

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 19 October 2005

Present:

Councillors:

R G Franklin (in the Chair for items 1 – 13)
A J Wilkinson (in the Chair for items 14 – 30)

P A Diviani
Miss J M Elson
S Hughes
A T Moulding
J B Nicholson

Also Present

Councillors:

T A Cope	R Mudge
J E D Falby	Mrs F Newth
A R Giles	A W J Reed
C Gibbings	T G Reeves
Mrs P A Graham*	Mrs I A Roden
M J L Green	Mrs E E Wragg
Ms S Merritt	S C Wragg

Apologies

Councillors:

Miss S M Randall Johnson (Chairman)
Mrs P A Stott

**Apologies from
non-Board
members**

Councillors:

Mrs A E Liverton
G K Liverton
Mrs M A Rogers
Mrs B O Taylor

* Councillor Mrs Graham left the meeting prior to agenda item 11 being discussed and asked for this to be recorded in the minutes.

The meeting started at 5.30 pm and ended at 9.25pm

Councillor Gibbings was welcomed to his first meeting of the Executive Board.

*57 **Minutes**

The minutes of the meeting of the Executive Board held on 7 September 2005, were confirmed and signed as a true record.

*58 **Exempt Information**

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 of the agenda.

*59 **Forward Plan**

The contents of the Forward Plan for the period 1 October 2005 to 31 January 2006 were noted.

*60 **Matters referred to the Executive Board**

There were no matters referred to the Executive Board by the Corporate Overview Committee or the Council.

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

The minutes of the meetings of the Corporate Overview and Scrutiny Committees, held on 21 September and 6 October 2005 respectively, were noted. The recommendations of the Corporate Overview Committee in respect of Unlocking Exmouth – Part 2: The Way Forward were taken into account when the issue was discussed later in the meeting at agenda item 10. Members were advised that the declarations of interest made at that meeting would be carried forward to this meeting.

*62 **Petition – seagull population in Sidmouth**

A petition of 712 names in respect of the seagull population in Sidmouth was formally received and noted by the Board. Members were advised that the matter would be reported in more detail at a future meeting.

*63 **Unlocking Exmouth – Part 2: The Way Forward - Key Decision**

Members considered the report of the Corporate Director – Environment previously circulated with the agenda of the Corporate Overview Committee. In debating this issue Members took into account the recommendations of that Committee (Minute 13 of 6.10.05 refers). The Corporate Director explained the various options available within the report and the potential benefits and problems that could arise if they were adopted.

Concern was raised over the effect a supermarket may have on the town, the potential loss of parking, the effect on the road network, the provision of residential accommodation along the seafront, the options available for the Elizabeth Hall and the affect on the Sports Centre. Members were keen to encourage people to respond to the public consultation.

RESOLVED that the recommendations of the Corporate Overview Committee be approved with the four options (shown as 1, 3a, 3b and 4 in the report) for the development of the Estuary Side and the protection of the Imperial Recreation Ground being put to public consultation for responses by 1 February 2006,

(Councillors Mrs E E Wragg and R Mudge declared personal interests in this matter as they were Exmouth Town Council representatives on the Shoreline Centre Project. Councillor Mrs P Graham declared a personal interest as a member of the Waterside Steering Group. Councillor T A Cope declared a personal interest in discussions in respect of the proposed Visitor Centre as a member of the Steering Group. Members of the Conservative and Liberal Democrat Groups declared personal interests in the Elizabeth Hall as regular users of that facility)

*64 **Leisure Services – transfer to a non-profit distributing organization – Key Decision**

Consideration was given to the report of the Head of Leisure and Lifestyles which presented the legal documents (key provisions papers) which would formalise the transfer, the proposed rules of the Trust and its Outline Business Plan. These documents would provide the rationale for the Trust, how it would contribute to the strategic aims and objectives shared with the Council and how it would seek to achieve a sound financial footing. The Trust would also be obliged to submit a Service Plan detailing how it would meet the service delivery outcomes required by the Council.

