

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 17 January 2007

Present:

Councillors:

Miss S M Randall Johnson (Chairman)
R G Franklin (Vice Chairman)

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
R W Boote
D G Button
G P Chamberlain
T A Cope
D J Cox
Mrs C E Drew
A R Giles
C F A Gibbings
M J L Green

Mrs A E Liverton
G K Liverton
Ms S M Merritt
R Mudge
Mrs F I Newth
Mrs H E Parr
T G Reeves
Dr H W Waterworth
S C Wragg

Apology

Councillor P A Diviani

The meeting started at 5.30 pm and ended at 7.10 pm.

***124 Minutes**

The minutes of the meeting of the Executive Board held on 13 December 2006 were confirmed and signed as a true record subject to the reference to Councillor A J Wilkinson declaring a personal interest in Minute 110 being deleted.

***125 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.

***126 Forward Plan**

The contents of the Forward Plan for the period 1 January to 30 April 2007 were noted.

***127 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.

***128 Meetings - Housing Review Board & Corporate Overview Committee**

The minutes of the meetings of the Housing Review Board held on 14 December 2006 and of the Corporate Overview Committee of 4 January 2007, were noted.

Members noted that the Housing Review Board was working effectively and had considered various issues in detail. Members' attention was particularly drawn to minute 44 (Empty property (voids) and the letting process) and minute 45 (Rent management procedures) and the quality of the debates on these matters. The minutes gave Members a clear indication that the Review Board was addressing some of the Performance Indicator issues raised by the Executive Board. Councillor Cox was thanked for his effective work as Chairman of the Review Board.

The recommendation of the Housing Review Board at minute 47 (Lymebourne Park Community Centre, Sidmouth) was welcomed. The sum of £10,000 being made available to underwrite the Social and Residents' Committees funding shortfall would enable construction works to commence to extend the Community Centre. This facility was of benefit to residents of Lymebourne Park and of the wider vicinity.

In considering the recommendations of the Corporate Overview Committee, Members discussed the policy development discussions in respect of affordable housing. At the meeting Members had raised the issue of developers being able to incrementally increase the number of dwellings after permission had been granted and the affordable housing element already calculated. It was suggested that this could result in the developer not providing the correct proportion of affordable housing in the final development. The reduction in the current threshold of 15 dwellings in urban areas and 5 dwellings in rural areas for affordable housing in a proportional sliding scale could be a helpful way forward but would not directly address the issue of incremental housing unit increases to a development. The Corporate Director – Environment advised that appropriate wording had been included in the Local Development Framework which identified a threshold for the initial affordable housing calculation and gave the authority scope to go back to the developer to make any adjustments.

RESOLVED (1) that the following recommendations be approved,

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| Housing Review Board
Minute 44 | that the report on empty property (voids) and the letting process considered by the Board be noted and that quarterly reports on voids and letting performance be presented to future meetings of the Housing Review Board, along with 'mystery shopper' results when available. |
| Minute 45 | that the rent management procedures considered by the Board be approved subject to the Tenant and Leaseholder Customer Panel being consulted directly regarding the frequency of rent statements and that the Housing Review Board review rent management performance on not less than a quarterly basis. |
| Minute 46 | (1) that the Head of Housing and Social Inclusion be authorised to engage Able Parking Services to assist with the management of vehicular parking on council housing land, car parking areas and roads in Yonder Close, Ottery St Mary, |

128 **Housing Review Board & Corporate Overview Committee minutes (cont)..**

- (2) that the recommended list of amended collection arrangements detailed in the minutes be approved.

*129 **Council Tax Base – 2007/08 – key decision**

Members considered the report of the Revenues and Benefits Manager in respect of the 2007/08 Council Tax base for each parish expressed in terms of band D equivalent properties to meet statutory requirements. The gross figures had been reduced to 98.50% as this was the proportion of Council Tax that it was estimated would be collected during the year.

RESOLVED that the Council Tax base for 2007/08 be confirmed at 56,085 band D equivalent properties.

