

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 30 January 2008

Present:

Councillors:

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

D J Cox
T A Cope
Miss J M Elson
M J L Green
S Hughes
G K Liverton
A T Moulding

Also Present:

Councillors:

Miss V Ash
G P Brown
D G Button
G P Chamberlain
P A Diviani
Mrs C E Drew
M Florey
A R Giles
G S Godbeer
Mrs S C J Jones
J A Knight

Mrs A E Liverton
A W J Reed
Mrs M A Rogers
P J Skinner
Mrs P A Stott
C T Tratt
G M Troman
T J R Wood
Mrs E E Wragg
S C Wragg

Also present

Hon Alderman Dr H W Waterworth

Officers:

Simon Davey, Head of Finance
Karime Hassan, Corporate Director
Peter Jeffs, Corporate Director
Denise Lyon, Deputy Chief Executive
Diccon Pearse, Corporate Director
Charlie Plowden, Head of Countryside
Rachel Pocock, Head of Legal, Licensing & Democratic Services
Mark Reilly, Head of Street Scene Services
Simon Smale, Head of Environmental Health & Health Equalities
Diana Vernon, Democratic Services Manager
Mark Williams, Chief Executive

Apology

Councillor J P Halse

The meeting started at 5.30 pm and ended at 7.35 pm.

*134 Minutes

The minutes of the meeting of the Executive Board held on 19 December 2007 were confirmed and signed as a true record.

*135 Agenda item 23: Recycling and Refuse Contract – financial variation

The Chief Executive advised that this item had been withdrawn and would be referred to a Special Meeting of the Executive Board to be held on Wednesday, 13 February 2008.

***136 Exclusion of the Public**

The Chief Executive advised that additional information had been submitted in respect of Agenda item 17: Seaton Regeneration Project – development at the Underfleet and Harbour Road. This information could have a material effect on the land holdings decision and as a result recommended that the item be taken in Part B of the agenda.

RESOLVED that the classification given to the documents to be submitted to the Board be confirmed, including agenda item 17, and that the reports relating to exempt information be dealt with under Part B of the agenda.

***137 Forward Plan**

The contents of the Forward Plan for the period 1 January to 30 April 2008 were noted.

***138 Minutes of the Meeting of the Housing Review Board and the Joint Meeting of the Corporate Overview and Scrutiny Committees**

The minutes of the meeting of the Housing Review Board (held on 10 January 2008) were noted and discussed. The recommendations of the Joint Meeting of the Corporate Overview and Scrutiny Committees (held on 24 January) were taken into account when the item on Service Plans and Revenue and Capital Estimates 2008/09 (Key Decision) was deliberated.

RESOLVED 1) that the following recommendations be approved:

Housing Review Board Minute 52 that the Housing and Social Inclusion Service communicate with all current housing tenants plus the owners of council properties purchased under Right-to-Buy legislation, with regard to potential problems that may exist within the hot water systems particularly of houses constructed between 1945 and 1975.

- Minute 54**
- that the proposed action and recommendations of the Board in response to the Audit Commission’s inspection of housing management services be agreed and supported,
 - that a letter be sent to the Audit Commission (AC) thanking the Inspectors for their input and confirming that the Council will be progressing the Action Plan and would provide the AC with evidence of its implementation (the Council aimed to prove the AC wrong in their view that we did not have certain prospects for improvement),

2) that the recommendations of the Joint Meeting of the Corporate Overview and Scrutiny Committees be considered at agenda item 8 (Key Decision) – Service Plans and Revenue and Capital Estimates 2008/09

3) that the following recommendation be referred to Council for approval:

Housing Review Board Minute 55 that the Housing Review Account budget for 2008/09 be agreed, and tenants give early consideration to the budget for years 2009/2010 and 2010/11, including expenditure on extra items such as decommissioning some sheltered housing stock.

139 Service Plans and Revenue and Capital Estimates 2008/09 (Key Decision)

Members gave detailed consideration to the report of the Head of Finance setting out the Service Plans and Revenue and Capital Estimates for 2008/09. The Board also took into account the deliberations and recommendations of the Service Planning and Budget Task and Finish Forum (which had met for a day on 10 January to consider the individual services plans and budgets in depth) and of the Joint Meeting of the Corporate Overview and Scrutiny Committees (which had met on 24 January 2008).

As part of the Prudential Code for Capital Finance in Local Authorities, the Council is required to set prudential indicators as part of its budget setting report and these were set out in Appendix B to the report.