*64 **Leisure Services – transfer to a non-profit distributing organization – Key Decision** (Cont.)

Members were advised that a Shadow Board for the new organisation had been recruited and had met for the first time on 14 October 2005. Progress had been made with the service level agreements for the provision of services in house and with the overall service level agreement setting out what the Authority wanted from the Trust.

The Head of Leisure Services and his team and Councillor Moulding, Portfolio Holder for Culture, were thanked for all their work on the transfer to date.

It was noted that the Sports Centre Advisory Forums would continue to exist in a similar format and would retain an important influence on how the facilities were managed.

- RESOLVED**
- (1) that the key provisions papers and rules of the Trust, as outlined in Appendix 1 to the report, be approved in principle,
 - (2) that the Trust's Outline Business Plan, as outlined in Appendix 2 to the report, be approved in principle.

*65 **Revenue and Capital Monitoring Report 2005/06 – Month Five**

Consideration was given to the report of the Financial Services Manager in respect of the Council's overall financial position at Month Five (August). The budget variations had been identified within the month 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 the remedial measures suggested/implemented by officers. The monitoring process had not highlighted any material budget variances requiring corrective action.

A potential under spend of £304.720 at year end was estimated for the General Fund. The Capital budget had experienced some slippages but variances were expected to balance out by year end. Concern was raised over the predicted deficit in Land Charge fees for the year. Members were advised that the Environment Think Tank would be considering these fees at its meeting on 1 November 2005.

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

66 **Free Concessionary Fare Scheme**

Members considered the report of the Head of Finance in respect of a new concessionary fare scheme to be introduced in April 2006. The statutory minimum requirement of the Transport Act 2000 would be increased from the current half fares to free fares for older and disabled people on local bus services in England.

Members were reminded that the Council was a member of the Devonwide Concessionary Travel Partnership which enabled pass-holders to travel throughout the county. Devon County Council administered the Travel Partnership on behalf of its members and negotiated financial reimbursement with transport operators.

Members noted the Council's statutory obligation to comply with the new concessionary fare scheme as a Travel Concession Authority and the advantages of working in partnership with the other Devon authorities both for the Authority and for users.

66 Free Concessionary Fare Scheme (Cont.)

Members were asked to note an increase in Government funding would help meet the costs of providing the additional concessionary fares but the Council could have to find an estimated additional contribution of £431,000 to support the new scheme.

- RECOMMENDED**
- (1) that the changes to the Concessionary Fare Scheme and the financial implications of this to the Council, be noted
 - (2) that the Council confirms its current intention to remain a member of the Devonwide Partnership Agreement subject to the conclusion of satisfactory negotiations.

(Councillor Wilkinson declared a personal interest in this item as he would be eligible for a pass under the scheme)

***67 Public Entertainment Licence – request for remission of fee**

Members considered the report of the Chief Executive in respect of a request made by the South West MS Centre for a retrospective reduction in the fee charged for an Occasional Public Entertainment Licence.

Members noted the licence fee charged for this large charity event which had been correctly based on the agreed schedule of fees 2005/6. Members took into account both the likely precedent remission of all, or part, of the fee would set for similar requests and the budgetary implications that would result from any reimbursement.

The fees neighbouring authorities charged to Charities were noted together with the Authority's need to make the Licensing function as self financing as possible.

- RESOLVED** that request by the South West MS Centre for a retrospective reduction in the fee charged for an Occasional Public Entertainment Licence be refused.

(Councillor Ms S Merritt declared a personal interest in this item as she was an occasional visitor to the MS Centre)

***68 Access to Services Inspection**

Members considered the report of the Corporate Director – Central Services giving the outcome of the Audit Commission's Inspection of the Council in May 2005. The Inspectors' findings were that the Council was providing 'a good service that had promising prospects for improvement'. Positive comments on the service and where the provision could be improved were identified in the report.

