

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 21 June 2006

Present: Councillors:
R G Franklin (Vice-Chairman in the Chair)

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

Also Present Councillors:

Miss V Ash	G K Liverton
G P Chamberlain	R Mudge
T A Cope	Mrs F I Newth
Mrs C E Drew	Mrs H E Parr
C F A Gibbings	A W J Reed
A R Giles	T G Reeves
Mrs A E Liverton	S C Wragg

Apologies Councillors:

Miss S M Randall Johnson (Chairman)
S C Luxton

**Apologies from
non-Board
members** Councillors:

J E D Falby
M J L Green
Ms S M Merritt
Mrs B O Taylor

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

***1 Minutes**

The minutes of the meeting of the Executive Board held on 10 May 2006 were confirmed subject to the inclusion at Minute 214 of reference to the Portfolio Holder – Communications formally thanking the Communications Task and Finish Forum for the work carried out and the quality of the report produced.

***2 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.

***3 Forward Plan**

The contents of the Forward Plan for the period 1 June 2006 to 30 September 2006 were noted. Reports would be available for consideration later than indicated and this adjustment would be shown in next month's Plan.

*4 **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.

5 **Meeting of the Corporate Overview Committee**

The minutes of the meeting of the Corporate Overview Committee, held on 13 June 2006, were noted.

RESOLVED (1) that the following decision be noted:

- (a) Minute 3 Re: establishment of a Task and Finish Forum for a way forward for Cultural Services in East Devon.
- Minute 6 Thanks to Head of Housing and Social Inclusion and his team for the review of Warden Services for the Sheltered Housing Schemes.
- Minute 7 Adoption of Draft Forward Plan 2006/07.
- Minute 8 Establishment of two Task and Finish Forum for Exmouth and Seaton Gateway Visitors Centres.

(2) that the following recommendations be approved:

- Minute 4 Re: Concessionary Fares Scheme – support for phased extension with a suggestion of a 50% scheme being considered as a way of extending the scheme beyond the boundaries of East Devon should budget be available.
(The Chief Executive in consultation with the Leader of the Council having delegated authority to extend the Scheme on a phased basis should the budget be available).
- Minute 6 Re: Modernisation of Warden Service being supported and the possibility of establishing 106 agreements with developers of Retirement Homes being investigated.

RECOMMENDED that the following recommendations be approved:

- Minute 5 Re: Customer Service Strategy and use of local area numbers.

6 **Revenue and Capital Outturn report 2005/06**

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 2005/06. Members had 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 this monthly monitoring process.

Members noted that the General Fund Balance had outstanding agreed commitments lodged against it including the use of £661,000 to fund the Capital Programme in accordance with Executive Board minute 146(4) The overall effect of this meant that the General Fund was at the required minimum level at the end of the 2005/06 financial year.

6 **Revenue and Capital Outturn report 2005/06 (cont)..**

The Capital balances year on year had reduced. The Capital Programme had a funding deficit and it was suggested that this could be adjusted with further asset sales.

The Portfolio-Holder – Resources congratulated the Directors and Heads of Service for the savings achieved and for enabling a balanced budget to be presented. Although a surplus was shown in the outturn report, Members were warned that this would be used to support further years' shortfalls.

Members were asked to note the variations from the budgets identified and approve the final position. The Corporate Director – Economy advised of a correction to the financial information which would effectively reduce the General Fund commitments by £102,000.

The report would be considered by the Scrutiny Committee at its meeting on 28 June 2006.

- RECOMMENDED**
- (1) that the 2005/06 outturn position be agreed,
 - (2) that the £944,000 agreed commitments against the General Fund Balance be 'reserved'.

7 **Delivering efficiency in local services**

Members considered the report of the Corporate Director – Economy setting out how the Council proposed to achieve the required 2.5% annual efficiency gains in 2006/07. Members were advised that local authorities had been given full flexibility on how and where to achieve the required gains.

