

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 1 October 2008

Present:

Councillors:

Ray Franklin (Vice Chairman in the Chair)

David Cox
Jill Elson
Mike Green
Peter Halse
Stuart Hughes
Graham Liverton

Also Present:

Councillors:

Vivienne Ash
Graham Brown
Iain Chubb
Paul Diviani
Christine Drew
Roger Giles
Graham Godbeer
Jim Knight

Ann Liverton
Frances Newth
Helen Parr
Tony Reed
Pauline Stott
Chris Tratt
Tim Wood
Steve Wragg

Also present:

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Diccon Pearse, Corporate Director
Karime Hassan, Corporate Director
Peter Jeffs, Corporate Director
John Golding, Head of Housing and Social Inclusion
Nigel Harrison, Economic Development Manager
Ishbel Ramsay, Arts Development Officer
Rachel Pocock, Head of Legal, Licensing & Democratic Services
Mark Reilly, Head of Street Scene Services
Simon Smale, Head of Environmental Health and Health Equalities
Diana Vernon, Democratic Services Manager

Apologies:

Councillors

Sara Randall Johnson (Chairman)
Geoff Chamberlain
Andrew Moulding

Eileen Wragg

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

*76 **Public Questions**

A statement raised by a member of the public was taken at item 16: Flood Risk to Sidmouth; following Minute 84 refers.

*77 **Matter brought forward**

The Chairman agreed that the minutes of the recent Corporate Overview meeting (25 September) be considered at item 8 of the agenda in order to progress the consultation process on the future of the Thelma Hulbert Gallery.

*78 **Minutes**

The minutes of the meeting of the Executive Board held on 3 September were confirmed and signed as a true record.

*79 **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.

*80 **Forward Plan**

The contents of the Forward Plan for the period 1 October 2008 to 31 January 2009 were noted.

*81 **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.

*82 **Minutes of the meetings of the Housing Review Board, the Joint Meeting of the Corporate Overview and Scrutiny Committees and the Corporate Overview Committee.**

The Board noted the following minutes:

- Housing Review Board held on 4 September 2008
- Joint Meeting of the Corporate Overview and Scrutiny Committees held on 10 September 2008
- Corporate Overview Committee on 25 September 2008

The Portfolio Holder – Communities referred to Minute 31 of the Housing Review Board (Resident Inspectors) and suggested that this issue should be referred back to the Board for wider consideration by tenants. The Chairman of the Review Board agreed that the financial and time implications of training resident inspectors could be more fully appreciated. She added that she hoped Members would come to observe future meetings of the Board to see the business it carried out. The Review Board was innovative as it included tenant and independent community representatives who together with Council Members considered matters relating to the Council's landlord and housing management functions. She added that the housing section, with the support of the Review Board, had made significant progress since the Audit Commission's inspection of the housing management services and the team was thanked for these achievements.

***82 Minutes of the meetings of the Housing Review Board, the Joint Meeting of the Corporate Overview and Scrutiny Committees and the Corporate Overview Committee (cont)..**

In respect of the Joint Scrutiny and Corporate Overview Committee, the Chairman of the Scrutiny Committee advised that the meeting had been productive with a genuine and interesting debate. The meeting had considered the Corporate and Financial Strategies (Minute 5) and, in so doing, proposed that the role of the Scrutiny Committee would be further strengthened by the appointment of a dedicated Scrutiny Officer. This recommendation had been made previously by the Member Involvement Task and Finish Forum but had not been progressed largely due to cost implications.

The current arrangement was that a Democratic Services Officer serviced the Scrutiny Committee and undertook research as guided by the Committee but also undertook other duties within the Democratic Services Team. It was suggested that the Scrutiny Committee revisit their proposal for a dedicated officer and identify exactly what duties a dedicated Scrutiny Officer would undertake that were in addition to those currently carried out by the Democratic Services Officer. When costed, this would give a clear basis for future consideration by the Board and if substantiated would be considered during the budget process.