- RESOLVED**
- (1) that the Council continues to support the e-government agenda, the implications of a Customer Contact Centre and the introduction of clear customer standards which the Inspectors noted would improve customer access to services,
 - (2) that the Inspectors' recommendations be included in the next review of the Customer Access Strategy/Customer First and Communications Policies with the key recommendations being included in the Directors' appraisals.

*69 **Performance Monitoring report – August 2005**

Members considered the report of the Policy Manager giving key performance indicator information for August 2005 for monitoring by the Executive Board. It was noted that the report was presented in a new format utilizing new performance monitoring software, SPAR.net which would increase the efficiency of entering and collecting performance data.

Members were advised that the performance against indicator 'BV8 (mon) % of invoices for commercial goods' had been re checked since the writing of the report and found to be 92.3% rather than 84.07% as shown.

Members of the Housing team were thanked for their hard work in reducing the number of homeless persons living in bed and breakfast accommodation.

RESOLVED that the performance and proposed remedial action against key performance indicators for the month of August 2005 be noted.

70 **Review of the Council's Corporate Strategy**

Consideration was given to the report of the Corporate Director – Central Services in respect of recommended amendments to the Corporate Strategy. The proposed changes made the document more forward-looking, simpler with clearer explanations of the Council's priorities. It reflected the nature of the Council's core services and had tangible outcomes with transparent measures.

It was suggested that priority 3 measure 6 be amended to read 'support a partnership approach to deliver the loops on the Waterloo line to improve the timetable'.

RECOMMENDED that the revised Corporate Strategy be adopted subject to the Corporate Director – Central Services being given delegated authority to make any minor changes considered necessary.

71 **Policy Up-date: Information Security Policy**

Members considered the report of the Head of ICT introducing a new policy which set out guidelines and rules for the management and accessibility of Council data. The policy aimed to achieve a sensible business balance between information security requirements and ease of access to information. The Information Security Policy itself had not been included with the agenda but would be sent to Members separately. Members were encouraged to feedback any suggestions to Chris Powell, Head of ICT.

RECOMMENDED that the Information Security Policy be adopted subject to any comments or changes suggested by Members with the Corporate Director – Central Services being given delegated authority to agree any amendments with Unison following receipt of their comments.

72 **Indemnities for Members and Officers**

Members considered the report of the Head of Legal and Member Services in respect of a scheme, recommended by the Standards Committee, of Member and Officer indemnity for legal liability arising out of their actions on behalf of the authority or on bodies to which the Council had appointed them.

It was noted that the Government had introduced new regulations which gave a specific power for authorities to grant indemnities, and/or take out insurance, to cover the potential liability of Members and Officers in a wide range of circumstances. The indemnity recommended would provide cover for Councillors and Officers acting on behalf of the authority.

72 **Indemnities for Members and Officers (Cont.)**

- RECOMMENDED**
- (1) that indemnity to Members and Officers be granted on the terms set out in the appendix to the report with the Corporate Director – Economy being instructed to secure insurance to cover the authority’s liability under this indemnity, if he is of the opinion that such insurance would be financially prudent,
 - (2) that appointment to a position with an outside organisation which comes within these indemnities shall be treated as an appointment as a representative of the authority for the purposes of the Code of Conduct for Members,
 - (3) that the Head of Legal and Member Services investigate the County’s position on Councillors as directors of Citizens Advice Bureaux and assess its relevance for East Devon District Council.

73 **Employee Code of Conduct**

Consideration was given to the report of the Corporate Director – Central Services in respect of a proposed Employee Code of Conduct which aimed to clarify the standards expected of all employees and provide guidance and protection to staff in all matters with ethical implications. The code had been drafted as part of the Council’s corporate governance work and complemented the Member Code of Conduct. The code had been recommended for approval by the Standards Committee.

RECOMMENDED that the Employee Code of Conduct be adopted.

