

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 19 July 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
T A Cope
J E D Falby
C F A Gibbings
Mrs A E Liverton

G K Liverton
R Mudge
Mrs F I Newth
Mrs H E Parr
A W J Reed
T G Reeves

**Apologies from
non-Board
members**

Councillors:

Mrs C E Drew
M J L Green
Ms S M Merritt
Mrs M A Rogers

The meeting started at 5.30 pm and ended at 8.50 pm.

***23 Minutes**

The minutes of the meeting of the Executive Board held on 21 June 2006 were confirmed and signed as a true record.

***24 Exclusion of the Public**

RESOLVED

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

***25 Forward Plan**

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

***26 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.

***27 Meeting of the Corporate Overview Committee**

The minutes of the meeting of the Corporate Overview Committee, held on 6 July 2006, were noted. Discussion on Minute 11 – Littleham Church Burial Ground, Exmouth, was deferred until after the Financial Strategy (2007 onwards) report had been considered.

- RESOLVED**
- (1) that the following decisions be noted:
 - (a) Minute 12 that thanks be sent to the children of Seaton Primary School for the work they had done on designs for the Seaton Gateway Centre
 - (b) Minute 13
 - that the Chairman of the Council be requested to hold a special meeting of the Town and Parish Councils to view the Evolution video and presentation in early September,
 - that Devon County Council and South West Regional Development Agency be requested to attend the next meeting of the Committee and asked if they are prepared to assist with gap funding of the Evolution Projects.
 - (2) that the following recommendation be approved:
 - Minute 12
 - that the people listed in the minute be thanked for their involvement in the Evolution Projects (Stage One) and their work so far on behalf of the Council,
 - that the Evolution Projects video presentation be shown to full Council and a meeting with Town and Parish Councils.

***28 Audit and Inspection Plan**

The Audit and Inspection Plan was received and noted. The Chief Executive drew Members' attention to the significant increase in the audit fee despite the Comprehensive Performance Assessment (CPA) classifying this Council as 'good'. Table 3 summarised the key areas that would be audited in respect of this Council's use of resources. The fourth item on that list was an audit covering income, estate and asset management following the housing stock options appraisal. This inspection would start in September 2007.

The Portfolio Holder – Communities advised that the level of Council Tax arrears had been reduced as a result of positive action. All housing related activity, including rent collection, was now part of the Communities Directorate. Other steps were being taken to address debt recovery problems. The housing stock options exercise had been time consuming but effective. It was suggested that it would have been better for the service to have a longer period of consolidation before the inspection. There was concern that the inspection could impact on performance.

- RESOLVED** that the Chief Executive write to the Audit Commission for clarification and the reasons for the significant increase in the 2006/07 audit fee and to see if any challenge could be made to the proposed fee.

***29 Local Government Ombudsman's Annual Letter**

The Local Government Ombudsman's Annual Letter was received and considered. The number of complaints received largely related to planning issues. This reflected the national pattern of complaints. The Ombudsman had found no evidence of maladministration. The action of the Council in settling two complaints locally was welcomed by the Ombudsman as it showed the Council's willingness to put things right when mistakes had been made.

The Council's complaints procedure was seen as clear and was readily available on the web site.

The average time taken to respond to Local Ombudsman's enquiries on complaints was 41 days. The Ombudsman asked the Council to take steps to meet the 28 days target for response times in the coming year. The Chief Executive was confident that this could be addressed in-house and that the response rate would be more closely monitored.

30 Financial Strategy (2007 onwards) (Key decision)

Members considered the report of the Head of Finance together with the Financial Strategy document. The purpose of the Strategy was to set out how the Council would structure and manage its finances over the next five years to make sure that it supported the Council's objectives whilst maintaining a balanced budget. It was an important document as it would govern the way the Council determined service provision.

The Strategy had been extended from three to five years, covering both revenue and capital expenditure and funding. Members were asked to be aware that due to uncertainties involved in budget planning, it became more difficult to predict finances and trends as the period covered lengthened. The Strategy made assumptions including the level of reserves that the Council would retain and that the Council Tax levels would be below capping limits.

The budget was currently balanced but a funding gap identified for next year was likely to increase in future years. Members would need to address this shortfall to reduce any impact on corporate objectives and key services. Income was difficult to predict due to external factors such as bad weather reducing the use of coastal car parks in the summer. In addition Central Government had consistently given local authorities additional responsibilities and targets without providing adequate or even additional funding.