The Joint Meeting had also recommended that the Scrutiny Committee should consider matters prior to consideration by the Executive Board. The Head of Legal, Licensing and Democratic Services directed Members to the relevant part of the Constitution which set out the remit of the Scrutiny and Corporate Overview Committees. Briefly Scrutiny provided a check on Executive Board/Portfolio Holder decisions and Corporate Overview helped to develop policy and made recommendations to the Executive using research and evidence. Certain overlap between the Committees' remit was acknowledged. Referring all matters to the Overview Committees prior to consideration by the Executive Board would not be feasible. However it was suggested that this recommendation be revisited by the Scrutiny Committee when it was reconsidering the remit, duties and costings of the proposed dedicated Scrutiny Officer post.

In respect of the Corporate Overview Committee recommendations of 25 September, Ishbel Ramsay, Arts Development Officer spoke on the future and sustainability of the Thelma Hulbert Gallery which currently occupied the first floor of Elmfield House, Honiton. There was a break clause in the tenancy of the ground floor in June 2009 and the Corporate Overview Committee had recommended using this opportunity to extend the Gallery area to the whole of the building. The current tenant was the Registrar and 6 months notice was required, that meant that notice would need to be given in December. The Arts Council South West was very supportive of the Gallery's expansion plans and had indicated that a capital grant application would be viewed positively subject to the Council confirming 50% match funding. In reply to a suggestion that the Gallery apply for charitable status, Ishbel advised that part of the feasibility study had been to look at future governance of the Gallery and acknowledged the advantages of seeking charitable status. However the first step was to secure the financial future of the Gallery and achieve the conservative estimates contained in the plan.

Vivienne Ash, Member Champion Culture thanked Members for their positive attitude to the proposal and said that this would help the Council achieve its aspirations within the Corporate Strategy.

*82 **Minutes of the meetings of the Housing Review Board, the Joint Meeting of the Corporate Overview and Scrutiny Committees and the Corporate Overview Committee (cont)..**

RESOLVED

(1) that the following decisions be noted:

Housing Review Board Minute 25 that the dates for 'drop-in' sessions and the Board coffee mornings be included in future Forward Plans

HRB Minute 26 that the Head of Housing and Social Inclusion and Assistant Solicitor prepare a response to the Boundary Committee, incorporating the points made by members at the meeting and it be sent to all members of the Housing Review Board for their comments, prior to submission to the Boundary Committee.

HRB Minute 28 that the progress made in respect of the recommendations flowing from the Audit Commission inspection of housing management services, be noted.

HRB Minute 29 that the views put forward by the Housing Review Board on the draft East Devon Housing Strategy be included in the report to the Executive Board.

HRB Minute 32 that the report on the Tenants' Conference be noted.

HRB Minute 33 that the following response be made to the questions posed at the Weycroft Hall meeting held on 11 July 2008:

'that it was not possible to answer all of the questions posed at the meeting. However, it could be confirmed that East Devon District Council would be prepared to be flexible on the regular user and one off hire charges while the state of the building and future management was under consideration'.

The Board hoped that the Project Group would put their efforts into fund raising for a replacement hall.

HRB Minute 34 that the ongoing development of Devon Home Choice and the benefits that this would bring to people seeking housing in Devon, be noted.

HRB Minute 35 that the report in respect of empty properties (voids) be noted.

HRB Minute 36 that the performance on repairs to Council homes set out in the report be noted.

***82 Minutes of the meetings of the Housing Review Board, the Joint Meeting of the Corporate Overview and Scrutiny Committees and the Corporate Overview Committee (cont)..**

that the following decisions be noted (cont)..

HRB Minute 37 that the performance in respect of rent management performance be noted.

HRB Minute 40 that the report in respect of 53 Foxhill, Axminster, be noted.

**Joint Meeting
Corporate
Overview &
Scrutiny
Committees
Minute 1** that Councillor David Key be elected Chairman of the meeting.

**Joint CO/Sc
Minute 2** that Councillor Roger Giles be appointed Vice Chairman of the meeting.

**Corporate
Overview
Committee
Minute 16** that the first meeting of the Sustainable Buildings Task and Finish Forum be held on Tuesday 21 October at 6.30pm in the Committee Room.