Members were advised that indications from Central Government suggested that a Council Tax increase of 4.99% would be towards the upper end of levels set and could result in capping. The Council was now seeking to reduce the proposed Council Tax increase to 4.49%. The outcome of the actuary's pensions' review, given that the Council adopts the option of a stepped funding approach, means that the Council can achieve savings which would enable the budget reduction to be made to reduce the Council Tax increase to 4.49%.

Outstanding Special Bids had been debated in depth by the Joint Task and Finish Forum. Members were advised to adopt the recommendations of the Forum and the Joint Meeting of the Corporate Overview and Scrutiny Committees but to delegate the timing for funding these Special Items to the Chief Executive in consultation with the Leader to ensure that the commitment matched budget availability. A Special Bid item of £100,000 match funding with Devon County Council for initial design work relating to an enhancement scheme of the Strand in Exmouth was debated and it was recommended for approval in principle but subject to further information being known.

The Board thanked the Corporate Director, Head of Finance and the Financial Services Manager and their teams for the work carried out in preparing the budgets. Thanks were also extended to the Heads of Service for their helpful presentations of their Service Plans at the day-long Task and Finish Forum. Members who sat on both the Task and Finish Forum and the Joint Meeting and the Councillors who attended and contributed were thanked for their valued input and dedication.

The Portfolio Holder Resources said that the budget and service planning process had been transparent and had started with the visioning exercise. He referred to the information from the Government about Council Tax levels and the Council's positive response by adjusting its budget down. Some of the Special Items could be progressed early in the financial year but other, less urgent, items would be funded as budgets became available.

The budget did not include a specific sum for affordable housing but the Council would consider each proposal received and would be supportive when a good case was made.

The capital budget would be considered in detail at a meeting of the Capital Funding Task and Finish Forum in February.

The Portfolio Holder – Communities referred to the importance of housing for social inclusion and to the necessary reduction to the housing modernisation programme as a result of a Government error in calculation. She was disappointed that the increase in Council House rents could not be used to improve this Council's housing stock. She advised that a letter of complaint had been sent to Central Government. The letter was supported by the Housing Review Board which had discussed the issue at its last meeting.

The cost of Systems Thinking Consultation was questioned. The Chief Executive advised that it was appropriate to examine the way the Council provided its services and there was evidence elsewhere of significant efficiencies and savings achieved through the process. The answer was not increasing staff but changing the Council's way of thinking.

139 **Service Plans and Revenue and Capital Estimates 2008/09 (cont) ..****RECOMMENDED**

1. that the savings made in previous years totalling £0.442m and £0.050m in the Collection Fund surplus be used in 2008/09 on the following items to be included in the budget;
 - £350,000 to create an earmarked reserve for the recycling and refuse scheme.
 - £142,000 being the balance available to fund special items bids to be included in 2008/09 budget,
2. that any further savings achieved in the 2007/08 General Fund budget be used in 2008/09 on special item bids, under the condition the Council maintains its adopted General Fund Balance,

(The details and sums will be presented to the Executive Board in the Revenue and Capital Outturn report in June 2008 when the final year end position is known).
3. that the special Items bids be supported with delegated authority being given to the Chief Executive in consultation with the Leader to determine which schemes should be included in the budget at this stage and which schemes should be included if funds are available later in June 2008,
4. that the Service Plans and Net Revenue General Fund Estimates of £6.663m and the Housing Revenue Account Estimates of a net deficit of £0.349m be approved,
5. that a Council Tax requirement be set for 2008/09 at £6.663m with a resulting Council Tax Band 'D' of £118.24 (annual increase of £5.08, or 4.49%).
6. that Council House Rents be increased from April 2008 in line with the Government Social Rent Reform guidelines with the general increase being given at 4.4%,
7. that Council garage rents be increased from April 2008 by 10%.
8. that the Prudential indicators detailed in Appendix B of the report be adopted.

(Councillor T A Cope asked for his vote against the recommendations to be recorded).

***140 Revenue and Capital Monitoring report – month Nine 2007/08**

Members considered the report of the Financial Services Manager setting out a summary of the Council's overall financial position for 2007/08 at Month 9. Details of all budgets for the period 1 November 2007 to 31 December 2007 were included in the report as the Board did not receive a monitoring report for month 8. Members noted the budget variations within the period and how these would continue to the end of the financial year and their effect on the Council's overall Reserves and Balances. Revised or Supplementary estimates agreed through the year were shown in Appendix C to the report. The accounts showed a healthy under-spend which would help to fund the Special Item Bids previously discussed.