A reduction in funding and capital receipts would impact on the capital programme. There were insufficient resources to fund the rolling capital programme in future years. If the programme was to be progressed, Members would need to determine how this could be funded.

A Medium Term Financial Plan was included within the Strategy which set out the Strategy's assumptions and estimates in detail. The Medium Term Financial Plan was an essential part of the budget setting process and provided a financial forecast of likely costs and resources, giving an early warning of any budget gaps.

The Portfolio Holder – Resources acknowledged the Council's efforts in achieving a balanced budget this year but warned that there would need to be a tight rein on expenses and that performance, budgets and service plans would have to be carefully monitored.

The Leader thanked the Corporate Director – Economy, the Head of Finance and their teams for the useful report and identification of key issues and concerns within the Strategy which would assist with future years' budget setting.

RECOMMENDED that the Financial Strategy (2007 onwards) be adopted and reviewed annually with the Medium Term Financial Plan being monitored on a continuous basis.

*31 **Littleham Church Burial Ground, Exmouth (minute 11 of Corporate Overview Meeting, 6 July 2006 refers)**

Members had agreed to consider this item after the Financial Strategy (2007 onwards) had been presented and debated.

Councillor R Mudge, Exmouth Littleham Ward Member, outlined the particular problems at the Littleham Church Burial Ground and the recommendations of the Overview Committee. A short term solution proposed was to employ a labourer. This would allow the cemetery to be kept open for burials during the current year. The Corporate Director – Economy had identified savings which could fund this expenditure.

However a long term problem was identified in respect of the cemetery capacity and associated maintenance costs throughout the district. It was suggested that the Council should meet with local groups including the Parochial Church Council to seek a solution.

- RESOLVED**
- (1) that an additional grant of £16,600 be made to Littleham PCC to cover the cost of wages for a labourer, from budget savings in the Property and Economic Development employees budget, to allow Littleham Churchyard to remain open for burials this financial year,
 - (2) that the Council recognises the growing problem of financial help needed for churchyards in East Devon,
 - (3) that the Corporate Overview Committee be asked, before looking at the budget for 2007/08, to review the provision of burial grounds and cemeteries across the district, with this review including current funding and capacity, cost of burials and how future demand could be met.

*32 **Budget Monitoring – June 2006**

Members considered the report of the Head of Finance which had been tabled at the meeting. The report gave the first summary of the Council's overall financial position for 2006/07. The Council had adopted a prudent approach to forecasting and as a result was not assuming that the current healthy income streams – car parks and land charges – could necessarily be relied upon.

Members noted the identified budget variations within the month, together with an assessment of how these variations would continue to the end of the financial year and their effect on the Council's overall Reserves and Balances. Members also noted the remedial measures suggested by officers to counteract material variances.

Concern was expressed in respect of a software problem which had resulted in a number of accounts relating to recurring billing not being despatched for a number of months. The problem was now being addressed, bills had been issued and a variety of means would be used to recover the debt. The Council's approach to debt collection incurred as a result of the software problem would be appropriately sensitive where necessary.

The Chief Executive drew Members' attention to the increase in election expenses relating to the new Electoral Administration Act 2006. Central Government had introduced changes to electoral administration relating particularly to postal vote registration and processing, changes in opening hours for the elections themselves and likely resultant administrative changes to the counting arrangements. In addition it was a mandatory requirement to canvass where electoral registration forms had not been returned. Details had been provided in the previous week's Knowledge.

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

***33 Banking arrangements**

Members considered the report of the Financial Services Manager advising that the Council's banking contract with HSBC was due to terminate on 31 March 2007. It was proposed that the Council should go out to tender for the financial year commencing 1 April 2007 to take advantage of the competitive market and to achieve maximum benefits for the Council from its banking contract. It was suggested that as bank communication was handled primarily through the banks' main branch location, it was not essential to limit the number of banks invited to tender to only those with a local presence.

- RESOLVED**
- (1) that the Council's banking contract be re-tendered for an initial three year period, with an extension period of no more than two years, with the mutual consent of both parties,
 - (2) that the Barclays, Lloyds TSB and National Westminster Banks which had a local presence in East Devon be included on the list of banks invited to tender,
 - (3) that in addition to the banks listed at (2), the Co-Operative Bank be invited to tender.

34 Church House, Sidmouth: Request for grant aid towards restoration

Members considered the report of the Policy and Conservation Manager in respect of a request for financial assistance from the Church House Trust to save this listed building from closure and retain it for community use. An additional letter from the Church House Trust, an independent charity that owned and managed the building, had been circulated to Members. A number of Councillors and Officers had visited the building prior to the meeting.

