

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 15 June 2005**

**Present:** Councillors:  
R G Franklin (Vice Chairman in the Chair)

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

**Also Present**

Councillors:  
Mrs M J Boote  
D J Cox  
R H H Cross  
Mrs C E Drew  
M J L Green  
B C J Hughes  
B O Ingham

Mrs F I Newth  
A W J Reed  
Mrs L A Roden  
Mrs M A Rogers  
Mrs E E Wragg  
S C Wragg

Mike Browne, Audit Commission

**Apologies:** Councillors:  
Miss S M Randall Johnson (Chairman)  
A T Moulding

**Apologies from  
non-Board  
members** Councillors:  
P W Burrows  
T A Cope  
J E D Falby  
N Rogers

The meeting started at 5.30 pm and ended at 7.45 pm

\*1 **Welcome**

The Chairman welcomed Members to the first meeting of the Executive Board in the new civic year. He introduced the new Members of the Board: Councillors S C Luxton, J B Nicholson and Mrs P A Stott and thanked non-Executive Board members for attending as observers and non-voting participants.

\*2 **Minutes**

The minutes of the meeting of the Executive Board held on 6 April 2005, were confirmed and signed as a true record.

\*3 **AONB Sustainable Development Fund (urgent item)**

The Chairman agreed for this item to be considered as a matter of urgency to enable the Council to put in an early bid to the Sustainable Development Fund (SDF) for AONBs for funding within the current financial year 2005-6. Members considered the report of the Head of Planning and Countryside, which outlined the purpose of the fund and the opportunities it presented.

\*3 **AONB Sustainable Development Fund cont/..**

**RESOLVED** that East Devon District Council act as the accountable body for the Sustainable Development Fund on behalf of East Devon AONB Partnership.

\*4 **Exe Estuary Partnership Memorandum of Agreement (MOA) (urgent item)**

The Chairman agreed for this item to be considered as a matter of urgency to enable early consideration to be given to the Council's level of contribution to the Exe Estuary Partnership and to whether to formally sign a Partnership Memorandum of Agreement. The County Council had stated that if the East Devon District Council was unable to increase its contribution and formally sign the MOA, the currently vacant Estuary Officer's post could not be filled and there was a likelihood that the Partnership would have to be wound up.

It was suggested that to enable a full and detailed discussion to take place, the matter be referred to the Overview Committee when representatives from all interested parties would be invited to contribute and put forward their views and suggestions. The Overview Committee would be asked to thoroughly investigate the partnership arrangements and assess the benefits to the people of East Devon.

**RESOLVED** that the Overview Committee be asked to consider the Exe Estuary Partnership arrangements and the benefits of the partnership to East Devon, taking into account representations from interested parties, with the recommendations of the Committee being reported back to the Executive Board.

(Councillor B Hughes, as Chairman of the Partnership, declared a personal interest in this item).

\*5 **Western Power repair work (urgent item)**

The Chairman agreed for this item to be considered as a matter of urgency in response to communication from the Sidmouth/Sidford Ward Members who requested that a full investigation be carried out into works undertaken by Western Power on the weekend of 4/5 June when the company had repaired an underground power supply. Members were shown photographs of the resultant environmental damage caused to the woodland at High Meadow and were advised of general disruption to the wildlife. Although the company had agreed to repair the damage and replant trees, there was concern that the damage caused could not be remedied and that steps should be taken to prevent a similar situation arising in the future.

**RESOLVED** that the Overview Committee be asked to fully investigate the action taken by Western Power when undertaking underground power supply repairs at High Meadow, Sidford, whether correct procedures were followed and how the environmental impact of future action could be minimised.

\*6 **Exempt Information**

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

**\*7 Forward Plan**

The contents of the Forward Plan for the period 1 June 2005 to 30 September 2005 were noted.

The Housing Stock Options Appraisal final report would be referred to the Executive Board in September.

Approval of the Value for Money Self-Assessment would be referred to the Executive Board in September to meet the submission deadline at the end of that month.