74 **Investors in People**

Consideration was given to the report of the Head of Organisational Development in respect of application made to achieve Investors in People accreditation. Members noted the benefits to the Council and its employees which would flow from the accreditation and the process and costs involved.

RECOMMENDED that the progress made to-date in achieving Investors in People accreditation be noted with the proposed future action, including approval of an additional budget of £4,000, to achieve the standard being endorsed.

*75 **Regional Spatial Strategy – Devon County Council’s formal advice to the Regional Assembly in respect of proposals for the Exeter area**

The report of the Policy and Conservation Manager up-dated Members on formal advice from Devon County Council (in compliance with its statutory role) to the Regional Assembly which had overall responsibility for the preparation of the Regional Spatial Strategy in the South West. The main concern raised by the County Council’s advice was in respect of the new community which this Council wanted constrained to a maximum of 5,500 dwellings. County Council had advised the Regional Assembly that Cranbrook should accommodate 6,550 dwellings by 2026 which would mean that the community’s optimum density to achieve sustainability within the agreed site of the development would have to be increased. Concern was raised that should Cranbrook be increased in size the character of the town would change making it less attractive.

*75 **Regional Spatial Strategy – Devon County Council's formal advice to the Regional Assembly in respect of proposals for the Exeter area** (Cont.)

The Corporate Director – Environment advised that there would also need to be detailed consultation with each town to assess how they wanted to address the issue of growth. It was suggested that Exmouth wanted to absorb growth in demand for housing through regeneration, as shown in Unlocking Exmouth, rather than through expansion. It was also suggested that Tiverton should be required to accommodate the requirements of the strategy. Members were advised of the importance of expressing these preferences prior to the publication of the Strategy for consultation.

It was noted that this item would also appear on the agenda for the next meeting of the Exmouth Joint Forum.

RESOLVED that the Corporate Director – Environment put forward the concerns expressed to the Regional Spatial Strategy Steering Group meeting to be held on 20 October 2005.

*76 **Exeter to Salisbury Railway line**

Members considered and welcomed the report of the Policy and Conservation Manager in respect of the possibility of achieving an hourly Exeter to Waterloo Service which was supported by the Exeter to Salisbury Lineside Consortium of Authorities (SELCA).

RESOLVED that the Exeter to Salisbury Lineside Consortium of Authorities proposal for a business case assessment of proposed improvements to the line to deliver an hourly Waterloo/Exeter service and half hourly Exeter to Axminster be supported.

*77 **Safer Food Better Business – Food Standards Agency grant funding**

Members considered the report of the Head of Environmental Health and Health Equalities in respect of the Food Standards Agency initiative: Safer Food Better Business which aimed to improve food safety in food businesses, helping small businesses comply with the new European Council Regulations. This Council, in partnership with Mid Devon District Council and Exeter City Council, had submitted a successful joint bid to the Food Standards Agency for funding which would be used to organise a series of training sessions and follow-up coaching for small catering businesses.

RESOLVED that the partnership approach to implementing the Safer Food Better Business initiative and the award of the Food Standards Agency grant be welcomed.

(Councillor Diviani declared a personal interest in this item as an owner of a public house offering meals)

78 **Seaton Hole Landslip – Emergency Outfall Protection Works**

Members considered the report of the Corporate Director – Environment in respect of repair necessary to the western side of the emergency outfall protection works which had been damaged during the storms in late October 2004.

RECOMMENDED that authority be given to proceed with undertaking emergency works to protect the outfall at Seaton Hole.

79 **East Devon Local Biodiversity Action Plan (LBAP)**

Consideration was given to the report of the Countryside Manager outlining the content of the above Plan which was now in its final draft. The Plan provided a corporate policy on how the Council managed its assets which directly affected the natural environment, for example, its local nature reserves. It also included details of key habitats and species within the district which could help inform the Local Development Framework process and help manage activities to conserve, enhance or even improve habitat.

