

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 14 December 2005

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	M J L Green
Mrs M J Boote	Ms S M Merritt
P W Burrows	R Mudge
J E D Falby	T G Reeves
A R Giles	P J Skinner

Apologies Councillors:
Miss S M Randall Johnson (Chairman)
S C Luxton

**Apologies from
non-Executive
Board Members** Councillors
T A Cope
J A Knight

The meeting started at 5.30 pm and ended at 7.11 pm

*102 **Minutes**

The minutes of the meeting of the Executive Board held on 16 November 2005, were confirmed and signed as a true record.

*103 **Leisure East Devon**

At the meeting of the Council on 7 December 2005, a third recommendation was added to Executive Board Minute 64 giving delegated powers to the Board to agree the level of annual service payment and arrangements regarding leasing of buildings to the East Devon Leisure Trust. The Chairman agreed for this to be considered as a matter of urgency to achieve the hand-over date of 1 January 2006.

*104 **Customer Access Strategy – status**

The Chairman agreed for this item to be taken as a matter of urgency to up-date members on the initiative and for the Board to consider the purchase of specified telephony technology to progress the project.

*105 **Licensing Hearing – the Viper**

The Chairman agreed that this item should be taken as urgent to decide on the appropriate course of action to be taken following the outcome of the above appeal to Magistrates Court under the Licensing Act 2003.

*106 **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 and the urgent reports referred to at minutes 103, 104, and 105 above, is likely to be disclosed.

*107 **Forward Plan**

The contents of the Forward Plan for the period 1 December 2005 to 31 March 2006 were noted. The budget process would be a major area for discussion in the New Year.

*108 **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.

109 **Meetings of the Scrutiny and Corporate Overview Committees**

The minutes of the meetings of the Scrutiny and Corporate Overview Committees, held on 23 November and 1 December 2005 respectively, were considered.

RESOLVED (1) that the recommendations contained in the following minute be taken into account during consideration of the relevant agenda item later in the meeting:

Corporate Overview Minute 24: Refuse and Recycling Contract

(2) that recommendations (3) and (4) of the following minute be noted, recommendation (3) to be amended to include the need to consider each case individually on its own merits, with both recommendations being subject to a full report for future consideration:

Scrutiny Committee Minute 12: Affordable Housing

RECOMMENDED that recommendations (1) and (2) contained in the following minute be approved

Scrutiny Committee Minute 12: Affordable Housing

(Councillor Mrs P Stott declared a personal interest during this item when discussion included reference to community care workers, due to the nature of her job).

*110 **Housing Stock Options Appraisal – Key Decision**

Members considered the report of the Head of Housing and Social Inclusion which summarised the comprehensive appraisal of options available for the future ownership and management of the Council's housing stock. The Government had required all housing authorities to undertake an appraisal with the aim of achieving the Decent Homes Standard by 2010. A Project Team, Task and Finish Forum and Tenants' Steering Group had looked in detail at the condition of the Council's housing stock, its tenants' aspirations, financial modeling and possible options for the future. The preference of tenants expressed by the majority who responded by post was for the Council to retain the housing stock. It was anticipated that the recommendations of the Project Team, including the preferred option, would be reported in the New Year.

*110 **Housing Stock Options Appraisal – Key Decision (cont)..**

The Chairman, on behalf of the Executive Board, thanked Members of the Project Team and the Officer Team involved for their commitment to the project.

- RESOLVED**
- (1) that the Project Team for the housing stock options appraisal be invited to submit its final report and recommendations on the conclusion of the housing stock options appraisal to the Executive Board,
 - (2) that in reaching its final decision the Project Team give careful consideration to the views of majority of tenants and leaseholders, as expressed through the preference survey results,
 - (3) that the Project Team also be guided by the results produced through the completion of the Decision Making Model,
 - (4) that the Project Team attempts to reach a consensus decision on the preferred option for the future management and ownership of the Council's housing stock,
 - (5) that the Project Team presents its final report and recommendations at the earliest opportunity to avoid any further delay in obtaining 'sign off' by Government Office.

*111 **Revenue & Capital Monitoring Report 2005/06 – Month Seven**

Members considered the report of the Financial Services Manager in respect of the Council's overall financial position at Month Seven (October). The budget variations had been identified within the month together with an assessment of how these variations would continue until the end of the financial year and the subsequent effect on the Council's overall reserves and balances. Members noted that the monitoring process had not highlighted any material budget variances requiring corrective action. The Corporate Director – Economy advised that the position in respect of the General Fund had improved.

- RESOLVED** that the variances identified as part of the Revenue and Capital Monitoring process for Month Seven of 2005/06 be noted, including the effect on the Council's Reserves and Balances.

