

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 12 April 2006

Present: Councillors:
Miss S M Randall Johnson (Chairman)
R G Franklin (Vice-Chairman)

P A Diviani
Miss J M Elson
S Hughes
S C Luxton
A T Moulding
J B Nicholson
Mrs P A Stott
A J Wilkinson

Also Present

Councillors:

Miss V Ash
P W Burrows
G P Chamberlain
T A Cope
Mrs C E Drew
C F A Gibbings
A R Giles
M J L Green

J A Knight
R Mudge
Mrs F Newth
Mrs H E Parr
A W J Reed
T G Reeves
Mrs L A Roden

Philip Blake)
Peter Lawrence) Audit Commission
Kieron Marston)

Aidan Winder Coastal Officer, Devon County Council

The meeting started at 5.30 pm and ended at 7.55 pm

*182 **Minutes**

The minutes of the meeting of the Executive Board held on 15 March 2006, were confirmed and signed as a true record.

*183 **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 of the agenda.

*184 **Forward Plan**

The contents of the Forward Plan for the period 1 April 2006 to 31 July 2006 were noted.

***185 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.

***186 Meetings of the Scrutiny and Corporate Overview Committees**

The minutes of the meetings of the Corporate Overview and Scrutiny Committees, held on 30 March and 4 April 2006 respectively, were noted.

RESOLVED

(1) that the following decisions be noted:

Scrutiny Committee Minute 24 Task and Finish Forum to be set up to examine the service planning template and production of service plans,

Scrutiny Committee Minute 25 Future agendas to include reference to any particular Performance Indicator area to be addressed.

(2) that the following recommendations be approved subject to clarification of Corporate Overview Minute 34:

Corporate O/view Minute 34 Sidford Car Park charges to be set at **15p for the first half hour** and 25p per hour thereafter between 8.00 am and 6.00 pm in 2006/07 with these charges being reviewed in 12 months time,

Corporate Overview Minute 35 Adoption, with suggested amendments of the District Transport Strategy, a seminar to be set up to consider transport issues and problems, and consideration be given to installing lockable cycle racks in EDDC car parks,

Corporate Overview Minute 36 Adoption of Thelma Hulbert Gallery Business Plan with the financial position of the Gallery being reviewed in 3 years time,

Corporate Overview Minute 37 Think Tank recommendations to be reported in the first instance to the Corporate Overview Committee.

(3) that the following recommendations be taken into account during consideration of the relevant agenda item later in the meeting:

Scrutiny Committee Minute 24 Performance Management Framework

187 Community Fund Panel

Members considered the report of the meeting of the Community Fund Panel held on 16 March 2006 and agreed the decisions made adding clarification that the offer of funding made to Southleigh, Dalwood and Broadclyst (minute 14 refers) was reliant on match funding.

***188 Annual Audit and Inspection Letter 2004/05**

Peter Lawrence, Kieron Marston and Philip Blake from the Audit Commission introduced and presented the annual letter which summarised the significant issues and conclusions from the 2004/05 audit. The presentation highlighted key messages from the letter which had been circulated in full with the agenda.

Peter Lawrence advised that the annual letter was usually presented in the autumn but additional new work, including Direction of Travel and Use of Resources assessments, had necessitated a delay. In future years the previous timetable would be followed with the letter being presented in the autumn and the other assessments given later in the year.

Kieron Marston confirmed that the key message within the letter was that the Council had done well and was building on its strengths.

The letter recognised that the Council had developed a structured approach to improvement planning since the Comprehensive Performance Assessment (CPA) review. This approach had included clarification of EDDC's priorities and the regular reporting and monitoring of performance and financial information. It was acknowledged that the prioritisation of services exercise had been very useful in increasing awareness of financial pressures, addressing the budget gap and determining a way forward. Careful monitoring and further difficult financial decisions would have to be made in the future to maintain a balanced budget.

The Commission had reviewed the formation of the Leisure Trust and checked the key milestones. Sound arrangements needed to be in place to monitor the Trust's performance against the strategy and its cost effectiveness.

