

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held in the Council Chamber, Knowle, Sidmouth on Wednesday, 3 March 2010

Present:

Councillors:

Sara Randall Johnson (Chairman)
Graham Brown
Geoff Chamberlain
David Cox
Jill Elson
Ray Franklin
Mike Green
Peter Halse
Stuart Hughes
Andrew Moulding

Also Present:

Councillors:

Vivienne Ash
David Atkins
Ray Bloxham
Peter Bowden
Bob Buxton
Iain Chubb
Andrew Dinnis
Paul Diviani
Chris Gibbings
Roger Giles
Graham Godbeer

David Key
Jim Knight
Ann Liverton
Graham Liverton
Frances Newth
Helen Parr
Philip Skinner
Ian Thomas
Mark Williamson
Tim Wood
Steve Wragg

Also present:

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Diccon Pearse, Corporate Director
Karime Hassan, Corporate Director
Karen Jenkins, Head of Organisational Development
Rachel Pocock, Head of Legal, Licensing and Democratic Services
Diana Vernon, Democratic Services Manager

**Apologies
from non-
Executive
Board
members**

Councillors:

Malcolm Florey
Steve Hall
Stephanie Jones
Ken Potter
Eileen Wragg

The meeting started at 5.30 pm and ended at 7.15 pm.

***159 Public Questions**

The Leader welcomed members of the public present who advised that they wished to speak at agenda item 15: Exmouth Rolle College Design Brief. The Board agreed to consider this item earlier in the agenda after item 9.

*160 **Bicton College**

The Leader up-dated Members on the current situation in respect of Bicton College. At the meeting of the Council on 24 February 2010, the Portfolio Holder – Communities had advised that Exeter College would not be merging with Bicton College and that this put the future of Bicton and East Devon’s skills agenda in jeopardy. The Leader advised that she and Chief Executive had now met with the Principal of Bicton College and confirmed that Bicton was a valued resource with potential to grow. Bicton and Exeter Colleges were looking to form a federation but had been unable to secure the necessary funding from the Learning and Skills Council. However Exeter College was currently exploring alternative ways of setting up a federation and in support of this the Chief Executive and Leader had written to the Learning and Skills Council to ask them to help find a solution to the capital shortfall. They felt optimistic that a solution could be found. The Leader said that a Bicton:Exeter College Federation would help to secure Bicton’s future for the benefit of the district and wider area.

*161 **Minutes**

The minutes of the meeting of the Executive Board held on 10 February 2010 were confirmed and signed as a true record.

*162 **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.

*163 **Forward Plan**

The contents of the Forward Plan for the period 1 March to 30 June 2010 were noted.

*164 **Matters referred to the Executive Board**

There were no matters referred to the Executive Board by the Overview and Scrutiny Committees or the Council.

*165 **Recycling and Refuse Partnership Board minutes**

The minutes of the meeting of the Recycling and Refuse Partnership Board held on 3 February 2010 were noted.

In response to a comment on the minutes, the Portfolio Holder – Streetscene confirmed that the process of communicating with Parish Clerks would be improved especially in respect of rural areas. He confirmed that the team would e-mail relevant Parish/Town Clerks about any problems in the provision of the service and particularly during the phased roll-outs.

The Portfolio Holder – Streetscene identified a workload capacity problem in the time leading up to, and during, the roll out of Phase 4 and 5. In response to a suggestion from the Portfolio Holder – Economy, Members were advised that in this instance it would not be appropriate to seek service cover from South Somerset which had different arrangements in respect of dealing with recycling and waste queries.

*165 **Recycling and Refuse Partnership Board minutes (cont)..**

- RESOLVED**
- (1) that resolution 2 at minute 87 of the Recycling and Refuse Partnership Board minutes be amended to read:

‘Contact the Communications team to get a message out to broadcast media and householders **and other interested parties** as soon as possible’
 - (2) that the issues regarding the Waste and Recycling Team’s workload leading up to Phase 4 and 5 launches be noted and additional staffing arrangements be provided as required.

*166 **Exmouth Rolle College Design Brief**

Roy Pryke, Exmouth Avenues Design Statement (SAD), Chairman of Exmouth Community Association and Rolle Starter Group said that he appreciated that the Portfolio Holder – Economy and Corporate Director Karime Hassan had referred the Design Brief to the Executive Board for consideration. He also acknowledged the positive interest in the Brief from local Ward Members, Mark Williamson and Tim Wood. He advised that the local groups were trying to retain the Exmouth Rolle College buildings for public use in an economically appropriate and flexible way which would help the area’s regeneration. The Residents’ Association was concerned that the area would be developed as care homes or retirement flats. He believed that a more holistic development of mixed housing, business and community/educational use would have a positive effect on the Avenues and wider area. He asked the Council to give what support it could for the sake of the community and economic vitality of the area.