*112 **Treasury Fund Management 2005/06**

Members considered the report of the Financial Services Manager detailing the overall performance of the Council's investment portfolio for the financial year to October 2005. Members noted that the performance of the Council's fund manager, Investec, had continued to improve. The Corporate Director – Economy advised that steps had been taken to effectively improve the Council's cash flow position with better collection procedures. This positive action had resulted in a reduction in amounts borrowed on a temporary basis which reduced costs associated with servicing loans and also provided additional interest on monies collected.

- RESOLVED** that the investment return for 2005/06 to October 2005 be approved.

113 Request for an additional resource

Members considered the report of the Head of Organisational Development requesting an additional resource to support the job evaluation and Customer Service Centre projects. It was acknowledged that both of these projects would have a significant impact on the organisation for which adequate resources within the Human Resources Section would be essential. The request had already been considered and supported by the Strategic Management Team.

RECOMMENDED that a Human Resources Officer be recruited on a fixed term contract for one year from January 2006 to support the job evaluation and Customer Service Centre projects.

***114 Payhembury Village Hall**

Members considered the report of the Head of Finance in respect of a request from the Payhembury Village Hall Committee for the grant, previously agreed by the Amenities Committee on 16 June 1999, as this Council's contribution towards a new parish hall. The £25,000 was held in the Council's Capital budget. The Village Hall Committee had made several unsuccessful lottery bids and as a result had been unable to progress the project. However, an alternative scheme had now been proposed through exchanging the land currently occupied by the old village hall with a builder who would, in return, build a new village hall on a separate site purchased by the Village Hall Committee. On behalf of the Village Hall Committee, the Ward Member gave a break-down of how the Council's contribution would be used.

The Board was asked to consider the request bearing in mind the changes to the terms of the grant conditions and the Council's current financial position. The Portfolio Holder – Resources advised Members that the Community Fund had been reduced to £12,000 which served the whole district with maximum grants of £3,000. Funding was primarily for access improvements under the Disability Act.

RESOLVED that the request for grant from Payhembury Village Hall be deferred for a more detailed report, including costs, to be prepared for consideration at a future meeting of the Board, in the light of the Council's current financial position.

***115 Performance Monitoring report – October 2005/06**

Consideration was given to the report of the Policy Manager giving performance monitoring information for October 2005. The information allowed the Board to monitor performance and identify any service areas where improvements were necessary. The Portfolio Holder – Resources drew Members' attention to the welcome results, noting that the Officer reports against items of concern were particularly helpful.

RESOLVED that the performance and, where required, proposed remedial action against key performance indicators for the month of October be noted.

***116 Feniton Boundary Change**

Members considered the report of the Chief Executive in respect of a request from Feniton Parish Council for its Parish and District boundary with Ottery St Mary to be changed in the area of the Ottery Road/Green Lane junction. The boundary currently split a residential area which meant that a small number of properties which would logically be in Feniton actually fell within the boundaries of Ottery St Mary. The proposed change was supported by all interested parties and the approval of the Board would take the matter to the next stage of the process.

***116 Feniton Boundary Change (cont)..**

RESOLVED that the Secretary of State be requested to issue an Order under the Local Government & Rating Act 1997 Parish Reviews to the effect that the boundary between Feniton and Ottery St Mary, in the area of the Ottery Road/Green Lane junction, be moved to run south eastwards along Ottery Road to the junction with Green Lane and then eastwards to join up with the existing boundary at the railway bridge.

***117 South West Main Line: Route Utilisation Strategy (RUS) – draft for consultation**

Consideration was given to the report of the Policy and Conservation Manager in respect of the above draft strategy. Responses were required by 6 January 2006. Members were advised that the draft RUS would give the Council an opportunity to restate its support for the Salisbury to Exeter Lineside Consortium's (SELCA) aspirations for the introduction of hourly Waterloo/Exeter and half hourly Exeter to Axminster services and to inform Network Rail of the current position with regard to developments in East Devon that strengthen the case for improvements to the line.

Members considered the level of financial contribution the Council should make to the initiative to under-line its support. The County Council was keen to move on with the business case for the improvements, acknowledging that the current network in the South West had insufficient capacity to meet demand.

- RESOLVED**
- (1) that Network Rail be informed that the Council strongly supports Option 9.2 in the draft Route Utilisation Strategy (RUS) for the South West main line providing additional passing loops to allow the introduction of an hourly Waterloo/Exeter service and half hourly Exeter to Axminster service.
 - (2) that Network Rail be informed of the current position with regard to Cranbrook, the Intermodal Interchange and Skypark and the proposals in the emerging Regional Spatial Strategy, which will result in the enlargement of the new community, that strengthen the case for improvements to the line.
 - (3) that Devon County Council be informed of the Council's strong support for improvements to the Exeter to Salisbury railway line with the Council offering to make a contribution of £2,000 to the initiative if this is required.

***118 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, and also Para 9 (in respect of the urgent report relating to the Leisure Trust), Para 8 (in respect of the urgent Customer Access Strategy – status report) and Para 7 (in respect of the urgent report relating to the Viper hearing appeal), Schedule 12A, is likely to be disclosed.

