

# EAST DEVON DISTRICT COUNCIL

## Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 29 September 2004

**Present:** Councillors:  
Miss S M Randall Johnson (Chairman)  
R G Franklin (Vice Chairman)

P A Diviani  
Miss J M Elson  
J H Glanvill  
M J L Green  
S Hughes  
Mrs M A Rogers  
A J Wilkinson

**Also Present** Councillors:  
Miss V Ash  
P W Burrows  
G P Chamberlain  
Mrs C E Drew  
J E D Falby  
Mrs A E Liverton  
G K Liverton  
Ms S M Merritt  
R Mudge  
A W J Reed  
T G Reeves  
Mrs P A Stott  
Mrs E E Wragg  
S W Wragg

**Apology** Councillor A T Moulding

The meeting started at 5.30 pm and ended at 9.28 pm

The Leader of the Council had been delayed and arrived after the start of the meeting. The Vice Chairman was in the Chair until item 14 on the agenda (minute \*77) when the Leader arrived and assumed Chairmanship of the meeting until item 16 (minute 79) when she was called away to deal with an urgent matter.

### \*66 **Minutes**

The minutes of the meeting of the Executive Board held on 8 September 2004, were confirmed and signed as a true record.

Members noted receipt of a letter of apology from Councillor Miss Ash who had, in confusion, declared a personal interest at the last meeting of the Board (minute 58 refers) instead of declaring a prejudicial interest and leaving the Chamber. The letter of apology, which was accepted by the Board, complied with advice from the Standards Board of England.

**\*67 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.

**\*68 Forward Plan**

The contents of the Forward Plan for the period 1 October 2004 to 31 January 2005 were noted. The Corporate Director – Environment asked for the East Devon Local Development Scheme (in draft at item 25 of the agenda of this meeting) to be included in the Forward Plan, following consultation, for consideration in January 2005. The decision of the Strategic Overview Committee (Minute 7 refers) was also noted.

**\*69 Matters referred to the Executive Board**

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

**70 Overview Committee Minutes**

Consideration was given to the minutes of the meetings of the Strategic Overview (21 September 2004), Environment Overview (8 July, 12 August and 16 September 2004), Economy Overview (13 July and 15 September 2004), Communities Overview (7 July 2004) and Joint Overview (22 September 2004) Committees.

**RESOLVED**

(1) that the decisions contained in the following minutes be noted:

Strategic Overview	Minutes 9, 10, 11
Environment Overview	Minutes 14, 17
Economy Overview	Minutes 13, 15, 17, 18, 19, 20, 21

(2) that the recommendations contained in the following minutes be agreed:

Strategic Overview	Minutes 7, 8, 11
Environment Overview	Minutes 18, 35
Economy Overview	Minutes 13, 14, 17(2&3), 19
Communities Overview	Minutes 9, 12

(3) that the recommendations contained in the following minutes be taken into account during consideration of the relevant agenda items taken later in the meeting:

Environment Overview	Minutes 19, 33
Economy Overview	Minute 17(1)
Joint Overview	Minutes 2, 3

**RECOMMENDED**

that the recommendations contained in the following minutes be agreed:

Environment Overview	Minutes 15, 16, 20, 21, 22, 23
Economy Overview	Minute 21

71 **Folk Festival Working Party**

The report of the meeting of the Folk Festival Working Party held on 15 September 2004 was noted. The Head of Leisure and Lifestyles advised that a meeting of the Folk Festival Steering Group had been held that day when the recommendations of the Working Party had been discussed. The Steering Group had been disappointed that no funding was available from the Council towards a festival in 2005 but advised that they would fund-raise from the private sector with Sidmouth Town Council acting as lead in identifying a suitable fund-raiser. The Steering Group had no plans to use the Knowle arena in 2005 and agreed that the Council could offer the facilities, normally used by the International Folk Festival, to the Sidmouth Carnival Committee.

- RECOMMENDED**
- (1) that the folk festival steering group be offered use of the Council facilities normally used by the International Folk Festival, during the traditional folk festival time period in 2005 at nil cost but advised that this would be reviewed in future years,
  - (2) that no funding be given to the steering group;
  - (3) that the Council facilitate the steering group to become properly constituted;
  - (4) that the Knowle arena, normally used by the International Folk Festival, be offered for use by Sidmouth Carnival Committee during the traditional folk festival time period in 2005,
  - (5) that electronic provision for the festival be narrowed down onto one specific website held by the steering group.