(2) that the following recommendations be approved

**Housing
Review Board
Minute 27** that in respect of the review of sheltered housing, the following be approved:

- 1) the completion of the transition to a full Mobile Support Officer support service by April 2010;
- 2) the separation of housing related support from the tenant agreement and the introduction of a 'stand alone' housing related support agreement by April 2010;
- 3) a review of the housing related support service provided to each sheltered housing scheme in accordance with a range of agreed criteria, and make a decision on future level of support to be provided;
- 4) the terms of reference contained in the report for the Task and Finish Forum.

HRB Minute 30 that the arrangement in place for more sophisticated training on diversity for all staff, Councillors and active tenants be approved and noted.

***82 Minutes of the meetings of the Housing Review Board, the Joint Meeting of the Corporate Overview and Scrutiny Committees and the Corporate Overview Committee (cont)..**

that the following recommendations be approved (cont)..

- HRB Minute 34**
- 1) that the proposed new Allocation Policy be amended and approved in light of Devon Home Choice;
 - 2) that the Council sign-up to the Northern Housing Consortium and the appointment of Abrisas as supplier of the required Choice Based Letting and Housing Register software and website;
 - 3) that in principle the Council sign-up to the Memorandum of Understanding prior to final approval of the detailed document by the Council Solicitor.

- Joint Meeting
Corporate
Overview &
Scrutiny
Committees
Minute 5**
1. that the Executive Board reviews all of the success indicators within the Corporate Strategy for 2009/11; and amends them to reflect realistic targets that the individual Portfolio Holders are prepared to commit to delivery;
 2. that, through the Resources Think Tank, ways of increasing income streams be considered without boundaries.

**Corporate
Overview
Committee
Minute 15**

that the consultants second option in respect of the development of the Thelma Hulbert Gallery be adopted, namely that finances be found to allow the authority (after taking back the ground floor of Elmfield House from the current lease holder) to expand the Gallery and staffing to cover new activity throughout the whole building and ancillary areas. This will follow a business plan that, over four phases, and with grant aid, will create better financial viability and better opportunity, enhance Honiton, provide a better learning environment, better engage the local community, and will create a cultural hub for future activity across East Devon.

(3) that the following be referred for further consideration:

- HRB Minute 31**
- that the method for training Resident Inspectors set out in the report, together with the funding required, be referred back to the Housing Review Board with greater emphasis on the costs and time implications involved for consultation with a wider number of tenants.

***82 Minutes of the meetings of the Housing Review Board, the Joint Meeting of the Corporate Overview and Scrutiny Committees and the Corporate Overview Committee (cont)..**

that the following be referred for further consideration (cont)..

**Joint Meeting
Corporate
Overview &
Scrutiny
Committees
Minute 5**

1. that the Scrutiny Committee revisit its recommendation for the appointment of a dedicated Scrutiny Officer and identify costs and clarify the proposed remit of the post, highlighting the different duties of this role compared with those currently carried out by the Democratic Services Officer who services the Scrutiny Committee,
2. that the Scrutiny Committee revisit its recommendation that it examine issues before the Executive Board takes a decision and consider how this could be achieved in practical terms and without duplicating the work of the Corporate Overview Committee or causing unmanageable delays to the decision making of the Board.

***83 Minutes of the meeting of the Recycling and Refuse Partnership Board**

The report of the meeting of the Recycling and Refuse Partnership Board held on 20 August 2008 was noted. The Portfolio Holder – Street Scene Services said that progress to date was good.

***84 Flood risk to Sidmouth through the effects of coastal erosion at Pennington Point/Salcombe Hill Cliffs**

The Chairman brought this item forward in the agenda after establishing that members of the public present were attending the meeting for this item.

Mr Peter Hand spoke to the Board on behalf of the Salcombe Hill Association. He outlined the recent history of Salcombe cliff erosion and the debates and surveys already undertaken. A significant increase in the rate of erosion had occurred since the rock islands and revetment works had been carried out. The Association's main concern was the potential loss of the access from the homes on Salcombe Hill to the town.

