

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 18 January 2006

Present:

Councillors:

Miss S M Randall Johnson (Chairman)
R G Franklin (Vice-Chairman in the Chair)

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

Also Present

Councillors:

Miss V Ash
P W Burrows
T A Cope
J E D Falby
K W George
C F A Gibbings
A R Giles
M J L Green

B O Ingham
Mrs A E Liverton
Ms S M Merritt
Mrs F Newth
A W J Reed
Mrs L A Roden
S C Wragg

Apologies from Councillors
non-Executive
Board Members J A Knight
Mrs E E Wragg

The meeting started at 5.30 pm and ended at 6.33 pm

***123 Minutes**

The minutes of the meeting of the Executive Board held on 14 December 2005, were confirmed and signed as a true record.

The Chairman advised that Minute 122: Licensing Hearing – The Viper was an accurate record of the decision made by the Board but based on legal advice subsequently given, an appeal would not be in the best interests of the Council. The Chairman agreed that the details of the advice would be given later in the meeting when the press and public had been excluded.

***124 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 issue referred to at minute 123, is likely to be disclosed.

*125 **Forward Plan**

The contents of the Forward Plan for the period 1 January 2006 to 30 April 2006 were noted. The Chief Executive referred to Key Decision 4 in the Plan – Transferring to a new Leisure Trust fourth stage. The transfer had now successfully been completed and a report would be presented to the Board in due course, summarising the Trust's position and proposals for the future.

*126 **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.

*127 **Draft Revenue and Capital Estimates 2006/07 – Key Decision**

The Chief Executive advised that it was appropriate to consider agenda items 7, 8 and 9 together, namely Draft Revenue and Capital Estimates 2006/07, Draft Housing Revenue Account Estimates 2006/07 and Service Plans together as each impacted on and inter-related with the others.

The recommendations of the Directors and Heads of Service in the Service Plans to maintain and enhance Council services had to be considered within the budget context. The draft documents had been prepared in accordance with existing Council policy and it was proposed that these should be referred in the first instance to the Scrutiny and Overview Committees for detailed consideration. The feedback and recommendations from these Committees and the Business Forum would then be discussed fully by the Board at its February meeting. The Executive Board would then be in a position to recommend the 2006/07 Council Tax requirement to the Council.

The Leader thanked Simon Davey and his team for their hard work in preparing the estimates which showed a clear understanding of what the Council was trying to achieve. She also acknowledged the dedication of the Heads of Service in preparing and presenting the Service Plans.

The Leader reminded Councillors of the reality of capping should the decision be to increase Council Tax beyond 5%.

RESOLVED that the draft revenue and capital estimates be adopted and forwarded to the Scrutiny and Corporate Overview Committees for their consideration.

*128 **Draft Housing Revenue Account Estimates 2006/07 (key decision)**

RESOLVED

- (1) that the draft Housing Revenue Account estimates for 2006/07 be adopted and forwarded to the Scrutiny and Corporate Overview Committees for consideration,
- (2) that Council house rents be increased, on average, by 4.8% to £52.54 a week from 3 April 2006,
- (3) that garage rents be increased, on average, by 10% to £6.60 a week from 3 April 2006.

*129 **Service Plans 2006/09**

RESOLVED that the draft Service Plans be noted, and referred to the Scrutiny and Corporate Overview Committees for consideration.

***130 Revenue & Capital Monitoring Report 2005/06 – Month Eight**

Members considered the report of the Financial Services Manager in respect of the Council's overall financial position at Month Eight (November). 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. Members also noted that the figures predicted a net under-spend within the General Fund to year end of £475,530. If this under-spend was realised, it would be part of future capacity planning.

Members discussed the costs associated with the Housing Stock Option Appraisal which the Council had been obliged to carry out. Costs to date were £133,000 and were likely to increase to £150,000 to fund additional consultations which the Council was obliged to carry out. The exercise was being funded from the Housing Revenue Account at the expense of potential improvements to Council properties.

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

***131 Council Tax Base 2006/07**

Members considered the report of the Revenue and Benefits Manager in respect of the 2006/07 Council Tax base for each parish expressed in terms of band D equivalent properties to meet statutory requirements. The Portfolio Holder – Resources reminded Members that the figures equated to an increase of £1 on the Council Tax Bill for any additional expenditure of £55,930.