The Trust, looking forward 30 years, believed that the building, once restored, would be a major community asset and could be self-financing. The Trust had requested a grant from the Council of £92,000 towards the project in the financial year 2007/08 and a similar grant in the following two financial years. The Trust had applied to the Heritage Lottery Fund for help in carrying out a complete restoration of Church House. It was anticipated that this application to the Heritage Lottery Fund would be successful but would depend upon the Trust being able to raise the rest of the funding.

The Council had powers to take action where an historic building had deteriorated to the extent that its preservation could be at risk but there was no provision in the capital budget to grant aid the restoration of Church House.

Members were advised that Sidmouth Town Council had not yet discussed making a financial contribution to the restoration.

- RECOMMENDED** that the Council, acknowledging its support for the project, match funds any contribution agreed by Sidmouth Town Council up to a maximum of £20,000 and the Trust be provided with a letter of intention to this effect, with any financial assistance being dependant on the Trust's application to the Heritage Lottery Fund being successful.

(Councillor T A Cope declared a prejudicial interest in this item and left the Chamber during the discussion and voting. Councillor Cope is a teacher at Sidmouth College – the Governors of the College were actively involved in the project to save the building and the College was a main user of Church House particularly for adult education classes.)

***35 East Devon Local Development Scheme: Revised Timetable**

Members considered the report of the Policy and Conservation Manager setting out a revised programme for the East Devon Local Development Scheme. This had to be submitted to the Secretary of State for approval following discussion with the Government Office for the South West and the Planning Inspectorate. The Local Development Scheme was a statutory requirement and set out the programme for the preparation of each of the documents that would make up the Local Development Framework over a three year period. The programme reflected the Council's priorities and determined the most effective use of resources. The report contained the summary of revisions to the Local Development Scheme.

RESOLVED that the Head of Planning and Countryside, in consultation with the Environment Portfolio Holder, be given delegated authority to make any minor amendments to the programme for the revised Local Development Scheme, if required, to meet any concerns of the Government Office for the South West or the Planning Inspectorate, with the revised and up-dated Local Development Scheme then being submitted to the Secretary of State.

***36 Performance monitoring – June 2006**

Members considered the report of the Policy Manager and the performance information for May 2006 circulated prior to the start of the meeting. Members were advised that next year's committee meetings table would be adjusted so that the monthly performance figures would be available sufficiently in advance of the Executive Board meetings to allow Members to consider performance in detail.

Members noted the increase in the number of planning appeals allowed (BV204). It was suggested that the Portfolio Holder – Environment could review this. There was also a need to improve the rate of benefit fraud investigations (BV76c).

The Portfolio Holder – Communities congratulated the Housing Team which had addressed a number of areas of concern including length of stay in temporary accommodation (BV183) and proportion of rent collection (BV66a) where targets had now been met.

RESOLVED that the performance and proposed remedial action against key performance indicators for the month of June 2006 be noted.

37 Lone Worker Policy

Members considered the report of the Health and Safety Adviser in respect of the proposed Lone Worker Policy, required to meet legal Health and Safety requirements. The Policy set out how the Council would assess the risks to employees working on their own and how identified risk would be minimised and monitored

RECOMMENDED that the Lone Worker Policy be approved.

***38 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.

*39 **Seaton Regeneration Area master plan and property considerations**

Members considered the report and presentation of the Corporate Director – Environment in respect of an outline planning application to be submitted by TD Partnership in July for the Seaton Regeneration Area. The application, together with an environment impact statement, had to be submitted for the whole site and would be considered by the Development Control Committee in due course.

The applicants had discussed the pre-application stage with the Head of Planning and Countryside and had held a public exhibition of their proposals in July to inform and invite public comment. The outline application for the Regeneration Area would exclude Axe Riverside land but included Council land. Members were asked whether the Council, as landowners, was prepared to take negotiations forward on the basis of the draft terms as set out in the report and for the Council’s land to be included in the outline application.

Issues and concerns raised during the debate including parking provision, access and land use would be discussed in detail with the developer if the Council agreed in principle to the proposed use of its land.

The Portfolio Holder – Environment congratulated the Corporate Director – Environment and his team for the comprehensive scheme presented and the effective work and negotiation involved.

RESOLVED that the recommendations as detailed in the report be approved, including draft Heads of Terms to enable the Corporate Director – Environment to continue discussions with the lead developer, following which a further report will be referred to Executive Board.

Chairman Date