

EAST DEVON DISTRICT COUNCIL
Minutes of the Meeting of the Council held at
Knowle, Sidmouth, on Wednesday, 23 February 2011

Present:

Councillors:

Graham Liverton (Chairman)
Tony Reed (Vice Chairman)

Vivienne Ash	Stuart Hughes
David Atkins	Douglas Hull
Roger Boote	John Humphreys
Peter Bowden	Ben Ingham
Graham Brown	Stephanie Jones
Derek Button	Jim Knight
Bob Buxton	Ann Liverton
Geoff Chamberlain	Stuart Luxton
David Chapman	Andrew Moulding
Iain Chubb	Frances Newth
Trevor Cope	Barry Nicholson
David Cox	Marion Olive
Andrew Dinnis	Helen Parr
Paul Diviani	Bob Peachey
Vivien Duval Steer	Ken Potter
Jill Elson	Sara Randall Johnson
Malcolm Florey	Philip Skinner
Ray Franklin	Pauline Stott
Chris Gibbings	Ian Thomas
Roger Giles	Graham Troman
Graham Godbeer	Mark Williamson
Pat Graham	Tim Wood
Mike Green	Eileen Wragg
Steve Hall	Steve Wragg
May Hardy	

Honorary Alderman

Ron Mudge

Also Present

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Peter Jeffs, Corporate Director
Diccon Pearse, Corporate Director
Rachel Pocock, Head of Legal, Licensing and Democratic Services
Diana Vernon, Democratic Services Manager

Apologies

Councillors:

Ray Bloxham
Peter Burrows
Christine Drew
John Jeffery
Peter Halse
David Key
Darryl Nicholas
Brenda Taylor

Honorary Alderman

Margaret Rogers

The meeting started at 6.30pm and finished at 8.06 pm.

***57 Public question time**

There were no questions from the public raised at this point of the meeting.

Councillor Vivienne Ash used this opportunity to address the Council. She advised that when the Honiton Community Centre was discussed later in the meeting, she would be obliged to declare a prejudicial interest and leave the Chamber. She said that the Council was aware of her feelings about the siting of the proposed Centre but her over-riding feeling was that Honiton needed a Community Centre and asked the Council to take a positive stance to bring this to fruition.

***58 Minutes**

The minutes of the Extra Ordinary and Ordinary meetings of the Council held on 8 December 2010 were confirmed and signed as a true record.

***59 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Vivienne Ash	66	Prejudicial (left the Chamber during the debate and voting)	Member of Honiton Town Council, Trustee of the Honiton Development Trust; Council's elected representative on the Honiton Community and Arts Centre Project Working Group.
Cllr Trevor Cope	67 (Min 170 of Exec Board)	Prejudicial (left the Chamber – there was no debate on this item)	Member of Exmouth Town Council where the planning recommendation made was contrary to the recommendation of the Executive Board.

***60 London Marathon**

The Chairman advised that Councillor Trevor Cope was running the London Marathon this year and invited Members to sponsor him: he was running for the national medical charity – Merlin. Members were reminded that just 2 years ago Councillor Cope had been unable to run because of a broken hip. The Chairman praised Councillor Cope for his efforts and wished him well.

***61 Access to meetings**

The Leader advised of a letter sent to all Council Leaders from Bob Neill MP setting out the aims of the Government's drive for increased transparency and the importance of giving citizens the opportunity to access and experience local democracy using modern communication methods. Currently East Devon District Council did not allow meetings to be recorded but the Leader suggested that this stance may not reflect modern times and suggested that the new Council in May could re-consider the current arrangements.

***62 Press Coverage**

The Chairman invited the Chief Executive to make a statement regarding recent media coverage concerning South Somerset District Council (The Chief Executive role being shared). The Chief Executive had already sent explanatory e-mails to all Councillors, setting out relevant information and facts. This Council had agreed to make a financial contribution towards redundancy costs to unlock future savings which would be realised through the shared service agenda. Also the Council was protected by a legal agreement in relation to the shared chief executive arrangements to ensure that it was not disadvantaged now or in the future. The Chief Executive commented that all sharing arrangements had intrinsic difficulties to overcome and suggested that it would be useful for the Leaders of both Councils to meet after the May elections to review the shared service agenda and its future. The Chairman added that the recent media coverage was an example of sensationalist reporting.

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Revenue Estimates, Capital Programme and Council Tax

Members were asked to consider the report of the Head of Finance and the recommendations of the Executive Board from its meeting of 9 February 2011 relating to the Revenue and Capital Estimates. Members noted the calculations for setting the Council Tax (in accordance with regulations made under Section 33(5) of the Local Government Finance Act) which formed the basis of the formal setting of the Council Tax for the District.