(Councillor S Hughes declared a prejudicial interest in this item as President of Sidmouth Carnival Committee, and left the Chamber during discussion and voting.)

\*72 **Seaton Re-generation – summary of public responses (key decision)**

Consideration was given to the report of the Corporate Director – Environment which summarised the public responses to the consultation exercise on the Seaton Regeneration Area Development Brief. Members noted the key points which had been identified through this process. The Corporate Director - Environment advised that to address concerns identified through consultation, the Council would engage with the relevant statutory bodies and principal stakeholders, including Ward Members, to see if these issues could be resolved before being included into the Development Brief. Members were advised that the results of the negotiations would be referred back to the Board. Members would, at that stage, be asked to consider whether the public should be consulted on the amended Brief.

- RESOLVED**
- (1) that the findings of the Seaton Regeneration Area – Summary of Public Responses report, be noted,
  - (2) that the outcome of the proposed negotiations with key stakeholders and representatives of interested parties, to address concerns identified in the Brief following consultation, be referred to a future meeting of the Board for consideration.

73 **Ratification of the Municipal Waste Strategy for Devon (key decision)**

Consideration was given to the report of the Head of Street Scene Services in respect of the final version of the above strategy published by the County Council following consultation. The County Council sought approval of the document from all the Devon Authorities involved in its production. Members noted that this document provided an overarching strategy rather than a detailed action plan.

**RECOMMENDED** that formal approval of the Municipal Waste Strategy for Devon be given subject to the data relating to East Devon District Council (pages 57 and 58 of the document) being up-dated.

74 **Results of the consultation on East Devon's Waste Strategy (key decision)**

Consideration was given to the report of the Head of Street Scene Services in respect of the responses received following consultation on East Devon's Draft Waste Strategy. Members noted the extent of the consultation and the level of response to the exercise. Members were aware that the proposals to meet Government targets would introduce major changes to the way that refuse was collected and would have significant cost implications. It was acknowledged that very positive publicity would be needed to highlight the advantages of these changes. Members also acknowledged the need for good recycling and waste management practice to be included in future developments as part of the planning process.

**RECOMMENDED** (1) that the suggested changes resulting from consultees' responses to the Draft Waste Management Strategy be incorporated into the final version of the Strategy without changing its objectives and policies,

(2) that a letter be sent to Central Government asking for funding to be made available to facilitate the implementation of East Devon District Council's Waste Strategy, which had been written to comply with Government aims and to meet its targets.

\*75 **Maintaining a clean and safe environment – an improvement plan (key decision)**

Members considered the report of the Corporate Director – Environment which proposed an action plan identifying how the Council could further improve the maintenance of public spaces. The action plan, which had been considered and supported by the Environment Overview Committee, drew together initiatives and actions from the Council's existing service plans and best practice.

**RESOLVED** that the principles of the Improvement Plan to maintain a clean and safe environment be adopted, subject to resources being available within the Environment Directorate.

\*76 **ENCAMS People and Places Partnership Action Plan (key decision)**

Consideration was given to the report of the Head of Street Scene Services on the three year (2003-2006) ENCAMS People and Places Partnership Action Plan required as part of the partnership agreement to achieve improvements in the quality of our local environment. The comprehensive plan, which included key milestone targets, was based around the Council's 4 primary goals, particularly in protecting the environment. The plan was also linked to the Street Scene Service Plan. At its meeting on 16 September the Environment Overview Committee had considered the action plan and recommended its approval.

**\*76 ENCAMS People and Places Partnership Action Plan (key decision)- cont**

**RESOLVED** that the ENCAMS People and Places Partnership Action Plan be approved.

**\*77 Medium Term Financial Plan (key decision)**

Members considered the report of the Financial Services Manager setting out the overall shape of the Council's future revenue and capital budgets. The Medium Term Financial Plan aimed to link the Service Plans with the Council's annual budget process by providing a strategic framework. The report identified the financial requirements of the Council, the estimated resources available, and the steps needed to be taken to achieve a balanced budget. The Leader's Service Priority Group, to which all Members had been invited, had reviewed and prioritised current services. Members noted that the Plan had been fully debated at the Joint Overview Committee meeting held on 22 September 2004 and the recommendations of that Committee were noted and accepted.