The aim was to improve productivity by either getting more from the same resource or achieving the same results from less resource. At least half of the efficiency gains made were to be cashable - releasing money to be used elsewhere. Savings accruing from cutting services would not count as efficiencies.

Local Authorities had to prepare an Annual Efficiency Statement reporting the gains made, identifying savings for the current year and the strategy being put in place to make sure that the required level of gains could be achieved.

This was the second year in which the Council had been required to report on efficiency savings. Members noted that in 2005/06, the Council had met the Audit Commission's minimum requirements with a score of 2 out of 4. The report listed areas where gains had been made, together with details of the most significant areas where future savings would be realised. If these savings could be achieved, it was anticipated that the Council would meet the 3 year efficiencies target of £1.52M.

The Portfolio Holder – Resources congratulated Service Heads for achieving the required efficiencies and for being on the right track to meet future targets. He suggested that the Council could further improve performance by benchmarking with and learning from other authorities which had been given high efficiency scores by the Audit Commission.

Members were asked to approve the 2006/07 Annual Efficiency Statement.

- RECOMMENDED** that the Annual Efficiency Statement for 2006/07 be adopted.

*8 **Treasury Fund Management 2005/06**

Members considered the report of the Corporate Director – Economy detailing the overall performance of the Council's investment portfolio during 2005/06.

*8 **Treasury Fund Management 2005/06 (cont)..**

Members were advised that for the second year running, the Council's investment portfolio had marginally exceeded the benchmark.

A summary of the Investec's (external fund manager) performance to the end of the financial year was included with the report. Investec had performed above the local authority loans benchmark for 9 months to 31 December but the quarter to 31 March 2006 showed a significant downturn for reasons given in the report based on incorrect market assumptions. Investec had provided forecasts of potential return on the Council's 2006/07 investment of between 4.5% and 4.75%. Investec's performance would be closely monitored.

Members noted performance in respect of 'in-house' managed funds and levels of borrowing during 2005/06. Measures taken to control expenditure and improved Council Tax collection rates had resulted in a greatly reduced borrowing requirement.

RESOLVED that the Council's investment return for 2005/06 be approved.

*9 **Customer Service Centre (CSC) capacity issues**

Members considered the report of the Head of ICT up-dating Members on the Customer Service Centre progress and highlighting a number of capacity problems identified which could be addressed by bringing forward the recruitment of three Customer Service Advisors in preparation for the formal go-live phase of the CSC. This would enable existing front line staff to be released for training on the new CSC software. It was anticipated that this essential front-end investment would be balanced against future savings.

The Chief Executive advised that this was one stage in the Council's aim to embed a performance management culture within the organisation. The Audit Commission had acknowledged that the Council was very cost focused and would benefit from assessing performance against costs. The CSC would help in this process by providing statistical performance data.

RESOLVED that three Customer Service Advisors be recruited immediately, in advance of the CSC project phasing, to address the short term capacity problems identified.

*10 **The procurement of refuse containers by e-auction**

Members considered the joint report of the Corporate Director – Environment and the Head of Streetscene Services in respect of the advantages of procurement of wheeled refuse containers and waste recycling boxes in partnerships by e-auction. The South West Centre of Excellence (in procurement matters) had been set up to encourage electronic procurement as a means of achieving Best Value by increasing general buying power.

The Refuse and Recycling project team had supported this proposal at its meeting on 24 May 2006. It was anticipated that economies of scale would achieve significant savings in unit prices. Members noted that although procurement by e-auction was not covered entirely by the Council's Financial Standing Orders, the procedure adopted would allow tenders to be evaluated fully.

The Portfolio Holder – Resources welcomed this approach which would help achieve value for money and efficiencies through partnership working.