Mr Hand also reminded the Board that the World Heritage Coastal Path was under threat. He felt that a further survey would just delay addressing the problem and that it was now the time to take action.

The report of the Head of Street Scene Services had been considered by the Corporate Overview Committee at its meeting on 25 September. Members recognised the growing public concern over the current cliff failures at Pennington Point/Salcombe Hill Cliffs and the perception that the rate of erosion was increasing and leaving the eastern end of Sidmouth more vulnerable to flooding.

*84 **Flood risk to Sidmouth through the effects of coastal erosion at Pennington Point/Salcombe Hill Cliffs (cont)..**

The Portfolio Holder – Environment acknowledged the patience shown by residents affected by the coastal erosion but advised that the Council was obliged to heed advice from Natural England and the Environment Agency.

The Head of Street Scene Services advised that the SMP2 – Shoreline Management Plan was for the whole of the coast of Britain and this was being progressed by the local Shoreline Management Group on behalf of the Environment Agency. Representation had been made by EDDC that the point identified between ‘hold the line’ and ‘managed retreat’ for flood defence purposes be moved approximately 200 metres eastward from the centre of the River Sid. The report that was required on Pennington Point had been commissioned and the survey work on this section had now been completed. There was a need to assess and establish the rate of erosion so that any necessary action could be identified to protect Eastern Sidmouth, Alma Bridge and other property. If emergency work was recommended, the report would be necessary for securing funding from the Environment Agency.

Currently barriers had been erected at the eastern access to the beach to make sure that the public read the cliff fall warning signs. The Natural Trust was looking to mirror this action at the Weston end of the beach to protect the public.

Stuart Hughes confirmed that Devon County Council was investigating the most effective way to protect Alma Bridge and believed this could be achieved through moving the point of ‘hold the line’ of the River Sid eastwards.

The Board recognised the importance of first establishing that any emergency work would not exacerbate the risk of flooding or put other areas of cliff in danger.

Mike Green stated that the erosion of the cliffs was an accelerating process and protecting part of the cliffs would move the problem further along the coast. However, he believed it would be cost effective to undertake measures to protect Sidmouth from the risk of flooding now rather than delay until the problem became severe.

RESOLVED

- (1) that it be noted that the report had already been commissioned to assess the problems caused by cliff erosion and depletion of beach material at Pennington Point, Salcombe Hill,
- (2) that the conclusions of the report be submitted to the Environment Agency for their approval prior to any allowed emergency works,
- (3) that authority be given for any agreed works to be implemented as a result of the report on the assumption that these are grant aided by the Environment Agency,
- (4) that further work be carried out towards a comprehensive solution for Sidmouth Eastern Town, the Alma Bridge and associated property,
- (5) that the Council and its Officers continue to work towards moving the line of the River Sid (which has various designations – SSSI, cSAC and WHS) 200M eastwards in Shoreline Management Plan 2 to allow further coast protection works to be carried out as required at a later date.

***85 Financial Monitoring report 2008/09 – Month 5**

Members considered the report of the Financial Services Manager which summarised the Council's overall financial position for 2008/09 at the end of Month 5. Members noted the detailed predicted budget variations on the General Fund and Housing Revenue Account for the year and how these had performed against the preceding month. Members also noted revisions or supplementary estimates agreed within the year and the set of key financial performance indicators with comments in respect of any significant variation from target.

Members noted that an analysis of the main income streams was included in Appendix D to the report with the other financial health/performance indicators. The continued trend in falling revenue income from planning applications, land charges and building control had been anticipated as a result of the current downturn in the housing market. Members were advised that the downturn in the economy was also reflected in business rates due to a rise in the number of business insolvencies. It was anticipated that this trend would continue with increasing bad debt and slower payment which would in turn adversely impact on the revenue stream from interest receipts.