The results of the Access to Services audit carried out had been good with the Council achieving 2 stars out of a possible 3 with promising prospects for improvement.

Philip Blake had undertaken the Value for Money and Use of Resources assessments to which all Councils had been subject. The Value for Money assessment concluded that the Council was satisfactory with strong and positive elements. These included the Council's clear corporate strategy and careful checking of costs. There were also areas of service excellence which were reflected in high customer satisfaction ratings. Areas for further attention included increased monitoring of value and for this to be clearly linked to costs.

Comparison was made with high scoring authorities and the lessons that could be learnt from them. There was a need for the Council to embed risk management within the structure, extend the remit of the Audit and Accounts Committee and establish and embed a proactive anti-fraud network. The conclusion was that this Council was well on track for achieving a better than level 2 score at the next audit and this put the Council in a good position for its next CPA inspection.

In respect of the Direction of Travel assessment, Members were advised that 32 of the 39 actions had been completed and 2 particular highlights were a) the Council's good progress in providing viable housing for local people and b) the Investors in People achievement.

The presentation concluded that the assessment showed the Council, with its positive management team, as being up to the challenge of achieving further performance improvements.

Peter Lawrence, Kieron Marston, Philip Blake were thanked for their clear and positive presentation. Members felt that the assessment was useful and the comments helpful.

***189 Investors in People – summary of assessor’s report**

Members considered the report of the Head of Organisational Development summarising the external assessor’s report and highlighting the main reasons for the Council’s success in achieving this award. The report also included a detailed action plan at Appendix 1 to the report setting out how the Council would approach areas for improvement by harnessing its strengths and opportunities.

The Head of Organisational Development reported that the liP assessor had invited the Council to take part in a pilot project relating to the wellbeing of staff, based on the positive work already carried out by the Council in this area.

RESOLVED that the report be noted and the Action Plan adopted.

190 Housing Project Board (Housing Overview Committee)

Members considered the report of the Head of Housing and Social Inclusion which outlined the recommendation of the Housing Stock Options Project Team for a Housing Project Board (Housing Overview Committee) to be set up. This would comprise 5 Councillors, 5 tenants and 2 independent members (who would be neither elected Members nor Council tenants). The Board’s main purpose would be to keep under review the Council’s current position in retaining its housing stock. It would also be involved in overseeing the Council’s landlord functions by monitoring performance, promoting good practice, overseeing service improvements and promoting tenant involvement.

Members noted the terms of reference of the Housing Overview Committee set out at Annex 1. The Leader hoped that arrangements could be made, including advertising for the independent members, so that the Committee could be ready to meet as soon as possible following the Annual Meeting of the Council.

- RECOMMENDED**
- (1) that, a Housing Overview Committee (to be called the Housing Project Board) be established with the purpose and terms of reference as set out at Annex 1 to the report,
 - (2) that delegated authority be given to the Head of Legal and Member Services to prepare a detailed scheme for the co-option of non-Council members, as set out in the report,
 - (3) that the Council’s Constitution be amended accordingly,
 - (4) that the necessary steps be taken in advance of the annual meeting, including placing an advertisement for independent members and seeking tenant nominations, to enable the new Committee to meet following the start of the new civic year.

***191 Danby House Consultation**

The Portfolio Holder – Communities had asked for this item to be put on the agenda in order for steps to be taken to make sure that the Council played an active role in the consultation process. The Portfolio Holder felt that the consultation process should be extended to look at the whole vision for the site with all possibilities for partnership working being explored.

It was felt that action should be taken to make sure that East Devon residents, particularly the vulnerable and their carers, receive the best possible care and where possible retain their independence through a support network.

***191 Danby House Consultation (cont)..**

RESOLVED that, East Devon District Council takes an active part in any multi-agency discussion to secure the best possible care for its vulnerable residents and their carers.

(Councillor A J Wilkinson declared a prejudicial interest in this item and left the Council Chamber during the discussion and voting due to his employment with the National Health Service).

(Councillor Mrs P A Stott declared a personal interest in this item as she worked within Social Services, albeit a different section of the service.)