The Chairman invited the Leader of the Council to present the Revenue Estimates and Capital Programme together with proposals for the Council Tax for 2011/12. The Leader spoke of the difficulties in preparing a balanced budget this year. Even before the Government cuts had been announced, the Council had worked to address predicted budget shortfalls. A Rationalisation Panel had been set up to review all services and as a result had realised savings of approximately £0.5M. The Leader thanked the Deputy Leader who had chaired the Panel and other Members involved. The Portfolio Holders and Officers had then identified further savings of £600,000.

The Government Settlement Statements in July and October 2010 advised of a reduction in Grant of 28% over 4 years with most savings needed in years 1 and 2. Councils were given the additional challenge of nil increase in Council Tax for which there would be a compensatory Government Grant.

The Council taking proactive steps to address the budget deficit set up a 2010/11 Budget Working Party. A radical approach was adopted of working from base budgets which included only statutory services and provisions. This enabled the Working Party to build up a budget which would help deliver the Council's priorities bearing in mind the aim to protect front line services.

The recommendations of the Working Party were examined in detail by the Service Planning and Budget Task and Finish Forum and the Overview and Scrutiny Co-ordinating Committee. The Leader thanked the Chairman, Councillor Ray Bloxham, and all Councillors for their commitment and involvement in the process. Their combined effort had resulted in the delivery of a balanced budget with capacity for some expansion, such as enhancing the recycling service.

The Leader thanked the Portfolio Holder – Communications for helping to achieve savings in the print and post service and for looking to rationalise ICT services. She thanked the Portfolio Holder – Economy for helping to contain car park expenses and for working to develop the economy of the area, particularly referring to employment opportunities through Skypark and the Science Park. She thanked the Portfolio Holder – Communities, Chairman of Development Management and Portfolio Holder – Resources who were working together to try to deliver Council homes and affordable housing. She thanked the Chairman of the Housing Review Board for her efforts in increasing tenant participation in decision making and effectively progressing the National Housing Debt initiative.

The Leader spoke of the excellent work carried out by the Portfolio Holder – Strategic Planning and Regeneration in respect of the Growth Point, securing funding, retaining good partnerships and helping to deliver affordable housing. She acknowledged the positive contribution of the Design Champion who had driven the need for high standards of design throughout the planning process.

She spoke of the importance of managing the Council's assets so that they would achieve greater benefit for the communities across East Devon.

The Leader advised that the proposed Council Tax for East Devon would be the 16th lowest in the Country and the lowest in Devon. The budget work undertaken would put the new Council in a strong position; the budget framework would help decision making in future years.

Revenue Estimates, Capital Programme and Council Tax (cont)..

There was a need to work more closely with partners and to further develop smarter procurement; Councillor Mark Williamson, Member Champion was thanked for leading improvements in Council procurement which had secured significant savings. The Leader also thanked Councillor Ken Potter, Chairman of Audit and Governance Committee for implementing improvements to the data loss protection software.

The Systems Thinking approach to improve service delivery had been effective in achieving new ways of working, realising savings and raising staff morale. The approach would help to meet the challenges of the Localism Bill and help to manage ever growing public expectations.

The Leader also thanked the Chief Executive, Corporate Directors, Heads of Service and Managers for their help in identifying potential savings. She particularly thanked the Head of Finance and his team for preparing the papers and Councillor Andrew Moulding for keeping the budget under continual review. The Council would continue in its aim to achieve the best service for the lowest cost.

The Leader moved the printed recommendations in respect of the Revenue Estimates, Capital Programme and Council Tax which were seconded by Councillor Andrew Moulding, Portfolio Holder – Resources.

The Culture Champion, Councillor Vivienne Ash, said that she appreciated the inclusion of culture within the Council's plans and the continued support of the Countryside and Arts Development Teams.

Councillor Roger Giles spoke of the cuts to the Flood Prevention budget which he believed to be unwise. He proposed that income could be generated from charging for car parking at the Knowle offices and from cutting the Council's publications to enable the Flood Prevention budget to be reinstated. This amendment was seconded by Councillor Trevor Cope.

The amendment was debated and a range of points raised, including that the Council would continue to support essential flood work and to work in partnership with relevant organisations and agencies, the value of proactive actions, the role of DEFRA, the need to retain Council Reserves and previous debates on charging for Knowle car parking. The amendment was put to the vote in two parts ((a) reinstating funding and (b) how this could be achieved) and was lost.