RESOLVED

that variances identified as part of the Revenue and Capital Monitoring process for month 9 of 2007/08 be noted, including the effect of the Council's Reserves and Balances.

141 **Data Quality Policy and Action Plan**

Members considered the report of the Head of ICT setting out a data quality policy with action plan which had been drafted in response to government requirements to ensure that data used to manage the Council activities and to report performance was fit for purpose. The suggestions made by the Audit Commission had been incorporated into the policy. Members also recognized the importance of data safety and the need to make sure safe systems were in place.

RECOMMENDED that the Data Quality Policy and associated action plan be approved.

*142 **Cash Collection Contract – Final tendered prices**

Members considered the report of the Financial Services Manager setting out details of the submitted tenders for the Council's cash collection service. Based on detailed analysis of the submissions, Members were recommended to enter into negotiations with Contract Security Services to deliver the Council's cash collection contract with effect from 1 April 2008.

The Portfolio Holder – Street Scene reminded Members of the suggestion made at a Car Parks Task and Finish Forum for the Council to introduce cash-less car park machines. Diccon Pearse, Corporate Director advised that the Council would want to introduce this in the future but that it would take time to introduce and facilitate.

RESOLVED that the Council awards its cash collection contract for the period 1 April 2008 to 31 March 2011 to Contract Security Systems, with the possibility of a mutually agreeable extension clause of 2 years.

*143 **Performance Monitoring report – November and December 2007**

Members considered the report of the Policy Manager setting out performance information for November and December 2007. Members noted the Performance Indicators (PIs) which showed variation during these months and those showing up as areas of concern.

The Portfolio Holder – Resources was confident that the planning and benefits services would benefit from the work being undertaken by the Deputy Chief Executive with the Systems Thinking Consultants. He advised that all Heads of Service had made a valuable contribution to the Service Planning process and had demonstrated their commitment to delivering good services for the benefit of the community.

RESOLVED that the performance and proposed remedial action against key performance indicators for the months of November and December 2007 be noted.

*144 **Community Enforcement contract (Community Wardens) and Neighbourhood Assessments**

Members considered the report of the Head of Environmental Health and Health Equalities in respect of the Community Wardens contract and the Neighbourhood Assessments projects.

Members were advised that setting up an enforcement team would provide the most comprehensive and cost effective service. The team would work with other enforcement teams, particularly the REACT team and would target specific issues. The savings, as a result of combining the pest control and dog warden contracts, would be used to continue the Neighbourhood Assessments which had been well received.

*144 **Community Enforcement contract (Community Wardens) and Neighbourhood Assessments (cont)..**

The Neighbourhood Assessments were run as a pilot in 2007/08 in the 7 towns in East Devon. The aim of the project was to consult with local people on what was causing concerns in their area and then working with other agencies to try to address the concerns raised.

RESOLVED

1. that the Neighbourhood Assessments Scheme continues on the basis outlined in the report,
2. that a community enforcement team (comprising 2 full time equivalents) be set up with the Corporate Director (Peter Jeffs) in consultation with the Portfolio Holder – Communities being given delegated authority to determine the most appropriate means of staffing the team, either by direct employment or through an external contractor, bearing in mind the specialised skills required to effectively fulfil these roles.

*145 **Midweek Herald – Back to Basics Campaign on Public Conveniences**

Members considered the report of the Head of Street Scene Services on the 'Back to Basics' campaign which had been run through the Midweek Herald by Archant. The aim was to highlight community concerns about the level of provision of public conveniences in East Devon following the Council's review in 2004.

Members noted the details of the campaign, the current level of public conveniences provision in the district (including number, opening times, those town/parish funded and maintained and partnership arrangements) and the possible opportunities for provision of future facilities such as 'paid for toilets', further partnership working with town and parish councils and/or the Private Sector and through 106 agreements relating to new major developments.

The Leader thanked Archant for raising public awareness and interest through the campaign.

RESOLVED

that, where there is a need identified or requested by a Town or Parish Council, East Devon District Council will procure public conveniences through the planning process and / or sponsorship subject to the District not being obliged to meet costs out of its revenue and / or capital finance budgets.

*146 **Bus Station and Lorry Park, Exmouth – request for authorization to enter into exclusive negotiations**

Members considered the report of the Senior Estate Surveyor in respect of the preferred development of the Bus Station and Lorry Park Site, Exmouth following extensive negotiations with four development companies to work in joint partnership with this Council to bring forward an additional supermarket in Exmouth.