**\*8 Matters referred to the Executive Board**

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

**\*9 IDeA Peer Review letter – follow up visit 21 March 2005**

The letter from IDeA in respect of the follow up visit of the peer review was received and considered. Members noted that the authority continued to progress and had a clear improvement plan in response to the CPA judgement received in June 2003. The letter acknowledged that the Council had maintained its strengths and had taken positive steps to address issues raised through the CPA review. It was felt that the summary was a fair reflection of what the Council had achieved since the review and progress made on a number of issues. For example member development opportunities would be maximised through the Devon Improvement Programme in which the Council would play a full and active role. Pace of change issues were acknowledged and these hopefully would be included, for detailed investigation and recommendation, in the work programme of the Scrutiny Committee.

- RESOLVED**
- (1) that the IDeA Peer Review letter be received,
  - (2) that the letter be referred for consideration to the Scrutiny Committee as part of its assessment of work plan issues for the forthcoming year.

**\*10 Exmouth Joint Forum**

The report of the meeting of the Exmouth Joint Forum held on 23 May 2005 was noted. The flags/banners project, which had been as the result of collaboration between the artist involved and local schools, was praised. The Board asked for its congratulations to be added to the letter of thanks being sent to the Exmouth Community College, acknowledging the valued contribution of its students to this project.

**\*11 Folk Festival Working Party**

The report of the meeting of the Folk Festival Working Party held on 25 May 2005 was noted and consideration given to the recommendations of the Working Party.

- RESOLVED**
- that agreement in principle be given to Amazing Events to hold two evenings of live music at the Knowle Arena, Sidmouth, over the weekend of Saturday 20 August and Sunday 21 August 2005, on a trial basis, subject to terms and conditions drawn up by the Head of Economic Development and Property, including:
- (a) the level of insurance indemnity,
  - (b) the level of the site bond against damage,
  - (c) the organiser's agreement with the emergency services,
  - (d) the minimum guaranteed fee from the organiser of £2,000 and a percentage of the ticket price additional to this to be determined by negotiation.

12 **Revenue and Capital Outturn report for 2004/05 (key decision)**

Members considered the report of the Financial Services Manager, which compared the outturn figure for revenue and capital against the original and revised budgets for the financial year 2004/05. Early monitoring reports highlighted a need for corrective action over variances occurring on major income budgets. A number of remedial measures were taken to rectify the situation resulting in the General Fund Balance being restored above the minimal level required.

Members of the Board praised the dedication of the staff and action taken to achieve these positive results. It was acknowledged that the year ahead would present new challenges.

The report would be considered by the Corporate Overview Committee at its meeting on 7 July 2005.

Members were asked to note the variations from the budgets that had been identified within the report and approve the final outturn position. Members' attention was drawn to the Council's outstanding claim with the Department of Works and Pensions for housing benefit subsidy relating to 2003/04 and it was suggested that when received this should be used to fund the Council's property maintenance programme which had been identified as significantly under-resourced.

- RECOMMENDED**
- (1) that the 2004/05 outturn position be agreed,
  - (2) that all sums received relating to the outstanding housing benefit claim, be used to help finance the Council's significant under funding of property repairs and maintenance identified in the recent Planned Maintenance Programme report (Executive Board 17 January 2005) and allow the Asset Management Forum to prioritise this during 2005/06,
  - (3) that the 2005/06 revenue budget be revised to take account of the Council's outstanding agreed commitments of £407,000 (Paragraph 5.3 of the report refers).
  - (4) that the Council staff be thanked for their valued contribution to service provision and for helping the Council to achieve the necessary savings within the budget for 2004/05 and the efforts in providing a balanced budget for 2005/06.

\*13 **Customer Access Strategy – results of the research work into a joint Contact Centre with Devon County Council (key decision)**

Members considered the report of the Head of ICT in respect of work carried out with Devon County Council as agreed by the Board at its meeting in March 2005.

The detailed investigation carried out by iMPower into a centralised contact centre with Devon County Council had identified risks, complexity and different priorities between EDDC and DCC. This had led to the recommendation that a joint approach should not be pursued at the moment but that EDDC should set up and run its own contact centre.

However, it was acknowledged that benefits could be gained from joint working including improved telephone links, common technology and agreed protocols between the two councils. It was suggested that the creation of joint EDDC/DCC centre could be re-investigated in 18-24 months following the completion of the initial stages of the project.