- RESOLVED:**
- (1) that the recommendations of the Executive Board (Minute 160 9.02.11) relating to the Revenue and Capital Estimates be approved,
 - (2) that it be noted that the Executive Board calculated the following amounts for the year 2010/2011 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:-
 - (a) 57,076 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended by Local Government Act 2003 – Section 84), as its Council Tax Base for the year,
 - (b) The amounts stated in column 3 of Schedule 1 (attached) calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its Council Tax Base,

***63 Revenue Estimates, Capital Programme and Council Tax (cont)..**

- (c) For the year for dwellings in those parts of its area set out in column 1 of Schedule 1, to which one or more special items relate.
- (3) that the following amounts be now calculated by the Council for the year 2011/2012 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-
- (a) £85,991,502 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act.
- (b) £71,129,410 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.
- (c) £14,862,092 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- (d) £5,971,470 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates, revenue support grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) of the Local Government Finance Act 1988.
- (e) £155.77 being the amount at 3(c) above less the amount at 3(d) above, all divided by the amount at 2(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council tax for the year.
- (f) £1,939,912 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- (g) £121.78 being the amount at 3(e) above less the result given by dividing the amount at 3(f) above by the amount at 2(a) above calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council tax for the year for dwellings in those parts of its area to which no special item relates.

***63 Revenue Estimates, Capital Programme and Council Tax (cont)..**

- (h) The amounts stated in column 5 of the Schedule 1 (attached to these minutes) given by adding to the amount at 3(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area specified in column 1 of Schedule 1 divided in each case by the amount at 2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council tax for the year for dwellings in those parts of its area set out in column 1 of Schedule 1 to which one or more special items relate.
- (i) The amounts set out in Schedule 2 (attached to these minutes) given by multiplying the amounts at 3(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.
- (4) that it be noted that for the year 2011/2012 the Devon County Council, Devon and Cornwall Police Authority and Devon and Somerset Fire and Rescue Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

Valuation Bands	Devon County Council	Devon & Cornwall Police Authority	Devon & Somerset Fire & Rescue Authority
A	£ 744.24	£104.40	£47.85
B	£ 868.28	£121.80	£55.82
C	£ 992.32	£139.20	£63.80
<u>D</u>	<u>£1,116.36</u>	<u>£156.60</u>	<u>£71.77</u>
E	£1,364.44	£191.40	£87.72
F	£1,612.52	£226.20	£103.67
G	£1,860.60	£261.00	£119.62
H	£2,232.72	£313.20	£143.54

- (5) that, having calculated the aggregate in each case of the amounts at 3 (i) and 4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts set out in Schedule 3 (attached to these minutes) as the amounts of Council tax for the year 2011/2012 for each of the categories of dwellings shown in Schedule 3.

***64 Partnership award**

The Chairman congratulated Councillor Ray Franklin on his recent award of Local Government Information Unit Partnership Achievement of the Year. This top national award was in recognition of Councillor Franklin's work with the Growth Point Team on schemes (including Cranbrook, the Science Park, Skypark, Flybe Academy and Intermodal freight transfer facility) aimed at providing housing and employment on land to the west of our district.

This very complex and challenging package of development sites was supported by more than £50m of public sector investment. As lead Councillor and Portfolio Holder for Strategic Planning and Regeneration, Councillor Franklin had driven the programme since the Council resolved to take this forward in 2003, working to secure results with a range of public and private sector partners.

Councillor Franklin was presented with the award at the Local Government Information Unit Achievement Award ceremony in London on 8 February following nomination by Rachel Pocock, Head of Legal, Licensing and Democratic Services. The Partnership Achievement Award recognised Councillor Franklin's personal commitment and drive to make working in partnership an integral part of council working together with the delivery of real outcomes through partnership working. The Chairman presented Councillor Franklin with an EDDC certificate and framed aerial photograph of the Growth Point. Before Councillor Franklin spoke in reply, he received a standing ovation from all present.

Councillor Franklin said that he had many people to thank for their efforts and help. He thanked Rachel Pocock for nominating him for the Award and for Karime Hassan's vision and efforts. He acknowledged the support given by the Leader and Deputy Leader, Councillors Moulding, Diviani and Dinnis and from Fliss Morey and her East of Exeter Team. He advised that the Award also acknowledged the effective partnership working to progress the Regeneration of Seaton and thanked the Regeneration Board, Tim Robinson (Tesco) and particularly Seaton's Member Champion, Councillor Stephanie Jones who he said had been consistently positive and supportive throughout the complex process.