**RESOLVED** that the contents of the Medium Term Plan 2005/06 to 2007/08 be noted and the stages outlined in Section 9 of the Plan be amended to read as follows:

- 9.1 This agenda includes the findings of the Leader's Service Priority Group which has categorised all of the Council's services into priority bands in order to establish where scarce resources can be directed to and from in future years;
- 9.2 In producing a balanced budget for the future it is envisaged that income will be maximised where possible and that managers will always ensure that their services are run as efficiently as possible. However, it is clear that this will not be sufficient in itself to produce a balanced budget. Therefore the next stage is to take the services deemed low priorities and to explore how budget reductions/deletions can be facilitated and over what time period;
- 9.3 In terms of the capital funding gap, unless capital receipts are generated significantly over the level assumed in the report, the existing programme will have to be reduced if borrowing or the use of reserves is to be avoided;
- 9.4 That the draft budget will be considered in detail by the relevant Overview Committees.

**78 Service Prioritisation (key decision)**

Consideration was given to the report of the Head of Finance in respect of the service prioritisation process which had been set up in response to the identified funding gap. The process examined all services, determined priority areas and identified service reductions or deletions for consideration when producing future budgets. Members noted Schedule 1 to the report which listed services in priority bands together with feedback from the Leader's Service Priority Group meetings (Schedule 2) and from the Citizen Panel (Schedule 3). The next stage in the process was to direct revenue resources from low to high priority services. Members noted that the proposals had been fully debated at the Joint Overview Committee meeting held on 22 September 2004 and the recommendations of that Committee were noted and accepted.

**RECOMMENDED** that the findings of the prioritisation process be noted and the detailed estimates for 2005/06 be prepared with the available resources being directed towards those services deemed to be highest priority.

79 **Proposals for the Regeneration of Exmouth including redevelopment of the Estuary area for a retail supermarket and mixed use development**

Members considered the joint report of the Corporate Director – Environment and the Head of Economic Development and Property in respect of proposals relating to the regeneration of Exmouth. The proposals were for the redevelopment of key sites identified in the emerging Local Plan and were intended to attract private investment to regenerate the estuary area, town centre and waterfront. Members noted that following the consultation exercise, the responses would be referred to the Executive Board, in January, for consideration.

- RECOMMENDED**
- (1) that the report and the recommendations therein be approved as a basis for public consultation,
  - (2) that the Imperial and Estuary Car Park sites identified by the emerging Local Plan Policy LEX6 be promoted as a mixed use development site including a major food supermarket of 3,716sqm (40,000sqft) retail sales,
  - (3) that the Corporate Director – Environment set up a design process to involve key stakeholders including representatives of Exmouth Town Council, Town Centre management, Devon County Council and Exmouth Residents' Association in the preparation of a planning brief for the Estuary site and preferred sketch option for the purpose of a project appraisal,
  - (4) that Head of Economic Development and Property appoint consultants to assist proceeding to implement an Options Appraisal for the Estuary site,
  - (5) that the Corporate Director – Environment work with key stakeholders to identify, in the context of emerging Local Plan Policy LEX6, the nature of the community facilities to be delivered, in particular to examine the proposal for a World Heritage Coast and Estuary Interpretation and Wildlife Centre,
  - (6) that the current position of the sports centre be investigated as the preferred location for the supermarket and that consultation be commenced on possible alternative locations for a new leisure centre/swimming pool,
  - (7) that the Post Office and London Inn Car Park site identified by Local Proposal LEX7 be recognised as the preferred location for comparison shopping and car parking.
  - (8) that the car parking facilities in Exmouth be not compromised by the proposals but, where possible, increased.

\*80 **Local Government Ombudsman: Annual Letter 2003/04**

Consideration was given to the report of the Chief Executive in respect of the annual letter from the Local Government Ombudsman which summarised the complaints made against EDDC during 2003/04. The letter also set out recommendations for ways that the Council could improve its complaints' handling procedures. No concerns had been identified in respect of services other than planning and Members noted that the Complaints/Maladministration Task and Finish Forum set up by the Environment Overview Committee had looked specifically at complaints concerning the Environment Directorate and how this situation could be improved.

**\*80 Local Government Ombudsman: Annual Letter 2003/04 - cont**

The Task and Finish Forum had considered the Ombudsman's Annual Letter in detail and recommended that training be given within the Environment Directorate specifically in the handling of complaints at an early stage and welcomed the Ombudsman's positive suggestions for improvement.

**RESOLVED** that the content of the Annual Letter of the Local Government Ombudsman 2003/04 and the comments of the Complaints/Maladministration Task and Finish Forum be noted.