Chris Powell, Head of ICT and his team were thanked for their hard work and valued input which had represented good partnership working.

\*13 **Customer Access Strategy – results of the research work into a joint Contact Centre with Devon County Council (key decision) – cont/..**

**RESOLVED** that East Devon District Council work towards setting up and running its own contact centre in the short term whilst creating good links to the Devon County Council contact centre.

\*14 **Leisure Services – transfer to a Non Profit Distributing Organisation (NPDO) (key decision)**

Members considered the report of the Head of Leisure and Lifestyles which was the first of a series of up-dates on progress made towards transferring the major part of the Council's Leisure Services to a Non Profit Distributing Organisation. The tight timetable for achieving transfer on 1 January 2006 was acknowledged but Members were advised that the project was on schedule. Members considered a number of recommendations and their justification. The report outlined the advantages of the transfer and set out the assumptions which underpinned the process. Particular attention was drawn to the assumption that the change to a NPDO would not change the quality of service delivery.

David Pagett, Mike Hooper and their team in Leisure Services were thanked for their positive involvement and the progress achieved to date.

- RESOLVED**
- (1) that the Council's leisure function be transferred to a stand-alone Industrial and Provident Society,
  - (2) that the transfer include the management of the Council's Sports Centres, Exmouth Pavilion and the outdoor leisure facilities at Phear Park, Exmouth, Seaford Gardens, Seaton and Coburg Road, Sidmouth, (inclusion of the Manor Pavilion, Sidmouth to be considered following the current evaluation of the existing management arrangements),
  - (3) that the new organisation's draft mission statement, aims, objectives and values be agreed in principle
  - (4) that the composition of the NPDO Board and a mechanism for recruitment be agreed,
  - (5) that the Council retain ownership of the land and buildings to be managed by the new organisation,
  - (6) that the transfer of staff to the new organisation under the Transfer of Undertakings (protection of employment) Regulations 1981 (TUPE) be noted with an expectation that the new organisation would join the local government pension scheme as an 'admitted body',
  - (7) that there be an assumption that, wherever practical and reasonable, the new body will maintain existing service level agreements with Council services to run at least until the start of the 2007/8 financial year,
  - (8) that the initial senior management structure for the new organisation be approved with delegated authority being given to the Chief Executive, in consultation with the Portfolio Holder – Culture, to agree job descriptions, salaries and recruitment,

\*14 **Leisure Services – transfer to a Non Profit Distributing Organisation (NPDO) (key decision) cont/..**

- (9) that the appointment of Messrs Lawrence Graham as Legal Advisers for the project be noted.

\*15 **Treasury Fund Management 2004/05**

Members considered the report of the Financial Services Manager in respect of the performance of the Council's externally managed funds. The report, covering the period 1 April 2004 to 31 March 2005 was submitted in accordance with the CIPFA 'Code for Treasury Management in Public Services. It was noted that Investec's performance as fund managers in 2004/05 had improved. The Council had adopted a more prudent approach to budget setting to avoid over-estimating future financial performance.

**RESOLVED** that the investment return for 2004/05 be approved.

\*16 **Banking Arrangements – Contract extension to March 2007**

Members considered the report of the Financial Services Manager in respect of the current banking arrangements. The contract had awarded to HSBC in September 2001 for a three year period commencing on 1 April 2002. Members noted that the Council had developed an excellent working relationship with HSBC, which had striven to reduce bank charges by replacing cash and cheque payment with direct debit and BACS where ever possible. HSBC had intimated that the bank would be prepared to extend the contract on the same terms as previously negotiated for a two year period. It was suggested that this extension should be accepted to terminate on 31 March 2007 when a full tender process would be undertaken.

**RESOLVED** that a two year contract extension be agreed with the Council's existing bankers HSBC with a full tender process being scheduled for 2007.