The Panel considered the development proposal over two days. It consisted representatives from the County, District and Town Council. The Panel gave the Economy Portfolio Holder a clear steer to work with ASM Properties Limited as the preferred development partner. The Panel also wished the supermarket to be delivered on the Bus Station/Lorry Park site as the first stage in a wider programme of improving the town centre. The Panel considered property issues. Any application would still need to be processed and considered through the planning system.

*146 **Bus Station and Lorry Park, Exmouth – request for authorization to enter into exclusive negotiations (cont)..**

The preferred developer had asked the Council to work with them exclusively whilst it undertook essential investigations into how the plans could be achieved. It was anticipated that this work would take 15 months when a full proposal would be brought forward and a planning application submitted. This process would facilitate public consultation opportunities.

RESOLVED that, subject to legal advice, Officers be authorised to enter into an exclusivity agreement with ASM Properties to facilitate negotiations on the delivery of a supermarket development on the Bus Station/Lorry Park Site, subject to ASM meeting the costs of undertaking various necessary actions, including preparation and submission of a planning application, negotiation with other landowners and those with other legal interests in the site and commissioning various reports and surveys.

*147 **Public Liability Insurance for Boats and Winches on Beaches**

Members considered the report of the Property Services Manager in respect of the appropriate level of public liability insurance for boats and winches on East Devon District Council owned beaches. The Beaches and Foreshores Task and Finish Forum had recommended that the level of public liability insurance be set at £5m but it was now apparent that the maximum level available for private pleasure craft was £3m.

RESOLVED that the level of public liability insurance for boat owners and winch owners using East Devon District Council owned beaches be set at £3m.

*148 **Establishment of Exmouth and Seaton Regeneration Programme Boards**

Members considered the report of Karime Hassan, Corporate Director proposing the setting up of two structured programme boards (one for Exmouth and one for Seaton) to shape the regeneration programmes and to monitor progress in delivering and achieving the aims of the programme. The Boards would continue to address land redevelopment issues but would also be involved in employment growth, community infrastructure, learning and skills, town centre management and environmental enhancement as key elements in a regeneration programme. The Boards would include representatives of the town, district and county councils as well those from the private sector. Members agreed that it was important to include a health representative on the Boards.

Members discussed the proposal in the report that the Chairmanship of the Programme Boards should be rotated annually between the three local authorities. It was suggested that appointing an Independent Chairman may be a better solution.

RESOLVED

1. that subject to the consideration and endorsement by Devon County Council and Exmouth Town Council/Seaton Town Council, Regeneration Programme Boards be established for Exmouth and Seaton
2. that the Exmouth Joint Forum be abolished,

*148 **Establishment of Exmouth & Seaton Regeneration Programme Boards (cont)..**

3. that the terms of reference be approved:
 - ❑ To provide a co-ordinating vehicle between the three local authorities and to provide an interface with the SWRDA, and other statutory bodies;
 - ❑ To establish a regeneration programme for Exmouth/Seaton
 - ❑ To monitor progress on achieving the delivery of the regeneration programme;
 - ❑ To provide strategic leadership for the regeneration programme;
 - ❑ Co-ordinating and overseeing major physical development projects;
 - ❑ Informing the work of East Devon's Local Development Documents
 - ❑ Co-ordinating the efforts of infrastructure providers;
 - ❑ Unlocking barriers to delivering the regeneration programme;
 - ❑ Co-ordinate procurement of specialist advice/services from the private sector;
 - ❑ Identifying opportunities associated with national and regional funding streams and the programmes of other agencies to bring in resources.

4. that the proposed membership of the Boards be approved
 - EDDC 2 seats
 - DCC 2 seats
 - Town Council 2 seats
 - SWRDA 1 seat
 - Environment Agency 1 seat
 - Natural England 1 seat
 - Private Sector 3 seats
 - Primary Care Trust 1 seat

In Exmouth

 - Principal of Community College 1 seat
 - Exmouth Town Management Partnership Board 1 seat

Officers will attend to advise but not to vote

5. that the proposal to appoint an Independent Chairman for the initial three years of the Boards be put to the other participating Councils for their consideration,

6. that the Regeneration Programme Boards meet once a quarter.

***149 Outsourcing of Beach Lifeguard Service**

Members considered the report of the Head of Streetscene Services seeking approval to outsource the beach lifeguard service to the RNLI beach lifeguard services. The cost to the Council would be the equivalent to that paid to the seasonal lifeguards and site for on-beach facilities but would not have to find capital funding for the equipment and machinery required by the lifeguards. The RNLI would be happy to work with existing voluntary groups in Exmouth. The provision of the service by the RNLI would mean that the Council's Beach Safety Officer would be able to concentrate on beach management.