**\*81 Performance Monitoring 2004/05 August 2004**

Members considered the report of the Policy Manager giving performance monitoring information for August 2004. Members noted the performance of identified key indicators, targets which had been met or exceeded, the indicators which showed performance below target and the proposed remedial action.

**RESOLVED** that the performance and proposed remedial action against key performance indicators for August 2004 be noted.

**\*82 Independent Inquiry to advise on council tax reform**

Members considered the report of the Corporate Director – Economy in respect of an independent inquiry into local government funding which would make recommendations to Central Government on how to make the council tax system fairer and more sustainable. The inquiry would be informed by the Balance of Funding report published in July which concluded that council tax should be retained but reformed and recommended moves to achieve more locally-based funding.

**RESOLVED** that the progress made in addressing the balance of funding issue be noted.

**\*83 Non-Domestic Rates: Small Business Rate Relief Scheme**

Members considered the report of the Corporate Director – Economy in respect of new legislation effective from 1 April 2005 which would allow non-domestic rates bills of small businesses to be funded from a supplement paid by larger businesses. This would reduce the rates' burden on small businesses but the additional administration of the scheme to the Council was noted. Members were made aware that the agreed reduction in the council tax discount for 'second homes' had already resulted in a significant increase in requests for these properties to be transferred to the Rating List as 'self catering holiday accommodation'. Proposed changes in legislation through the small business rate relief scheme were likely to provide owners of 'second homes' with an even greater financial incentive to seek to transfer to the Rating List.

**RESOLVED** that the impending legislation for Small Business Rate Relief and the possible implications on administrative costs and the impact on revenue generated from the reduced council tax discount for 'second homes' be noted, with a further report being referred to the Executive Board when these implications have been assessed.

\*84 **Non-Domestic Rates: Rural Settlement Rate Relief – review of Settlement List**

Consideration was given to the report of the Corporate Director – Environment in respect of a proposed change to the Rural Settlement List to remove Broadclyst from this rate relief list as its population figure now exceeded 3000.

**RESOLVED** that Broadclyst be removed from the Rural Settlement Rate Relief list.

\*85 **Revenue and Capital Monitoring report 2004/05 – Month Four (July)**

Consideration was given to the report of the Financial Services Manager in respect of the first monthly update report of the budget monitoring process for 2004/05. The purpose of the report was to update Members on the overall financial position of the authority following the end of each month and to report on areas that may require corrective action during the remainder of the financial year. Members noted the identified budget variations within the month, whether these variations would continue to the end of the financial year and their effect on the Council's overall Reserves and Balances. Members also noted the remedial measures suggested by Officers. Efforts would be made to address areas of over-spend, identify savings and monitor performance to improve the Council's future financial position.

- RESOLVED**
- (1) that the variances identified as part of the Revenue and Capital Monitoring process for Month Four of 2004/05, including the effect on the Councils Reserves and Balances, be noted and support given to the remedial actions, suggested in the "officers comments" column in Appendix A to the report.
  - (2) that Corporate Directors continue to consider, with service managers, where additional savings might be achieved from revenue budgets, to offset the projected overspend in 2004/05.

86 **Corporate and employment policy updates**

Members considered the report of the Head of Organisational Development in respect of corporate and employment policy updates linked to improvement and modernisation of the Employment Handbook and to reflect legislative requirements and new statutory regulations. Members noted that the policies had been agreed by the Strategic Management Team and by the Staff Joint Forum through the consultation process.

- RECOMMENDED**
- (1) that the following employment policies be accepted
    - Grievance Policy and Procedure
    - Flexible Working Policy
  - (2) that the following employment policies be accepted and that delegated powers be given to the Head of Organisational Development – Central Services to agree these with the Union and if necessary make minor amendments:
    - Relocation Policy
    - Compassionate Leave Policy
    - Time off for Dependents Policy
    - Annual Leave and Other Leave

**87 Development Control Improvement Strategy**

Consideration was given to the report of the Head of Planning and Countryside Services in respect of the proposed Development Control Improvement Strategy and its budgetary implications. A consultant's assessment had highlighted concerns about this Council's progress towards achieving Government set performance targets although steps taken to address this situation were noted. The Improvement Strategy was part of the Council's requirement to improve planning application performance and Members were advised that major applications in respect of the new community and Skypark would have a further impact on staff resources within the Planning Section. The Environment Overview Committee had not previously considered the report.