192 Choice Based Lettings Scheme - housing allocations policy

Members considered the report of the Housing Needs and Enabling Manager setting out proposed procedural changes to the Choice Based Lettings and Allocations Scheme, specifically how appeals against the banding of applications were to be dealt with. Applicants' housing needs were assessed and allocated one of three bandings – gold (being highest priority), silver and bronze. It was anticipated that a number of applicants would not be satisfied with the band assigned to them and would appeal against the banding decision. Following reference to guidance papers produced by the Office of the Deputy Prime Minister, it was felt inappropriate for Members to be involved in individual decisions or appeals. The Members' role was to decide policy. Members were aware that the Housing Review Committee had not met at all over the last 12 months.

- RECOMMENDED**
- (1) that hearing appeals by individuals against initial bandings allocated under the Choice Based Lettings Scheme be dealt with by a Housing Officer senior to the Officer making the original decision,
 - (2) that the following discretionary matters be delegated to the Corporate Director – Communities and the Head of Housing and Social Inclusion with the Choice Based Lettings Housing Allocations Policy being amended accordingly:
 - Approval of an applicant's need for a move to a particular locality under the Choice Based Lettings Scheme,
 - Any exceptional or unforeseen housing issues requiring a decision which falls outside the Council's adopted allocation criteria,
 - Monitoring the introduction of the Choice Based Lettings Scheme,
 - (3) that the Housing Review Committee be disbanded for the reasons given in the report and the Constitution amended accordingly,
 - (4) that the Head of Housing and Social Inclusion in consultation with the Portfolio Holder – Communities be given delegated authority to make any other necessary amendments to the Choice Based Lettings Scheme which may be needed to give effect to legislative, legal requirements or policy guidance.

193 **Exe Estuary Partnership**

Members considered the report of the Countryside Manager setting out the outcome of the review of the arrangements for the Exe Estuary. Members had recommended that the partnership arrangements, funding, and location of the Partnership and its officers and job specification for the vacant Estuary Officer Post be reassessed before the Memorandum of Agreement was signed. (Minute 28 of 20.7.05 refers).

All aspects of the Partnership had been reviewed and assessment made of how governance could be more effective. It had recommended a new streamlined structure with clearer lines of decision making and a re-focus of key priorities.

The management group would be involved in strategic planning and delivery of the management plan. Proactive work would be undertaken to secure funding. Members welcomed the inclusion of representatives from Exmouth Town Council, the Environment Agency and English Nature onto the Partnership. The Memorandum of Agreement had been amended to reflect the proposed new structure.

The proposed joint funding arrangements would enable the Estuary Officer to be employed and provide a small working budget. The review concluded that the location of the Partnership should remain the same with Devon County Council continuing as host authority.

Exeter City Council had advised that it would consider returning as a core funding partner in the future following the completion of the Harbour Authority Review. The Environment Agency and English Nature had committed in principle to the funding arrangements.

Aidan Winder, Devon County Council's Coastal Officer was thanked for his attendance at the meeting and for answering questions.

- RECOMMENDED**
- (1) that the revised Memorandum of Agreement be agreed,
 - (2) that the funding arrangement at Scenario 2 in the report with East Devon District Council's contribution being £8,500 be approved,
 - (3) that the revised job description for and recruitment of the Estuary Officer be approved.

194 **Blackdown Hills and East Devon Areas of Outstanding Beauty (AONB)s - Memorandum of Agreements 2005-2011**

Consideration was given to the report of the Countryside Manager in respect of a review of the current AONBs' Memorandum of Agreements (MoA)s. These MoAs were rolling six year agreements, reviewed every three years and then extended to cover a further three years. It was a condition of the Countryside Agency annual funding arrangements that the MoAs were signed by all funding partners. Members were advised that this mid-term review did not require any significant changes to be made to the 2002-2008 MoA documents.

Members were advised of a number of issues which could have cost implications including the review of the Management Plans which would take place in 2008/09, the merger of various Government Agencies to form Natural England from 2006/07 (which was likely to review priorities) and also an overall reduction in funding available to AONBs.