RESOLVED that delegated authority be given to the Head of Streetscene Services, to enter into an agreement with the RNLI lifeguard service, subject to nothing in the agreement conflicting or contradicting with current Council policies, to provide the life guard service at Exmouth commencing from April 2008 for a minimum period of 5 years.

(Councillor T A Cope and Mrs P Stott declared personal interests in this item as both had a son/sons in local Lifeguard Services).

***150 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 on the agenda, and Para 3 Schedule 12A (information relating to the financial and business affairs of any particular person (including the authority) holding that information), in relation to the agenda item 17 as referred to at Minute 136 above (the Board having agreed to this item now being considered in Part B) is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

***151 Seaton regeneration Project, development at The Underfleet and Harbour Road, Seaton**

Members considered the report of the Senior Estates Surveyor in respect of the redevelopment of the area in accordance with the local plan policy to secure a comprehensive development of the Seaton Area.

Karime Hassan, Corporate Director advised Members of a further expression of interest now submitted by Sainsburys. He outlined the elements of the proposal and the request from Sainsburys to be given the opportunity to be considered to work with the Council on the proposed development. The Council was not able to say at this stage whether or not the proposal was feasible but had referred the request to the District Valuer. As a result Members were prepared to give Sainsburys time to prove the feasibility of their proposal but at the same time allowing Tesco to continue to prepare their application for planning permission, keeping both companies aware of the position.

RESOLVED that Sainsburys be advised of the Council's decision to allow them 2 months to prepare their case for the proposed development in Seaton whilst the Council continues to negotiate with Tesco in respect of the redevelopment of land at The Underfleet and Harbour Road, Seaton with the issue being considered at the meeting of the Executive Board on 30 April 2008.

***152 Dennesdene Farm, Marley Road, Exmouth**

Members considered the report of the Senior Estates Surveyor in respect of a proposal to transfer land to facilitate a new cycle track and footpath link to Bapton Valley Park within a proposed housing development scheme.

***152 Dennesdene Farm, Marley Road, Exmouth (cont)..**

RESOLVED that EDDC enter into an agreement with the landowner identified in the report which could then trigger completion of the transfer of land subject to the planning process

(Councillors Mrs A Liverton and G Liverton, declared a personal interest as they had received hospitality from the landowner referred to in the report. Councillor P Skinner declared a personal interest as friend of Rowan Carter and Councillor R Franklin because he has a temporary licence from a member of the Carter family).

***153 Permission to seek a proposed change of use for land to a Nature Reserve within the Axe Wetlands project area**

Members considered the report of the Countryside Manager setting out the proposal for the Council to seek planning permission for a change of use of land within the Axe Wetland project area to a Nature Reserve. The Council had already allocated finance to help fund the acquisition of land within the Lower Axe Estuary and the Countryside Service would make a Heritage Lottery Fund bid to secure funds for the provision of access for all, on-site interpretation and infrastructure including bird hides and viewing platforms.

The Board thanked the Countryside Manager and his team for their valuable work and the way they communicated and interacted with the public.

- RESOLVED**
1. that the Council makes a planning application for the land known as Sheep’s Marsh for change of use to a Nature Reserve for determination by the Development Control Committee.
 2. that the Council makes a planning application for the land identified in the report at Appendix A, for change of use to a Nature Reserve subject to the outcome of the negotiations for the purchase of the land.

***154 Proposed Marina and Ham Redevelopment, Sidmouth**

This item was deferred because the Portfolio Holder - Economy was not present.

RESOLVED that the report be considered by the Board at its meeting in February with Karime Hassan, Corporate Director being asked to meet with the Sidmouth Vision Group and the Town Council in advance of the meeting so that their views can be assessed and if appropriate incorporated into the revised report.

***155 Request for exemption to standing orders**

Members considered the report of the Deputy Chief Executive seeking exemption to standing orders to progress the customer service changes to be supported through Vanguard Consultancy. The Consultancy was offering a unique service in the business world, and would be helping to change the Council’s systems so that a new approach to service delivery could be achieved. The Deputy Chief Executive confirmed that the negotiated fee was within budget.

RESOLVED that exemption to standing orders be approved to allow the Council to employ the services of Vanguard Consultancy to bring systems thinking skills into the Council’s services.

Chairman Date.....