receive and consider the minutes of the Exmouth Regeneration Programme Board held on 24 April 2009.**

Members received and considered the recommendations of the minutes of the Exmouth Regeneration Programme Board held on 24 April 2009.

Councillor Graham Godbeer wished to express his concern at the proposed reduction in taxi ranks on the Strand enhancement works from 15 to 6.

(Councillor Peter Halse declared a personal interest in this item as Chairman of the Exmouth Regeneration Programme Board).

**\*17 Boundary Committee**

Members noted that the Boundary Committee would report their proposals for Local Government Reorganisation to the Secretary of State on 15 July 2009. The Chief Executive reported on further legal advice received and concern regarding the Boundary Committee’s ongoing legal failures. He confirmed that following further discussion with the Councils’ legal advisors a draft pre action protocol letter had been prepared which would be served on the Boundary Committee and Secretary of State.

**RESOLVED** that authority be granted to serve the pre action protocol letter as advised.

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