- RECOMMENDED** that the reviewed Blackdown Hills and East Devon AONB Memorandum of Agreements 2005-2011 be approved and both documents be formally signed off,

194 **Blackdown Hills and East Devon Areas of Outstanding Beauty (AONB)s - Memorandum of Agreements 2005-2011 (cont)..**

(Councillor PA Diviani declared an interest in this item due to his involvement with the Blackdown Hills AONB)

*195 **Revenue & Capital Monitoring report 2005/06 – Month Eleven**

Members considered the report of the Financial Services Manager in respect of the Council's overall financial position at Month Eleven (February). The budget variations had been identified within the month together with an assessment of how these variations would continue until the end of the financial year and the subsequent effect on the Council's overall Reserves and Balances.

Members noted that the overall position at the end of month eleven had improved largely due to the first annual payment of Local Authority Business Growth Incentive and increased revenue from planning fees. This was reflected in an under-spend on the General Fund. The capital budget had been revised due to a number of schemes 'slipping' into 2006/07.

The Corporate Director – Economy advised that the first line of the Estimated Outturn Position on major income sources at paragraph 2.4 of the report needed to be amended to show income received at month 11 re car park charges to read £2,341,000 and £2,361,000 as the predicted outturn position.

The Portfolio Holder – Resources reminded Members how the Council had benefited from the Planning Delivery Grant and suggested that a similar planned approach should be made in respect of the Local Authority Business Growth Incentive to make sure the Council secured the maximum funding available in the future. The Incentive was linked to provision of employment land and economic growth. The Council's work on economic land assessment could improve the Council's opportunities for increased funding.

The Corporate Director – Economy agreed to discuss identified savings on the tourism budget outside the meeting when he had the detailed information available.

The Chief Executive confirmed that he would be referring an annual report on complaints to the Council and this would include details of compensation payments.

RESOLVED that the variances identified as part of the Revenue and Capital Monitoring process for Month Eleven of 2005/06 be noted, including the effect on the Council's Reserves and Balances,

196 **Private Hire and Hackney Carriage Licensing – proposed fee increases**

Members gave consideration to the report of the Licensing Manager setting out proposed increases, with effect from 1 June 2006 to Private Hire and Hackney Carriage licensing fees. Two options were considered, either to increase charges by 50% in one go or phase the increases over two years. Members were advised that the proposed increase would cover the cost of proving the service.

The Portfolio Holder – Economy and Regeneration acknowledged with appreciation the effective work currently being carried out by the Fees and Charges Task and Finish Forum.

RECOMMENDED (1) that the licensing fees set out in Appendix A to the report for Hackney Carriages and Private Hire Licences be approved and implemented with effect from 1 June 2006,

(2) (a) that notice be given in accordance with Section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976 of the proposed variation of licence fees determined by the Council for this year,

196 **Private Hire and Hackney Carriage Licensing – proposed fee increases (cont)..**

- (b) that should objection be received resulting from the notice and not withdrawn, delegated authority be given to the Chief Executive in consultation with the Leader of the Council to
 - ❑ consider the objection(s) as provided by Section 70, and,
 - ❑ set a further date not later than two months after the first specified date on which the variation shall come into force with or without modification.

(Councillor Miss J M Elson declared a prejudicial interest in this item as a Private Hire Operator and left the Chamber during the discussion and voting)

197 **Cemetery Charges – proposed fee increased**

Members considered the report of the Licensing Manager recommending increases to the current cemetery fees in respect of Sidmouth, Seaton and Sidbury Cemeteries which were owned and operated by this Council.

RECOMMENDED that the cemetery fees be increased as shown in Appendix A to the report with effect from 1 May 2006, and thereafter raised annually on 1 April by the Retail Price Index inflation rate or 2.5% whichever is greater.

198 **Performance Management Framework**

Members considered the joint report of the Policy Manager and Corporate Director – Central Services setting out improvements to performance management. Members were invited to reconsider the current arrangements for managing performance.