RECOMMENDED that the policies, objectives and actions of the Local Biodiversity Action Plan be agreed and adopted as a key Corporate Policy document.

*80 **River Axe Water Vole Recovery project**

Consideration was given to the report of the Countryside Manager in respect of a partnership opportunity to restore water vole populations to the River Axe. The project to be hosted by this Council would be funded principally from the Environment Agency and the existing EDDC Nature Reserves budget for 2005/06. A Project Officer would need to be recruited for one year to co-ordinate habitat improvement work. It was suggested that the natural environment should be considered as equally important as the natural landscape.

RESOLVED that the River Axe Water Vole Recovery project be supported with this Council acting as host authority for the temporary one year Project Officer.

*81 **Exclusion of the Public**

Prior to excluding the public the Chairman expressed sympathy on behalf of the Council to the residents of Ottery St Mary who were affected by flooding the previous night. The Council had given £1.18m towards the Ottery St Mary flood defence scheme and regretted that six shops and several houses were still flooded but it was considered that this number would probably have been significantly greater had the scheme not taken place. The Chief Executive agreed to contact the Environment Agency to obtain further details on why the had flooding occurred.

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.

*82 **The Sail Loft, Camperdown Terrace, Exmouth**

The Chief Executive up-dated Members on progress to remedy the complaints made to the Ombudsman by local residents in respect of the above application. Members discussed the various options available.

A letter from a local resident was circulated at the meeting.

Members noted that the boat rack erected on the site was not in compliance with the planning permission issued due to its cross bracing and that a recommendation for enforcement action would be put to the Development Control Committee.

Concern was raised over the safety of the boat on the rack and the operation of a fork lift truck on the site. The Corporate Director – Communities agreed to request that these issues be looked into by either the Council's Environmental Health team or the Health and Safety Executive as appropriate.

RESOLVED that, having given careful consideration to the confidential opinion of the District Valuer, it be concluded that revocation of planning permission 7/01/01/P1814/02167 is not practicable and that accordingly the recommendations (ii) and (iv) of the Ombudsman's decision letter dated 20 January 2004 be implemented, with the Chief Executive being authorised to make recommended payments based on details set out in the Ombudsman's letter.

83 **Proposed redevelopment of the former outdoor swimming pool site, Sea Front, Exmouth**

Members considered the report of the Senior Estates Surveyor in respect of the terms for the Building Agreement and Lease for the above proposed re-development. The prospective developer had provisionally agreed the terms of the Building Agreement and lease subject to a number of provisos which Members now considered.

RECOMMENDED

- (1) that in respect of the provisos set out in the report 2.) and 3.) be accepted, proviso 1.) refused and that further consultation take place with regard to proviso 4.);
- (2) that the development proceeds on the terms and conditions of the Building Licence and Lease as outlined in the report subject to further negotiations on the user clause;
- (3) that time limit placed on the prospective developer to sign the contract and fulfill the pre contract conditions be set at February 28 2006.

*84 **Seaton Regeneration Scheme**

Members considered the report of the Head of Economic Development and Property on action and discussion to date and how the above Scheme could be further progressed. The potential developer was now requesting a more formal view of the Council's commitment to allow them to proceed to the next phase.

A copy of the position statement set out in the agenda would be sent to Seaton Town Council in due course.

*84 **Seaton Regeneration Scheme** (Cont.)

RESOLVED

- (1) that the current state of discussions with other landowners concerning the Seaton Regeneration Scheme be noted,
- (2) that the Council's 'Position as Landowner' statement be agreed, with the statement being sent to the adjoining owner, and also other owners, who may be able to bring the development of the Seaton Regeneration Scheme forward,
- (3) that further discussions be carried out with agents acting for the company named in the report, and other landowners as necessary, with a view to formulating a conditional contract to include the Council's land in a comprehensive regeneration scheme.

Chairman Date