Jenny Budden, Secretary of the Exmouth Community Association, spoke of the effect of the closure of Rolle College on the local economy. She believed that the re-development of Rolle could play a crucial role in the regeneration of Exmouth and spoke of the potential for re-skilling, business start-up facilities, retention of youth in the area and the creation of a community hub. She believed that such a development would help to attract business and investors to the area. She asked the Council to support this vision.

Karime Hassan, Corporate Director’s report to the Board informed Members of the emerging proposals that were taking shape amongst the community groups. The design brief had already been prepared on behalf of local community groups and a business plan was also being developed which identified the funding gap and possible options. The brief set out clear preferences for redevelopment to include proposals for education and community use.

The Portfolio Holder – Strategic Planning and Regeneration welcomed the work of the community groups. The Portfolio Holder – Communities thanked the community for their interest and efforts to try to secure something worthwhile for the town.

Ward Member, Tim Wood asked the Board to consider strengthening the proposed recommendation to indicate the Council’s strong sympathy for the brief and what the community groups were trying to achieve. He felt that the Council should encourage the use of part of the site for educational purposes.

Ward Member and Member Champion – Procurement, Mark Williamson spoke of the purpose built hall, library and lecture theatre on site which were now lying to waste whilst their future was being considered by Plymouth University. He believed that these assets should be used for the community at large and to help regenerate business and support the local economy. He believed that the right development would be profitable in the short and long term. .

*166 **Exmouth Rolle College Design Brief (cont)..**

In reply to a question, the Board was advised that the local MP, Hugo Swire had been involved in trying to make sure that the site was developed in the right way for Exmouth.

The Leader thanked the Exmouth community groups for their valued efforts and vision.

RESOLVED that the work of the community groups preparing a design brief for the Rolle College main campus be welcomed and the design brief be forwarded to the University of Plymouth with a clear indication of the Council's support for the brief and for what the local community groups are trying to achieve.

(Councillor Jill Elson declared a personal interest in this item as a Governor of Exmouth College).

*167 **Financial monitoring report 2009/10 Month 10**

Members considered the report of the Accountants, summarising the Council's overall financial position for 2009/10 at the end of Month 10 and indicating areas that may require corrective action before year end. The summary of predicted over and under spends to year-end was noted, together with the overall effect these would have on the Council's General Fund balance.

Diccon Pearse, Corporate Director, advised that the most significant overspend was in respect of recycling and refuse for a number of reasons identified in the report. This would possibly have a knock-on effect on next year's budgets and therefore would be closely monitored. The Leader confirmed the value of monthly monitoring of budgets by the Executive Board.

Members noted the proposed contribution to the redundancy payment/pension strain cost of South Somerset's existing Chief Executive. This formed part of the joint sharing arrangements considered by the Board at its last meeting. The costs had been factored into the financial case for joint working with South Somerset District Council and the sharing arrangements as approved at the full Council meeting on 24 February.

RESOLVED

- (1) that the variances identified as part of the Revenue and Capital Monitoring process up to Month 10 be noted,
- (2) that the redundancy/pension strain costs of £165,854 associated with sharing a joint Chief Executive with South Somerset District Council from the Transformation Reserve be noted.

*168 **Procurement up-date**

Members considered the report of the Procurement Officer which advised of the ongoing and forthcoming activities of the procurement function within the Council.

The Member Champion – Procurement advised that the Procurement Officer, Colin Slater, had been appointed in August 2009 and had worked very professionally and with focus. He had been involved in joint procurement exercises with other authorities and had explored existing and new approaches to corporate procurement with the aim of achieving value for money and efficiency gains. He was working to develop and support staff involved in procurement activities and had established a Contract Register. The Register would be used to more robustly monitor contracts and provide opportunities for grouping contracts to facilitate collaborative purchasing. Whenever a contract was due for renewal, there was potential, through 'smart procurement', for cashable savings which could be used to support front line services.

*168 **Procurement up-date (cont)..**

The Procurement Officer worked closely with the Procurement Champion and the monthly Procurement Group to improve procurement across the Council and increase the Council's efficiency in respect of payment of suppliers. Members noted that the Council now topped the other Councils in the South West by paying over 80% of its suppliers in 10 days or less.

The Leader congratulated the Procurement Officer and team and the Member Champion – Procurement for their achievements. Early payment of invoices helped to support the economy and also potentially gave the Council opportunity for early payment discounts.