***65 Post Office network**

The Council's Post Office Champion, Councillor Ken Potter had circulated a paper to Members which advised that the Government has decided to invest £1.34bn over the next four years into the Post Office Network. However, some of this investment would be used to bring the Crown Office Network into profit (currently some 350 offices were losing in excess of £50m per annum) and to refurbish 4,000 "main post offices" and other branches. From 2014, around 2,000 smaller sub-post offices would transfer to the Local model – either at an existing post office or at neighbouring premises. A pilot scheme for the Post Office Local model was already in existence, with two examples within the district, namely Millwey Rise (Axminster) and Colyton. The Local model offered customers access across a combi-counter next to the retail till, rather than behind a traditional Post Office "fortress" screen. 86% of Post Office services were available at Local outlets. However Councillor Potter was not convinced that the Local model was sustainable as he believed those running them would lose two thirds of their income. He had expressed his views to the Local Government Association which he had been assured would be taken into account. Councillor Potter thanked Councillor Peter Bowden for helping to re-instate the Post Office in Rockbeare. Reducing the level of service would have the greatest impact on rural areas and those on limited income, forcing customers to travel to post offices able to offer services such as vehicle licensing and larger business receipts. Members were urged to be more aware of possible plans affecting the local post offices in their Wards.

Councillor Potter expressed disappointment that the Post Office bank had not been created and this was the main reason for the network's decline. The Government was now planning to privatise the Royal Mail Group and, in the process, separate out Post Office Ltd. and make it a mutually owned company. To provide Government with local views, the Post Office Champion proposed that the Council asks the Minister for Postal Affairs to advise of his plans for returning the 12,000 branches of the Network of Post Offices to a sustainable future.

*65 **Post Office network (cont)..**

RESOLVED that a letter sent to the Minister for Postal Affairs from the Council asking for details of his plans for returning the 12,000 branches of the Network of Post Offices to a sustainable future.

*66 **Questions**

The Leader of the Council's written response to a series of questions about the proposed Community Centre at Honiton had been circulated to all Councillors at the meeting.

*67 **Minutes of Executive Board and Committees**

RESOLVED (1) that the under-mentioned minutes be received and the recommendations approved

Executive Board	Minutes	131-150,151-171
Development Management	Minutes	46-51,52-56
Planning Inspections	Minutes	5-6,7-8
Audit and Governance	Minutes	36-44
Licensing and Enforcement Sub	Minutes	26-29

(2) that the under-mentioned minutes be received.

The Executive Board (minutes 138 and 158) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

O/S Co-ordinating Committee	Minutes	38-45
O/S Economy Committee	Minutes	29-32
O/S Service Delivery/ Performance	Minutes	28-33
O/S Communities	Minutes	23-31
Housing Review Board	Minutes	32-45,46-54

Arising from consideration of the above minutes:-

a) Site for the proposed Honiton Community Centre (Executive Board Min 169)

Councillor Marion Olive proposed an amendment (seconded by Councillor Derek Button) to site the Community Centre at Lace Walk. Following discussion on the Dowell Street and Lace Walk sites, including access, timings and cost, the amendment was put to the vote and lost.

b) Development Management Committee – 7 December 2010

Councillor Derek Button to be included in the list of those present.

c) Audit and Governance

In presenting the minutes, the Chairman, Councillor Ken Potter advised that he had now attended his first meeting of the South West Audit Partnership (SWAP) as the Council's new internal audit arrangements. He advised that the internal audit team was very efficient and focused; he had confidence in the new audit arrangements.

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

***68 Management re-structure**

The recommendations of the Interviewing Committee, including Management Tier 2 and 3 appointments and other matters pursuant to the approved Management re-structure were considered.

RESOLVED

- (1) that the Deputy Chief Executive, Denise Lyon, be confirmed to the post of Deputy Chief Executive – Transformation and Systems Thinking (and Monitoring Officer);
- (2) that interviews of short-listed external candidates be carried out for the unfilled post of Deputy Chief Executive – Development, Regeneration and Partnership, with the support of the external recruitment advisor,
- (3) that the following appointments be made for Heads of Service in the new Council structure:
Simon Davey - Head of Finance and Section 151 Officer,
John Golding - Head of Housing
Simon Smale - Head of Environment
Kate Little - Head of Economy
- (4) that the following appointments be made for Corporate Managers in the new Council structure:
Karen Jenkins – Corporate Manager – Human Resources
Rachel Pocock – Corporate Manager – Legal and Democratic Services
Chris Powell – Corporate Manager - ICT
- (5) that the oral representations made by Peter Jeffs, Corporate Director, to the Committee (in accordance with Chief Officer terms and conditions) prior to a final decision being made on his employment, be noted.
- (6) that any notice of dismissal by reason of redundancy to Corporate Director, Peter Jeffs will be subject to the appropriate procedures;
- (7) that it be noted that Corporate Director, Diccon Pearse has taken voluntary redundancy;
- (8) that the terms of reference of the Employment Appeals Committee be amended to include hearing appeals from dismissal by reason of redundancy for chief officers and other members of the senior management team;
- (9) that the other recommendations of the Interviewing Committee be confirmed.

Chairman

Date