Information was still awaited from the main carrier, Stagecoach, in respect of concessionary bus fares. On receipt, the Council would have a clearer picture of performance and usage variations. It was anticipated that the cost of concessionary fares would come in under budget.

Members also noted that there were current vacant posts within planning which Members were advised would be filled by the end of the month. Changes resulting from the roll out of the Vanguard/Systems Thinking initiative would improve efficiencies within the planning section with the resultant opportunity to enhance the enforcement team.

The Portfolio Holder – Communities anticipated that the economic downturn and associated increase in repossessions would inevitably lead to an increase in homelessness. She also expressed concern about the Government's withdrawal of funding support for the Youth Homeless initiative.

RESOLVED that the variances identified as part of the Revenue and Capital Monitoring process up to month five and the new financial performance indicators for 2008/09 be noted, including the effect on the Council's Reserves and Balances.

***86 Performance Monitoring Report – July and August 2008**

The Portfolio Holder – Resources introduced the Performance Monitoring Report for July and August 2008 and Members noted the performance of the refined list of Performance Indicators.

RESOLVED that the performance and proposed remedial action against the selected Performance Indicators for the months of July and August be noted.

87 **Performance Management Policy**

Members considered the report of the Head of Organisational Development introducing the performance management policy which was intended to further embed performance management processes into EDDC's culture. The policy was designed to ensure that performance was managed as an everyday management activity with inbuilt procedures for tackling performance below the required standard. If a manager was concerned about performance, the policy recommended this be dealt with informally in 'one to ones' in the first instance. Currently poor performance issues were dealt with under the Disciplinary Policy and Procedures and it was felt that a separate performance policy, albeit with similar procedures to the Disciplinary Policy, was preferred by managers.

RECOMMENDED that the performance management policy be approved.

*88 **11 Million Take Over Day**

Members considered the report of the Engagement and Funding Officer Members setting out details of a national initiative on 7 November 2008 called '11 Million Take Over Day'. The idea was for children from local primary schools to get hands-on experience of local government work. Members were advised that already within EDDC, Tenant Participation, Countryside, Environmental Health and Democratic Services, had volunteered to organise sessions for the visiting children to get involved in.

RESOLVED that the initiative be noted and Members be invited to contact the relevant services involved (Tenant Participation, Countryside, Environmental Health and Democratic Services) if they would like to take part.

*89 **Sustainable Communities Act**

Members considered the report of the Communications and Improvement Manager setting out the key elements of the Sustainable Communities Act. The aim of the Act was to promote the sustainability of local communities. The Act provided a statutory framework for councils and community organisations to enable them to promote the sustainability of their own area, such as transferring the functions of one public body to another. Its scope was broad, covering economic, social and environmental issues based on the premiss that local people should decide what it needed to promote sustainability in their own area. The Act offered opportunities for sustaining local communities and a new power to determine the nature of the assistance that they receive from Government.

Members were advised that the Secretary of State would invite proposals from communities and councils which would contribute to the sustainability and wellbeing of local areas. It was suggested that the Corporate Overview Committee be asked to initially explore how proposals for the district could be more effectively developed under the Act.

RESOLVED

- (1) that the implications of the Sustainable Communities Act 2007 be noted
- (2) that the Corporate Overview Committee be asked to explore how proposals for East Devon might be more effectively developed under the Act.

*90 **Private Sector Housing Renewal Funding**

Members considered the report of the Head of Environmental Health and Health Equalities advising that the Government was replacing the current system of funding local authorities' spending on improvements to the private sector housing stock. This was currently based on a formulaic grant. The new system was to be based on a bidding process phased in over a number of years starting in 2009/10. Members noted the principles of funding set out by the Government and the nature of the bid proposals including the need for partnership working.

RESOLVED that authority be given to the Head of Environmental Health and Health Equalities in consultation with the Portfolio Holder - Communities to make detailed bids in line with the principles outlined in the report and to determine eligibility criteria for individual householders to access funds.