Members noted the Performance Indicators which had been identified to support the monitoring of the Corporate Strategy. It was suggested that it would be effective for the Executive Board to monitor the Corporate Strategy on a quarterly basis with each Director preparing a progress report and highlighting progress against targets. The Executive Board would continue to monitor key Performance Indicators (PIs) on a monthly basis. It was suggested that monthly monitoring should be focused on those indicators where Council performance was amongst the lowest 25% of district councils in 2004/05 in customer priority service areas. It was also suggested that the Scrutiny Committee should monitor all PIs and the Service Plan improvements on a quarterly basis. Preparing and publishing a Council Corporate Business Plan as its Annual Performance Plan on the web site would be helpful in putting last year's performance in perspective as well as setting out plans for the next 3 years. It would be a useful holistic tool and would help address issues raised by the Audit Commission in respect of effective use of resources.

Early consideration of draft Service Plans by a joint meeting of the Corporate and Scrutiny Committees in the autumn would be helpful and would be included within the Service Planning timetable.

The Corporate Director – Central Services was thanked for progressing this work which would assist effective monitoring of performance.

198 **Performance Management Framework (cont)..**

- RECOMMENDED**
- (1) that the three remaining CPA Improvement Plan actions (development of thinking/services on a pan-Devon basis with partners, linking up with pan-Devon procurement and e-procurement work and the adoption of the Local Plan) and the BVPIs (Best Value PIs) where the Council's performance is in the bottom 25% of councils be included in the new Corporate Strategy
 - (2) that the proposed arrangements for the quarterly monitoring of the Corporate Strategy during 2006/07 (as set out in paragraph 4 of the report) and the proposed basket of PIs for monitoring the Corporate Strategy as set out in Appendix A to the report be approved subject to Environment Priority 2 (in respect of the standard of all new homes built, including at Cranbrook) be amended to require an 'excellent' rather than 'very good' Ecohomes standard,
 - (3) that the BVPIs as set out in Appendix B be approved as the PIs to be monitored monthly during 2006/07,
 - (4) that the revised list of Local PIs be approved as set out in Appendix C,
 - (5) that the proposed arrangements for the quarterly monitoring of all PIs and the Service Plan improvements as set out in paragraph 7 of the report be approved,
 - (6) that the proposed format of the Corporate Business Plan 2006 be adopted,
 - (7) that the proposed timetable for preparing plans and finance for 2007/10 be approved,
 - (8) that each of the BVPIs set out in Appendix B to have an individual action plan to enable targets to be achieved within the timescale identified, with the actions being reported on monthly.

199 **Workforce Plan**

Members considered the report of the Head of Organisational Development setting out a proposal to develop and annually review a workforce plan. This would enable the Council to focus on the medium and long term and to establish a clear link between the Council's business and people plans.

The Portfolio Holder – Resources thanked the Head of Organisational Development for developing this excellent work which was essential to business planning. The Leader added that the Plan highlighted the fact that people were a vital part of the organisation and importantly integral to business planning.

- RECOMMENDED** that the Workforce Plan attached to the report be approved.

***200 Performance Monitoring report – February 2006**

Members considered the report of the Policy Manager in respect of performance information for February 2006. The report showed actual performance against target performance indicators with officers including comments, where relevant, on the reasons for failure to make satisfactory progress and the remedial action taken to address the situation. The Corporate Director – Central Services advised that steps were being taken to provide more up-to-date performance information at future meetings to allow even more effective monitoring to be carried out.

Performance Indicator L46 - Rent arrears of current tenants - showed improvements in performance although still below target. This reflected initial disruption resulting from the introduction of a new software system and Family Tax Credit changes. The Council was working in partnership with the Citizens' Advice Bureaux to help people address their debt problems and examine their priorities.

Performance Indicator BV204 – Planning Appeals – showed performance below the ambitious target set. However the 12-month rolling figure was better than the national average. The Corporate Director – Environment advised that indicator reflected good planning decision making.