*10 **The procurement of refuse containers by e-auction (cont)..**

- RESOLVED**
- (1) that the recommendations of the Refuse and Recycling Project Team be adopted with the Council, in consultation with SITA procuring its supply of plastic wheelie bins and waste recycling boxes (quality and quantity to be subject to specification) using the European Procurement Regulations pursuant to Contract Standing Orders 1.30 and 1.34,
 - (2) that the offer of the South West Centre of Excellence to sponsor an e-Auction, to be hosted by e-Three be accepted and that the Council be authorised to act as Lead Partner in a tendering exercise to include other Public authorities who have expressed an interest in purchasing in partnership with the Council pursuant to Contract Standing Orders 1.36 and 1.37.

*11 **Performance Indicators (PIs) 2005/06**

Members considered the report of the Policy Manager providing end of year performance information for monitoring purposes. Where applicable, performance was compared with other district councils nationally.

RESOLVED that the PI performance for 2005/06 be noted.

*12 **Performance monitoring – May 2006**

Members considered the report of the Policy Manager and the performance information for May 2006 circulated prior to the start of the meeting.

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

*13 **Action Plans for Monthly Monitored Performance Indications in 2006/07**

Members considered the report of the Policy Manager setting out individual action plans for the performance indicators selected by the Board to be monitored monthly. The aim of the action plans was to make sure that targets set were achieved within the identified timescales. This was a positive response to the revised Comprehensive Performance Assessment (CPA) requirements targeting poor performance with planned improvement.

The Portfolio Holder – Resources noted that the Council's performance was good overall and that the action plans were well presented with helpful detail. He said that the reporting and monitoring of performance was useful and that the plans set out ways of improving performance.

RESOLVED that the action plans for the performance indicators to be monitored each month during 2006/07 be approved.

14 **Market Supplements Policy**

Members considered the report of the Head of Organisational Development in respect of the proposed Market Supplements Policy. This policy would address recruitment and retention issues by temporarily increasing the pay awarded to a post without altering the job evaluation determined grade for that post. The policy would only be applied at the discretion of the Strategic Management Team with appropriate evidence, for example, the post being hard to fill due to national skills shortage or high open-market competition. Any decision made in respect of market supplements would be subject to annual review and budget.

14 **Market Supplements Policy (cont)..**

Members noted the amendments to the contract form which would result from a market supplement being agreed. It was suggested that the second option detailed would be the preferred approach and noted that the contractual arrangements would be made on a case by case basis.

RECOMMENDED that the Market Supplements Policy be approved.

15 **Volunteering Policy**

Members considered the report of the Corporate Director – Communities setting out the proposed Volunteering Policy to promote and support volunteering within and outside the Council. The Policy complied with the requirements of CPA and codified the Council's existing approach to volunteering, giving formal balanced support.

Members acknowledge the vital role played by volunteers within the district and Council's key role in promoting this work by providing advice, support and co-ordinating action.

Council employees could use small amounts of time for volunteering by prior agreement.

RECOMMENDED that the Volunteering Policy be approved.

16 **Safeguarding Children Policy**

Members considered the report of the Corporate Director – Communities setting out the proposed Safeguarding Children Policy. Members were aware of the Council's legal and moral obligation to protect children's safety and promote wellbeing. The policy set out well structured guidelines for Members and Officers in approaching child protection and wellbeing both within the organisation and in the Council's dealings with the wider population. The proposed policy followed models from other agencies and included elements of particular relevance to district councils. The Corporate Director – Communities had consulted widely and it was suggested that further consultation should include the Child Protection Officer of the East Devon Primary Care Trust. It was also suggested that having a Child Welfare Champion within each directorate could be considered.

RECOMMENDED that the Safeguarding Children Policy be approved subject to feedback and suggested amendments following consultation with the Child Protection Officer, East Devon Primary Care Trust.

17 **Revised Race Equality Statement**

Members considered the report of the Corporate Director – Communities setting out proposed revisions to the Race Equality Statement. The Council was required to prepare a separate statement for race equality. The original statement was produced in 2003 and the revised statement now took into account development in the Council's approach to diversity issues and its achievement of Level One of the Equalities Standard.