RESOLVED that the Council Tax base for 2006/07 be confirmed at 55,930 band D equivalent properties.

132 Independent Remuneration Panel report

Members considered the report of the Corporate Director – Economy setting out the recommendations of the Independent Remuneration Panel (IRP) in respect of the Members' scheme of allowances for 2006/07 in accordance with the Local Authorities (Members' Allowances)(England) Regulations 2003.

The Panel recommended that the Basic and Special Responsibility Allowances be increased by 2.99%. As resolved by the Board at its meeting on 16 November 2005, the Special Responsibility Allowances in respect of the Housing Review Chairman and Vice-Chairman had been deleted.

The IRP recommended that the allowances paid to the Chairman and Vice Chairman of the Licensing and Enforcement Panels be retrospectively increased for 2005/06 to reflect the frequency and length of their meetings. The IRP took into account the anticipated reduction in workload of the Licensing and Enforcement Panels in 2006/07 and recommended that the Special Responsibility Allowance paid to the Chairman should revert back to the level of SRA paid to the Chairman Overview and Scrutiny Committees in 2006/07, with this arrangement being reviewed if the anticipated reduction in workload does not occur.

The Panel also recommended that the 2007/08 allowances be increased in line with the Unison pay award.

RECOMMENDED that the recommendations in respect of the 2006/07 Members' scheme of allowances, set out in the Independent Remuneration Panel minutes appended to the report to the Board, be approved.

***133 Performance Monitoring report – November 2005**

Consideration was given to the report of the Policy Manager giving performance monitoring information for November 2005. The information allowed the Board to monitor performance and identify any service areas where improvements were necessary. The Corporate Director - Central Services advised that areas of concern were largely around planning and benefits but that these had been included within the Corporate Strategy as key areas to positively address.

The Portfolio Holder – Resources congratulated the teams whose performance was identified as excellent.

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

***134 Housing Act 2004 – Private Sector Housing**

Members considered the report of the Head of Environmental Health and Health Equalities which outlined the changes to the ways in which the safety of occupants of private sector housing were protected. The report included details of a new system of assessing hazards, options for licensing houses in multiple occupation and powers to take over management of substandard properties in multiple occupation. The Portfolio Holder – Communities advised that the section had already inspected most properties in multiple occupation. The aim would be for the licensing scheme to be self-financing.

RESOLVED

- (1) that the Corporate Director – Communities be given delegated authority to implement the provision of the Parts 1,2,3 and 4 of the Housing Act 2004 – Private Sector Housing to protect the occupants of private sector housing,
- (2) that a mandatory scheme for Licensing Houses in Multiple Occupation be introduced,
- (3) that the Portfolio Holder – Communities be given delegated authority to approve a fee structure for Licensing of Houses in Multiple Occupation.

135 Temporary Accommodation Reduction Plan 2005 – 2010

Members gave consideration to the report of the Head of Housing and Social Inclusion in respect of the above Plan. At its meeting on 16 November 2005, the Executive Board had considered the details of the Office of the Deputy Prime Minister's new target to reduce the number of households living in temporary accommodation by half by 2010. At that meeting Members had asked the Head of Housing and Social Inclusion to produce an Action Plan, setting out how the Council would achieve this target by the deadline set, and refer it back to the Board.

Members noted that the initiatives in the Plan would place additional demands on the Housing Needs and Enabling Team. The Plan aimed to further promote the prevention of homelessness which would effectively result in a reduction in the need to use temporary accommodation. The ODPM Homelessness Directive had allocated £50,000 to the Council which would help in implementing some of the initiatives within the Plan.

Members acknowledged the need to provide more affordable housing and accommodation to rent within the district. Members were also aware of the problem when homeless households in one town were re-housed in a different town within East Devon. This action was often necessary due to limited housing availability but could result in separating homeless people from their extended families, schools and places of employment.

135 Temporary Accommodation Reduction Plan 2005 – 2010 (cont)/..

The Portfolio Holder – Communities congratulated the Housing Needs Team on their successful efforts in reducing the number of persons in bed and breakfast accommodation. Further steps were needed to harness the potential of private sector housing.

The Portfolio Holders of Communities and Environment had held a joint think tank to discuss the need for increased provision of affordable housing and where this should be sited to best meet local need.