RESOLVED that the performance and proposed remedial actions against key performance indicators for February 2006 be noted,

201 Criminal Justice and Police Act 2001 – The Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001

Members considered the report of the Head of Legal and Member Services in respect of the above legislation and the purposes of Designated Places Orders. The legislation gave Local Authorities supporting measures to tackle alcohol related crime, disorder and nuisance. The measures included the power to make Designation Orders in relation to public places. Such Orders would effectively create alcohol free zones to reduce crime and the fear of crime in locations identified by local councils and the Police and supported by official crime statistics. The Council had consulted widely on the areas to be subject to a Designated Places Order and specific areas identified.

- RECOMMENDED**
- (1) that the notice of the proposal for a Designated Places Order for the areas shown at Table B to the report be published,
 - (2) that, should any representations be received concerning the proposals and not withdrawn, delegated authority be given to the Head of Legal and Member Services in consultation with the Portfolio Holder – Communities to consider them and modify the extent of the Order if appropriate.

***202 Sidmouth Cemetery extension – consecration**

Members considered the report of the Licensing Officer seeking permission for part of the new Sidmouth Cemetery extension to be consecrated by the Bishop. There was a legislative requirement for part of the cemetery to remain unconsecrated. Members noted that there would be approximately 90 unconsecrated graves within the new extension which would create approximately 360 available grave spaces in total.

RESOLVED that approval be granted to consecration of the new extension to Sidmouth Cemetery, as outlined in the report, to enable burials of all denominations to continue in the cemetery.

*203 **Exmouth – Warren View Sports Ground – progress report on Capital Programme item**

Members noted the joint report of the Principal Engineer and Corporate Director – Environment updating Members on the Warren View Sports Ground project. Work to improve drainage of the site was to be carried out in two stages. However, South West Water Services had indicated that the combined sewer which drains the sports ground would not have sufficient capacity to accept the resultant increased flow. Other drainage options were being explored. Members were advised that as a result of delays, the works may not be completed before the start of the football season in September 2006 as planned. Members expressed concern on the effect that this would have on the teams which used these pitches.

- RESOLVED**
- (1) that the delays experienced in respect of the Warren View Sports Ground works and the reasons reported be noted.
 - (2) that the Council continues, in dialogue with the Exmouth Amateur Football Club, to investigate alternative temporary arrangements for the teams who would normally used these pitches.

*204 **Exmouth – Imperial Recreation Ground – progress report on Capital Programme item**

Members considered the joint report of the Principal Engineer and Corporate Director – Environment updating Members on the remediation works required on the site to comply with Environment Agency regulations. The tender prices received for the preferred solution were higher than budget and as a result alternative solutions were being explored.

- RESOLVED** that further studies be carried out in 2006/07 to find the most effective and economical solution to the required works on the Imperial Recreation Ground with the proposed solution being implemented in 2007/08 to fit in with the time scale for the Visitor Centre proposed for the site.

*205 **Building Control proposed membership of Local Authority Building Control (LABC)**

Members considered the report of the Building Control Manager requesting authority for the service to join the LABC for the reasons detailed in the report.

- RESOLVED** that the Council's Building Control service becomes a member of the newly re-formed LABC.

*206 **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 descriptions set out in the agenda is likely to be disclosed.

***207 Exmouth Sea Wall**

Members considered the joint report of the Principal Engineer and Corporate Director – Environment in respect of the tenders had now been received for the essential repairs to the Exmouth Sea Wall. Members were advised that the works would start later this month and would take approximately 6 months.

RESOLVED

- (1) that the contract for essential repairs to the Exmouth Sea Wall be awarded to Raymond Brown Construction for the reasons given in the report and at the meeting,
- (2) that the successful company be asked to prepare and erect explanation boards at the site for public information.

***208 Environmental Health and Health Equalities – restructuring proposals**

Members considered the report of the Head of Environmental Health and Health Equalities with proposals to restructure the section to improve service provision and reflect changes in the contract arrangements for the Home Improvement Agency (which falls within the remit of the Supporting People regime).

RESOLVED

- (1) that the structure of the Environment Health and Health Equalities be changed from two to three teams for the reasons given in the report,
- (2) that the appointment of an additional 0.5 full time equivalent Technical Assistant be agreed.

Chairman Date