*130 **Draft Service Plans, Revenue & Capital Estimates 2007/08 – key decision**

The Service Plans and Estimates booklets had been issued to Members in advance of the meeting. Members considered the report of the Head of Finance which set the draft Service Plans in the budget context. Members of the Board were asked to consider the draft plans at this stage prior to them being considered in detail, in the first instance by a one-off Task and Finish Forum – Budget and Service Plan and then by the Scrutiny Committee (to consider Performance Indicator targets) and the Corporate Overview Committee (to consider service improvements). Feedback from these meetings would be referred back to the Executive Board in February when the proposals would be finalised and a recommendation made to the Council on the 2007/08 Council Tax requirement and Council House rent levels.

Members noted the projected under-spend of £0.392M as a result in part to the Council's prudent approach to setting income budgets. The report included suggestions for ways in which this surplus could be used and listed a number of one-off projects which would not require significant commitment in future budgets. The Council would also have the potential to develop initiatives which could result in longer term potential savings.

Members had recognised the need to set a balanced budget and had opted to tackle the shortfall, identified earlier in the budget process, by making efficiency savings rather than service cuts. The budget would also provide the Council with a reserve of 7.5% which could be used to respond to emergency situations and items. The Budget and Service Plan Task and Finish Forum was asked to review of the functioning of Central Services to see if any potential savings could be identified.

The Provisional Local Government Finance settlement in November had announced that East Devon would receive the minimum allocation of 2.7% increase which was less than the rate of inflation.

Interest receipts from investments would be positively affected by any increase in the bank rate. This rate had increased by a further ¼ % earlier in the month.

The budget would require a 3.4% Council Tax increase which was below the Retail Price Index inflation rate of 4.4%.

The Housing Revenue Account had been considered in detail by the Housing Review Board.

The Capital Budget needed to be revisited and closely analysed to remove any aspirational items which had been included year on year and were unlikely to be achieved

- *130 **Draft Service Plans, Revenue & Capital Estimates 2007/08 – Key decision**
Members were advised that there was nothing in the draft plans which would in any way prejudice the Prudential Code which the Local Government Act required local authorities to have regard to when setting and reviewing their affordable borrowing limit.

The Portfolio Holder – Resources thanked Officers for preparing the draft report. He believed that the budget process had benefited from starting in July and including the Scrutiny and Corporate Overview Committees at an early stage. He welcomed the proposed Council Tax increase being set below the rate of inflation and the opportunity to maintain and possibly extend service provision. In response, the Portfolio Holder – Resources was thanked for his work and understanding of the process.

RESOLVED that the draft Service Plans and Revenue and Capital Estimates be adopted and forwarded to the Budget and Service Plans Task and Finish Forum which was due to meet on 22 January before being referred on to the scheduled meetings of the Scrutiny and Corporate Overview Committees in January and February.

- *131 **Revenue and Capital Monitoring report 2006/07 – month eight**

Members considered the report of the Financial Service Manager in respect of the Council's overall financial position at Month Eight. 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' attention was drawn to an identified Value Added Tax error in the posting of income receipts for car park charges and building control fees. The adverse effect of this was partly offset by the estimated receipt of a similar level of Local Authority Business Growth Incentive as in 2005/06.

RESOLVED that the variances identified as part of the Revenue and Capital Monitoring process for month eight of 2006/07 be noted, including the effect on the Council's Reserves and Balances.

- *132 **Performance monitoring report – November 2006**

Members considered the report of the Policy Manager setting out the performance information for November 2006 for monitoring purposes. This allowed the Executive Board to identify any service areas where improvement was necessary.

Changes made to the SPAR software meant that performance could now be compared against the same period last year. It could also be used to produce line charts to show performance over time allowing Members to identify where a performance indicator (PI) was consistently performing below target or where it was only a temporary problem.

Members noted the PIs which showed an improvement over last month, those which were identified as areas of concern and new PIs now included for monthly monitoring as agreed by the Board at its meeting on 15 November 2006. Problems had been identified in monitoring a number of the new PIs on a monthly basis. Any continuing problems in data collection would be reported to the next meeting for possible review.

Members noted that there were still areas of concern in respect of a number of PIs. These would be kept under review by the Scrutiny Committee which would make recommendations about how services could be improved to meet the PI targets.

BV204 – Number of Planning Appeals allowed. Members again expressed concern in respect of the very sharp down turn in its success rate in appeals. Since June the balance of appeal decisions had generally gone against the Council. Historically the Council had been more successful in winning appeals than the national average.