RECOMMENDED that the revised Race Equality Statement be approved.

18 **Corporate Governance – Corporate Risk Management Policy and Strategy**

Members considered the report of the Internal Audit and Risk Manager setting out the revised Corporate Risk Management Policy and Strategy. The revisions reflected the progress the Council had made in embedding corporate risk management. The purpose of the document was to provide the Council with a framework within which it could identify, assess and manage corporate risks. One of the key elements of the Policy and Strategy was the production of a detailed Risk Management Guide. The Guide would help officers to identify, assess and manage risks within their services.

18 **Corporate Governance – Corporate Risk Management Policy & Strategy ...**

RECOMMENDED that the Corporate Risk Management Policy and Strategy Policy be approved.

19 **Gambling Act 2005 – draft ‘Statement of Principles’ and the role of the District Council**

Members considered the joint report of the Head of Legal and Member Services and the Licensing Manager setting out the draft Statement of Principles (Gambling Policy) prior to public consultation. This had already been referred to the Licensing and Enforcement Committee for consideration. The Statement would need to be in place by 31 January 2007 when the first applications could be accepted. During the consultation period, amendments would be made to the wording to employ Plain English principles wherever possible without altering the meaning of the Statement and additional changes would be made to include further Government guidance when received.

The Gambling Act 2005 reformed gambling law with the main purposes of modernising and consolidating outdated legislation. The aim was not to deregulate but to promote gambling as an acceptable leisure activity, remove outdated restrictions on casinos and regulate new gambling technologies. Members noted the three core objectives contained in the report.

The Magistrates Court was no longer responsible for granting gaming and betting permissions. This responsibility would now be shared between the Gambling Commission and licensing authorities depending on the matter to be licensed.

Members noted the functions that the licensing authority would be responsible for, the statement of licensing policy and the resource implications.

Concern was expressed that the town and parish councils would not automatically be consulted as interested parties in respect of applications in their area. Although similar to the Licensing Act arrangements, Members were advised that there was more scope for consultation with Town and Parish Councils under the Gambling Act legislation.

The Portfolio Holder – Resources acknowledged the professional way in which the licensing team had dealt with the requirements of the Licensing Act and was confident that the Gambling Act would be administered in the same exemplary way. Central Government would advise the range of fees that could be charged. It was anticipated that income from implementing the Act would fall short of actual costs to the authority.

RECOMMENDED that the draft ‘Statement of Licensing Policy’ be approved for public consultation subject to the Head of Legal and Member Services being able to make any changes necessary before the draft document goes out to consultation to take into account any further Government guidance and/or regulations.

(Councillor P A Diviani declared a personal interest as a licensee of a licensed premises).

*20 **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.

*21 **Review of Licensing Team structure – Licensing and Gambling Acts**

Members considered the report of the Head of Legal and Member Services and the Head of Licensing setting out proposals for a permanent staffing structure for the Licensing Team. Members noted current and projected workload, the current staffing structure which included a number of staff on fixed term contracts and proposals for a permanent structure to accommodate the requirements of the Licensing and Gambling Acts and associated enforcement work. The proposals would mean that an effective and responsive service would continue to be delivered.

RESOLVED that the staffing structure of the Licensing Team, as set out in paragraph 5.3 of the report, be approved.

*22 **Sale of land at Pound Lane, Exmouth**

Members considered the report of the Senior Estates Surveyor in respect of sealed offers received for the sale of specified land at Pound Lane, Exmouth. Members acknowledged that the Board had made the right decision, based on suggestions from Exmouth Members, to market the site through agents.

The future purchaser would be required to monitor the levels of emissions. Members were made aware of the possible future liabilities associated with contaminated land.

RESOLVED that the highest sealed offer detailed in the report be accepted.

Chairman Date