RECOMMENDED that the Temporary Accommodation Reduction Plan be approved with the Head of Housing and Social Inclusion being requested to provide an annual report reviewing progress towards the target.

***136 East Devon Local Development Framework – Annual Monitoring Report**

Members considered the report of the Principal Planning Officer in respect of the first land-use/spatial planning Annual Monitoring Report for East Devon produced in compliance with the requirements of the Planning and Compulsory Purchase Act 2004. The Report advised on the extent to which policies set out in Local Development Documents were being implemented and the timetable for the implementation of the Local Development Scheme. The Report had already been submitted, with the approval of the Environment Portfolio Holder, to the Government Office for the South West to meet tight deadlines.

Members discussed the take up of employment land in East Devon which was running below average annual levels of provision set out in the 2011 Structure Plan. Members acknowledged the need for the Council to be proactive and that it was no longer enough to identify employment land on a map; the site had to be actively promoted and employment opportunities created. Members were advised that the development of Skypark would meet shortfalls in employment land provision.

In reply to a request for a progress report on the outstanding Axminster Study, the Corporate Director – Environment advised that the LDS work programme identified this work as commencing in the third quarter of 2006. However, a number of key district wide documents had to be progressed to provide the context for the Axminster Area Action Plan, namely the Core Document and Statement of Community Involvement.

RESOLVED that the 2004/05 East Devon Local Development Framework Annual Monitoring Report be endorsed and made publicly available via the Council web site, with paper copies being sent to statutory bodies/agencies for their consideration.

137 Friends Groups for Local Nature Reserves (LNRs)

Members gave consideration to the report of the Countryside Manager which proposed to set up a network of 'Friends of LNR' for each of the Council's LNRs. The aim was to manage volunteer activity and promote community involvement through practical tasks such as wildlife recording. The creation of the Countryside Service in 2002 now meant that the Council has a dedicated resource to strategically manage and develop its LNRs. The proposal for a Friends of LNR framework would enable the Service to co-ordinate volunteer activity more effectively and ensure that local residents, local groups etc, could be actively engaged in site management tasks. The Service had already introduced this concept at Seaton Marshes LNR where it had been extremely successful and helped secure Green Flag status.

Various letters from interested parties opposed to the proposed new arrangements relating to Trinity Hill LNR had been circulated to Board Members and Ward Members prior to the meeting.

137 Friends Groups for Local Nature Reserves (LNRs) (cont/)-.

The Countryside Manager explained that the Trinity Hill Management Committee had been set up in 1991 and had done successful and effective work. However there have been many changes in LNR management since 1911 and the Committee had resisted the need to provide on-site interpretation, physical access and site promotion due to concerns that the locality would be over-run by visitors.

Members discussed the proposal from the Management Committee for a Friends Group to be set up to work in tandem with the Committee. However, arrangements in place at all LNRs had to meet the requirements of the Countryside and Rights of Way Act and these could not be achieved through small local groups. Strategic planning at a district-wide level, such as could be provided by the Countryside Service, was fundamental.

The Leader congratulated the Countryside Team for its promotion and management of the very successful LNRs within the district.

RECOMMENDED that the policy of creating Friends of LNR Groups for all of its Reserves be agreed with the new arrangements superseding any existing committee and other arrangements.

***138 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 12 in respect of the item relating the Viper Licensing Hearing up-date, is likely to be disclosed.

***139 Request to issue a Variation Order for the re-roofing of additional properties**

Members considered the report of the Contract Service Manager requesting a Variation Order to Bagwells Limited of Sidmouth for the re-roofing of an additional 25 properties in Honiton based on a pro-rata price obtained from their original tender.

RESOLVED that Standing Orders be varied to allow a Variation Order to be issued to Bagwell Builders of Sidmouth for re-roofing an additional 25 Council properties in Honiton.

***140 Up-date – Viper Licensing appeal (Minute 122 of 14.12.05 refers)**

The Head of Legal and Member Services up-dated Members on the legal position in respect of the above appeal. At the previous meeting Members had agreed for the Council to appeal by way of case stated to the High Court in respect of this application. However, following the meeting, written advice had been received from Counsel, recommending against this course of action for reasons given.

RESOLVED that the Council's appeal in respect of the Viper Public house in Exmouth be not pursued.

Chairman Date