***119 Refuse and Recycling Contract – Costs and Strategy**

Consideration was given to the joint report of the Corporate Director – Environment and the Head of Streetscene Services updating Members on the progress of the above contract. The recommendation of the Corporate Overview Committee to adopt option 4 was taken into account during the debate. This option was deliverable within the Medium Term Financial Plan, would meet current recycling targets and would achieve Gershon savings. The option provided sufficient flexibility to include the possibility of composting kitchen waste in the future through partnership working. Alternatively, generating energy from waste initiatives could also be considered, depending on the future direction Devon County Council takes with waste processing and the changes in Government legislation. The cost of refuse containers for households would be an additional expense to the Council.

A request was made for delegated authority to be given to the Corporate Director – Environment, in consultation with the Project Team, to progress the implementation of this contract.

The Chairman thanked the Deputy Portfolio Holder – Environment and the Project Team for their input and commitment.

RESOLVED

- (1) that the following be noted:
 - (a) Company F submitted the lowest bid for delivering the requirements of the Council's waste strategy,
 - (b) Company F has been appointed as the preferred supplier for the new waste collection and recycling contract.
- (2) that delegated authority be given to the Corporate Director – Environment in consultation with the elected Member representatives of the Project Team to make decisions on behalf of the Council on:
 - (a) The contractual agreement/arrangement with the preferred supplier,
 - (b) The selection of any options for securing further efficiency savings in the new contract,
 - (c) Establishing detailed arrangements for achieving the full delivery of the Waste Strategy over the life of the contract,
 - (d) Any Partnership arrangements with the preferred contractor.
- (3) that the adoption of Option 4 be agreed and the detailed financial implications for revenue and capital of this contract be noted.

***120 Leisure East Devon**

At the meeting of the Council on 7 December, the Executive Board had been given delegated powers to agree the level of annual service payment and arrangements regarding leasing of buildings to the Leisure East Devon (Charitable Trust).

Leisure East Devon (cont)..

The Corporate Director – Economy advised Members of the financial arrangements in respect of the transfer, the need for the Council to fund the transfer to make sure that a stable service was provided for the benefit of the public, how budgets would be split between the Council and the Trust, initial costs following transfer, potential savings over the first 5 years of the Trust's operation, the arrangements in place, including the retention of the buildings by the Council.

The Head of Economic Development and Property outlined the proposed leasing arrangements. A decision on whether the lease should be for 30 years or less than 7 would depend upon legal advice and how best the Trust could achieve its aims for the service.

The Portfolio Holder – Culture outlined the aims of the transfer and the advantages to the Council and the public. He thanked the Head of Leisure Services and his team for their valued input and for meeting the challenge of the project. He was confident that the Trust would provide a customer focused service which would be flexible and progressive.

RESOLVED

- (1) that the annual revenue service payment be fixed for the first 5 years of operation at £1,155k p.a,
- (2) that a loan be made available for £300k on the basis of terms set out within the report,
- (3) that the disposal of assets in appendix 1 to the report, on lease, be agreed, at nominal rents, and on a term of years to be agreed,
- (4) that from 1 January 2006 the Trust occupies the premises to be transferred on a tenancy at will, and that the Chief Executive, in consultation with the Portfolio Holder Economy and Regeneration, be given delegated power to agree the terms of the main leases and the tenancy at will,
- (5) that if it be decided that the disposal has to be for a term of over 7 years, then the District Valuer be appointed to prepare the valuations needed for the Disposal Consent, with this being reported to a meeting of the Executive Board early in the New Year.

***121 Customer Access Strategy - status**

Members considered the report of the Head of ICT which up-dated Members on the Council's Customer Service Centre. A Project Manager had been appointed who had experience and knowledge of leading a similar project at another local authority. Members were requested to approve the purchase of specialised telephone equipment to progress this initiative.

The Portfolio Holder – Communities asked for her Deputy and herself to be involved in the project when this involved environmental health and Home Safeguard.

RESOLVED

- (1) that the progress with the Customer Access Strategy be noted,
- (2) that the purchase of the telephony technology, outlined in the report, be approved.

*122 **Licensing Hearing - The Viper**

The Head of Legal and Member Services verbally reported on the current position in respect of the above. The Licensees of the Viper had appealed against the Council's decision to the Magistrates' Court where the Council had lost the case and had costs awarded against it, despite the fact that the court accepted that the Council had acted properly in making its original decision.

Members discussed the impact the decision would have on local residents, future applications and appeals. The Head of Legal and Member Services advised that the Magistrates Court had been asked to provide a case stated for the High Court to that a number of legal issues and the costs decision could be challenged.

RESOLVED that the Council appeals by way of case stated to the High Court in respect of the Viper application.

Chairman Date