\*17 **Delivering efficiency in local services**

Members considered the report of the Corporate Director – Economy in respect of the proposals to achieve annual efficiency gains. These had to be achieved by getting more from the same resource or achieving the same results from less resource. Cuts in services provided would not count as efficiency gains. All local authorities were required to achieve efficiency gains at a rate of 2.5% per annum compared with their 2004/05 budget. The gains would be reported through an annual Efficiency Statement and would form part of the Council's CPA assessment. Members noted anticipated gains identified as a direct result of the Service Prioritisation exercise and the need for future efficiencies to be identified.

- RESOLVED**
- (1) that the Annual Efficiency Statement for 2005/06 be adopted,
  - (2) that Councillor R H H Cross be appointed as Member Champion for delivering efficiency in local services.

\*18 **Housing Strategy Statement 2004-2007 – Fit for Purpose**

Consideration was given to the report of the Head of Housing and Social Inclusion in respect of the above Statement, which had been positively assessed by the Government Office.

John Golding and his team were thanked for achieving this excellent result which underpinned the Council's goal of providing more affordable housing.

\*18 **Housing Strategy Statement 2004-2007 – Fit for Purpose – cont/..**

- RESOLVED**
- (1) that, the assessment of the Housing Strategy Statement 2004-2007 as fit for purpose be noted,
  - (2) that the Head of Housing and Social Inclusion progress the aims, targets and action plan contained within the Housing Strategy.

19 **Housing Revenue Account adjustment to 2005/06 budget**

Members considered the report of the Housing Contract Services Manager in respect of tenders relating to inspection, service, maintenance and repair of gas appliances in Council dwellings and exterior re-decoration of Council homes which had come in over budget. Members were asked to agree to additional funds being released from the balance of the Housing Revenue Account to cover this increased cost. Members were also asked to approve a further amendment to the Account to cover the cost of upgrading thermal insulation to specific properties to meet the Decent Homes Standard.

It was acknowledged that where possible the Council took advantage of opportunities for potential savings through the Devon Procurement Partnership.

- RECOMMENDED** that the budget for the 2005/06 Housing Revenue Account be amended to cover the increased costs being incurred through essential works to Council homes, as detailed in the report.

\*20 **Standing Orders Exemptions: appointment of consultant for the validation of the Council's Housing Stock Condition Survey data.**

Consideration was given to the report of the Housing Contract Services Manager in respect of a request to waive the requirements of standing orders to enable the Council to appoint a Consultant with the necessary experience and expertise to carry out the Housing Stock Option Appraisal for Council dwellings. Members were advised that the timescale was so tight that there had been insufficient time for the full tender process to be implemented. It was noted that failure to meet the prescribed timetable or ability to validate the housing stock data could have potential serious consequences with the Government Office South West.

- RESOLVED** that the exemption to standing orders be accepted, for the reasons given in the report.

\*21 **East Devon Citizens Advice Bureau – Service Level Agreement**

Members considered the report of the Corporate Director – Communities in respect of a standard SLA devised by the County Council to give structure to grant funding of CABs across the county. Members noted the standard SLA attached to the report, which would apply, with location adjustments, to both CABs. Any changes made as a result of current consultation with East Devon CAB to change their level of service due to financial constraints would need to be reflected in the SLA. Acceptance of the SLA would commit the Council to future funding of the service.

Members were disappointed that the CAB service may be cut back.

- RESOLVED** that the Overview Committee be asked to review the services provided by the CABs and proposed changes, where and to whom these services were provided and the funding arrangements (particularly the level of County Council funding) with the Committee's recommendations being referred back to the Executive Board.

**\*22 Honiton Community Complex – phase 1**

Consideration was given to the report of the Corporate Director – Economy in respect of a request received from Honiton Town Council to release part of the £333,000 set aside in the capital budget for the construction of the Community Complex, in order to meet architect, planning and associated fees.

**RESOLVED** that a maximum of £106,000 of the £333,000 be released to the Town Council to progress the planning stage of the Community Complex subject to receipt of a resolution by the Town Council to repay the amount advanced in the event of works not being completed within 5 years from the date of draw down.

**\*23 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, is likely to be disclosed.

**\*24 Post number 06/006**

Members considered the report of the Head of Organisational Development in respect of post holder 06/006..

**RESOLVED** that, in respect of post number 06/006, action be taken as per the report.

Chairman ..... Date .....