*91 **Proposed changes to the South West Regional Spatial Strategy by Secretary of State**

Members considered the report of Karime Hassan, Corporate Director, in respect of the Secretary of State's proposed changes to the South West Regional Spatial Strategy. These changes included a second new community/urban extension of 4,000 dwellings within an area of search on the eastern side of Exeter, increasing the size of Cranbrook to 7,500 dwellings and establishing the housing requirement of the rest of the district as 5,600 dwellings.

The proposals which had now been published for public consultation had already been discussed at the Special Meeting of the Development Control Committee on 16 September.

Transport infrastructure problems and proposed time constraints were recognised as major barriers to implementing the proposals. Members of the Board also questioned the figure allocated for employment land and felt that this was insufficient. Members were also aware of the possibility that Skypark and the Science Park development was likely to be delayed due to the current economic situation. Members recognised the need for employment land across the whole of the district to support local need and help prevent an economic split with highly skilled jobs centring to the west of the district with lower paid and less skilled jobs in the east. In addition the Council's vision for the district was for a 'bright green future' but the Government had reduced sustainable building targets to those of the national standard.

The Development Control Committee had discussed alternatives to the proposals, including that the District be allowed to develop existing settlements to meet much of the housing need instead of creating a second new community. Members of the Board recognised that a flexible approach to developing the district's existing towns and villages was essential with such growth reflecting local need and opportunity rather than being centrally and arbitrarily set down. Members were concerned with the way the Government was imposing the Spatial Strategy without adequate consultation and without awareness of the need to protect local distinctiveness.

Karime Hassan suggested that the option of the previously discussed limited urban extension at Pinhoe should not be precluded by the RSS. He also suggested that if the Government was minded to provide a second new community, despite opposition, the Council should list requirements to be borne in mind including the need to address the search area, density of development and transport issues.

The Council's emerging Local Development Framework recognised that Cranbrook will need to expand in the future but the Government now proposed an apparently arbitrary figure for growth which current infrastructure plans would not have the ability to support.

*91 **Proposed changes to the South West Regional Spatial Strategy by Secretary of State (cont)..**

Karime Hassan advised that the East Devon Local Development Framework Core Strategy Issues and Options Paper as amended by the Development Control Committee would be referred to the Council at its next meeting.

- RESOLVED**
- (1) that the Government Office South West be informed of the Council's objection to the proposed changes in respect of:
 - i) The increase in the level of housing at Cranbrook from 6,500 dwellings to 7,500 dwellings;
 - ii) The increase in the level of housing to be found within the Area of Search 4B with the requirement to provide a second new community/urban extension of 4,000 dwellings by 2026;
 - iii) The implications of the housing strategy in terms of constraining the ability of East Devon to meet its identified housing need within the existing settlements of East Devon.
 - (2) that the Corporate Director be given delegated authority in consultation with the Portfolio Holder Strategic Planning and Regeneration to respond in detail to the Secretary of State's proposed changes.

*92 **Request for exemption to Standing Orders – Hayne Lane Gittisham**

Members considered the report of the Economic Development Manager seeking exemption to Standing Orders to facilitate the appointment of specialist consultants to assess the potential of the Council's land at Hayne Lane, Gittisham, for employment use for the reasons given in the report.

- RESOLVED** that exemption be made to Standing Orders to enable the Council to appoint King Sturge and Halcrow, specialist consultants, to assess the potential of the Council's land at Hayne Lane, Gittisham for employment use, for the reasons given in the report.

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

*94 **Seafront Covenant negotiations, Exmouth**

Members considered the report of the Principal Estates Surveyor setting out the need for various restrictive covenants relating to the land on the Seafront in Exmouth to be lifted to enable negotiations for potential future developments to be progressed.

- RESOLVED**
- (1) that the Council approve the Officer recommendation to proceed with an application to the Lands Tribunal to lift all historic restrictive covenants affecting its land at Exmouth Seafront if negotiations with Clinton Devon Estates are unsuccessful,
 - (2) that the sale of part of Beach Gardens by way of a lease is tendered only after negotiations to lift the covenants restricting the building of a shop on the land, are successfully completed.

Chairman Date.....