*132 **Performance monitoring report – November 2006 (cont)..**

It was suggested that the Council's performance targets for processing applications was so tight that there had been inadequate consultation. Ward Members were always consulted on planning applications submitted and were urged to submit their comments within the specified response time so that local information could be factored into the determination of the application.

The importance of meeting planning application targets, nationally determined, was acknowledged as this was tied to the Council being able to receive the Planning Delivery Grant. However it was accepted that a quality service had to be provided.

Members were reminded that the subjective opinion of the Planning Inspectorate had a big impact on the success or otherwise of an appeal. Costs were not being awarded to the Council which showed that the Council was complying with the 'reasonableness standard' of decision making.

Members were advised that a new Development Manager was now in post and would be assessing the appeals situation and would make a judgment on the Council's approach.

BV203 - % change in the number of families in temporary accommodation. This was a rather misleading indicator and Members were referred to BV183 – length of stay in temporary accommodation which showed that the Council's performance was excellent.

RESOLVED that the performance and proposed remedial action against key performance indicators for the month of November be noted.

133 **New policies – Equal Pay and Job Evaluation**

Members considered the report of the Head of Organisational Development setting out two new policies – Equal Pay and Job Evaluation. Members were advised that both policies had been agreed by the local and regional branches of Unison.

The Equal Pay Policy outlined the Council's commitment to the principle of equal pay for all employees and would be regularly monitored through equal pay audits. The Job Evaluation Policy outlined the procedure to be implemented after 1 April 2007.

RECOMMENDED that the Equal Pay and Job Evaluation policies be agreed.

134 **Local Government Pension Scheme – Adopted Discretionary Powers Policy and Redundancy Policy**

Members considered the report of the Payroll and Benefits Officer setting out the statutory need for authorities to have a policy, in compliance with the Local Government Pension Scheme, to identify whether it would adopt certain discretions with regard to the enhancement or payment of pension benefits.

In addition, Members noted that the Redundancy Policy had been up-dated to make sure it complied with the new age discrimination legislation. The new policy updated the existing Council policy with all reference to age and age restrictions, which could not be objectively or legally justified, being removed.

The Council was required to keep these policies under review with notice being given of any change of policy. Members were advised that in formulating and reviewing their policy, the regulations stated that the Council must:

- Have regard to the extent to which the exercise of its discretionary powers (in accordance with the policy) unless properly limited, could lead to a serious loss of confidence in the public service, and,

134 **Local Government Pension Scheme – Adopted Discretionary Powers Policy and Redundancy Policy (cont)..**

- Be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

- RECOMMENDED**
- (1) that the decisions identified under each discretionary rule in respect of redundancy, efficiency and ill health retirements, and flexible retirement and as detailed in the report, be agreed.
 - (2) that the updated Redundancy Policy be agreed.

*135 **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 in the agenda is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

136 **National Non-Domestic Rates: Discretionary Relief for Sporting Organisations**

Members considered the report of the Corporate Director – Economy in respect of the current arrangement of awarding discretionary rate relief to sporting organisations. Members were asked to consider whether this should be withdrawn in respect of sporting organisations that occupy hereditaments with rateable values greater than £7,000 who had not registered with HM Revenue and Customs as a Community Amateur Sports Club or with the Charity Commission. Members were also asked to consider withdrawing discretionary rate relief to sporting organisations who did not apply for Small Business Rate Relief when entitled to do so. The Corporate Director – Economy confirmed that assistance would be given to smaller clubs in completing their applications for Small Business Rate Relief, if required, to make sure that they were not disadvantaged.

- RECOMMENDED**
- (1) that only sporting organisation registered as a charity or as a Community Amateur Sports Club be awarded discretionary rate relief,
 - (2) that discretionary rate relief be not awarded to a sporting organisation that would be entitled to receive Small Business Rate Relief but had not completed and returned an application form for the relief,
 - (3) that a minimum of one year’s notice in writing be given to the ratepayer affected by the decisions made in (1) and (2) above, with the earliest date for a change in discretionary rate relief which could be achieved being April 2008,
 - (4) that the current criteria used for determining discretionary rate relief to sporting organisations be reviewed.

(The following Councillors declared a personal interest due to their active involvement in sporting organisations which benefited from discretionary rate relief:

Councillors A T Moulding, Mrs P A Stott and Mrs C E Drew).

Chairman Date