Local businesses were given the opportunity to tender and could be encouraged to work together to secure larger contracts. The Portfolio Holder – Resources suggested that the East Devon Business Forum could help promote this approach and suggested that the Procurement Officer be invited to a meeting of the Forum to explain his work and how local businesses could benefit. The intention was to add the Contracts Register to the Council's website which would help current and potential suppliers to better understand what the Council buys, where from and when the contracts were due to expire.

The Procurement Officer's future plans included the purchase of an e-tendering system to achieve increased efficiency and easier access to information, increased use of e-procurement, collaborative working through the Devon Procurement Partnership and the development of skills, knowledge and understanding across all directorates.

Members noted a procurement savings target of £75,000 for 2010-2011 and that further areas of spend, which could yield cost benefits, were being identified on an on-going basis.

RESOLVED that the progress made and future activities of EDDC's procurement function be noted and the Procurement Officer and Member Champion for Procurement be congratulated on their achievements to date.

*169 **Performance Monitoring report April 2009 – January 2010**

Members considered the report of the Communications and Improvement Manager setting out performance information for the 09/10 financial year until January 2010 to enable the Council to monitor the performance of selected performance indicators and identify any service areas where improvement was necessary.

The Head of Organisational Development confirmed that her team continued to work proactively with managers to reduce the days lost to sickness absence. The main reasons for absence were: non-work related stress/depression and back problems which reflected the national picture.

In response to a question, the Chief Executive advised that measuring calls answered within 20 seconds (Performance Indicator L102) compared favourably with those of other public authorities. The Customer Service Centre Manager was currently looking at measures used by the private sector and would report findings to the Chief Executive.

Performance in respect of planning and benefits services reflected improvements as a result of the 'systems thinking' reviews. The Portfolio Holder – Communities advised that the Housing teams were working hard to reduce the average time in days to re-let local authority housing and that the reported increase was due to major works being carried out on a limited number of properties. Members suggested that the way information was presented should be revisited so that end to end times were reported to enable members to see both exceptions as well actual performance overall. Members were encouraged to attend meetings of the Housing Review Board to find out more about the work of the housing team.

*169 **Performance Monitoring report April 2009 – January 2010 (cont)..**

RESOLVED that the performance and proposed remedial action against these Performance Indicators for the 2009/10 financial year until January 2010 be noted.

170 **Revised Redundancy Policy and Procedure**

Consideration was given to the report of the Head of Organisational Development setting out the proposed changes to the Council's Redundancy Policy and Procedure to ensure that the policy was sustainable and affordable for the Council whilst continuing to provide reasonable financial compensation for employees made redundant.

Members noted that the proposed changes would bring this Council's Redundancy Policy and Procedures into line with other authorities within Devon.

The Head of Organisational Development outlined the differentiation between how the Policy would be applied to persons below 55 and over 55 (when early retirement payments would apply). The Union had been invited to comment on the revised policy. The Head of Organisational Development outlined that the use of age meant the scheme could be potentially discriminatory. However, that it is still possible for the policy to be lawful on the grounds of 'objective justification'. In order to be justified, a potentially discriminatory scheme of this nature would need to be a 'proportionate means of achieving a legitimate aim'. In EDDC's case the legitimate aim could include the desire to ensure that employees aged over 55 did not receive a windfall by way of redundancy pay and pension benefits combined whilst younger workers had access only to enhanced redundancy pay. This would help EDDC to maintain good employee relations enabling the Council to manage change effectively and cushion older workers against additional labour market disadvantage.

The Portfolio Holder – Resources thanked the Head of Organisational Development for the work she had carried out in up-dating the policy and felt that the useful examples contained in the Policy were particularly helpful.

The Portfolio Holder – Communities stressed the importance of helping staff who had been made redundant to find other work.

RECOMMENDED that the revised Redundancy Policy and Procedure be approved to take effect from 1 June 2010 subject to further negotiations with UNISON.

*171 **The 'Single Conversation' – The new process for securing investment in housing and regeneration.**

Consideration was given to the report of Karime Hassan, Corporate Director setting out the Homes and Communities Agency's 'Single Conversation' process and seeking approval of the proposed arrangements for preparing a Local Investment Plan. Members were advised that without an Investment Agreement in place the Council would not be able to secure funding for its affordable housing programme and would affect the Council's ability to deliver its housing carbon and economic agenda. The intention of the 'Single Conversation' was to provide a framework for facilitating the delivery of sustainable economic growth.

There would be four Single Conversation areas within Devon. East Devon had been geographically grouped with Exeter and Teignbridge as the 'Exe Authorities'. A working group of Officers from these authorities plus Devon County Council had been established which, it was proposed, would draft the Local Investment Plan and Agreement. It was envisaged that this Group would report to the Exeter and East Devon New Growth Point Steering Group which, in turn, would make recommendations to the four authorities' Executive Boards.

*171 **The ‘Single Conversation’ – The new process for securing investment in housing and regeneration.**

The intention was for the Plan to concentrate on housing and regeneration projects which were known to be deliverable in the immediate to medium term. When these had been chosen, the Plan would include a collection of delivery plans for each site in addition to addressing certain themes, such as low carbon development, which required a more generic plan. The intent was to prepare a Stakeholder Engagement Strategy.

The Local Development Framework (LDF) would continue to identify spatial distribution and planning for new development. The Single Conversation would build on, but not duplicate, the work of the LDF.

- RESOLVED**
- (1) that a “Single Conversation” be developed as required by the Homes and Communities Agency, across the districts of Exeter, East Devon, and Teignbridge (excluding Dartmoor National Park), with the Exeter and East Devon New Growth Point Steering Board scrutinising and informing preparation of the Single Conversation documents, and recommending actions to the Councils for those districts and to Devon County Council;
 - (2) that the Local Investment Plan and subsequently the Local Investment Agreement be prepared by the Officer Group in accordance with the broad principles outlined in section 3 of the report, for approval in each case by the Steering Board;
 - (3) that a Stakeholder Engagement Strategy be prepared by the Officer Group, for approval by the Exeter and East Devon Growth Point Steering Board’s principals, as set out in paragraph 3.8 of the report;
 - (4) that the Officer Group report periodically to the Exeter and East Devon Growth Point Steering Board.

*172 **Exemption to Standing Orders for the purchase of play equipment**

Members considered the request for an exemption to Standing Orders to replace play equipment using ‘the play value’ method of assessment as opposed to accepting the lowest quotation submitted.

Members were advised that the large climbing frame in the play area in Allhallows had reached the end of its safe and economic life. The choice of replacement equipment would help to improve the play value of the area.

The Board discussed the importance of local consultation to ensure that the right equipment was purchased to suit community needs.

- RESOLVED**
- (1) that an exemption to Standing Orders be approved to enable new play equipment be procured for the Allhallows play area using an approved grading method provided by ‘Fields in Trust’ to achieve best value,
 - (2) that the final choice of equipment be made in consultation with local Ward Members.

*173 **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).

*174 **Exmouth Regeneration Programme Board**

The minutes of the meeting of the Exmouth Regeneration Programme Board held on 5 February 2010 were noted.

The Portfolio Holder – Communities raised concern about the need to provide public toilets in or close to the proposed visitor centre. The Corporate Director, Karime Hassan advised that this Council was not financing the visitor centre and what was provided on the site would be decided by Devon County Council. However he believed that the aim would be to secure a valued facility which achieved value for money. Members discussed the tourist information centre provision and the issues to be dealt with by the Programme Board.

*175 **Supplemental Grant Funding Agreement Low Carbon Infrastructure Fund for Biomass Combined Heat & Power/District Heating Scheme – Cranbrook**

Consideration was given to the report of Karime Hassan, Corporate Director which sought approval to increase the Council's financial contribution to the Biomass Combined Heat and Power/District Heating Scheme at Cranbrook. The reasons and level of funding were detailed in the report. Members were asked to agree the principles of the agreements with the final detail being delegated to the Chief Executive in consultation with the relevant portfolio holder..

The Leader and Deputy Leader thanked the Portfolio Holder – Strategic Planning and Regeneration and Karime Hassan for their significant contribution to the work of the Growth Point and for securing the partnership funding.

- RESOLVED**
- (1) that a contribution of £100,000 from East Devon District Council to supplement the funding package for the combined heat and power plant to assist the Council's Corporate Strategy of delivering Economic Growth and transferring to a low carbon economy, be approved;
 - (2) that the Chief Executive in consultation with the relevant Portfolio Holder be authorised to enter into a Supplemental Funding Agreement with the Homes and Communities Agency to vary the Maximum Sum of the HCA LCIF grant to the total of £3.7m and similarly vary the Maximum Sum in the Funding Agreement with E.ON to reflect this further grant,
 - (3) that £400,000 pledged to the project from SWRDA, DCC, ECC and EDDC be reflected in the funding agreement with E.ON bringing the maximum sum of the grant to £4.1m.

Chairman

Date