**RECOMMENDED** that, in principle, budgetary provision be made for the financial year 2005/06 to increase resources within the planning service to facilitate implementation of the Development Control Improvement Strategy, but the affordability of the proposed increased resources be considered as part of the forthcoming reports on the detailed implementation of the prioritisation and budget setting process.

**RESOLVED**

- (1) that representation be made to the Government Office South West for financial assistance in respect of the planned growth of the Exeter sub region, similar to that provided to authorities in the Thames Gateway area of the South East, to provide organisational capacity and the infrastructure to deliver this,
- (2) that this Council's requests local MPs to support a bid for funds towards the new community.

**\*88 East Devon Draft Local Development Scheme**

Consideration was given to the report of the Policy and Conservation Manager in respect of proposals for the preparation of the Local Development Framework for East Devon contained in a Draft Local Development Scheme. This was statutorily required for submission to the Secretary of State by 28 March 2005. Members were asked to approve the draft scheme for consultation. Members noted documents to be produced within the Scheme, the key features and the proposed timetable for implementation. The Local Plan would be saved for 3 years and would be the core document of the Scheme.

**RESOLVED** that the Draft Local Development Scheme be approved for consultation with the Government Office and other key stakeholders.

**\*89 Exmouth: Proposed extension to the Withycombe Valley park at Hill Crest School, St John's Road**

Members considered the report of the Policy and Conservation Manager in respect of the intention of Devon County Council to dispose of St John's Road school. The County Council was prepared to offer the woodland area within the site to this Council which would effectively extend the valley parks identified in the Local Plan. Members were recommended to decline the offer, as the authority would be responsible for bringing the woodland up to a suitable condition for public access and for ongoing maintenance.

\*89 **Exmouth: Proposed extension to the Withycombe Valley park at Hill Crest School, St John's Road - cont**

- RESOLVED**
- (1) that the proposed development brief for the Hillcrest School site refers to the willingness of this Council to accept a transfer of the woodland area adjoining the Withycombe Brook to form public open space as an extension to the Withycombe Valley Park subject to the developer of the site:
    - Making the trees and site safe for public use, and
    - Making a financial contribution to the Council to meet the future maintenance costs of the site.
  - (2) that the Council does not enter into negotiations with the County Council to acquire the woodland,
  - (3) that a letter be sent to Devon County Council expressing this Council's wish, in the strongest possible terms, for the site to be developed in total for affordable housing or at least a minimum of 40% of the development being so designated.

\*90 **Disposal of land at Road Green, Colyton, for redevelopment**

Consideration was given to the report of the Head of Property and Economic Development in respect of the land at Road Green, Colyton which had been identified as a possible site for disposal and redevelopment. Local developers had expressed an interest in acquiring the site for industrial development.

- RESOLVED** that the site identified at Road Green, Colyton be sold by way of public tender for disposal and redevelopment.

\*91 **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 descriptions set out in the agenda, is likely to be disclosed.

92 **Implementation of the Licensing Act 2003 (key decision)**

Consideration was given to the report of the Head of Legal and Member Services in respect of the staffing and budgetary requirements in relation to the implementation of the Licensing Act 2003. Additional temporary staff were required within the Licensing Service to process and grant licences under delegated powers, and within the Legal and Member Services sections to service the additional meetings. Member noted the estimated number of licence applications expected to be dealt with between February and November 2005 under the Licensing Act provisions. This work would be in addition to that already carried out by the licensing team.

- RECOMMENDED** that the staffing arrangements for the implementation of the Licensing Act 2003 set out at paragraphs 3 and 4 of the report, be approved.

(Councillor P A Diviani declared a personal interest in this item as a licensee)

93 **Housing Benefits establishment**

Members considered the report of the Corporate Director – Economy in respect of a proposal to offer early retirement, under the employer’s consent rules, to the holder of the post identified within the report.

**RECOMMENDED** that the holder of the post within the Housing Benefits establishment, identified in the report, be offered early retirement, with the Council financing the pension strain costs.

94 **East Devon Sports Centres – duty management arrangements**

Consideration was given to the report of the Head of Leisure and Lifestyles in respect proposed improvements to the efficiency of the East Devon Sports Centres and associated savings.

**RECOMMENDED**

- (1) that the proposed new staffing arrangements for Honiton and Exmouth Sports Centres set out in the report be approved,
- (2) that the suggested new approach to delivering the PULSE and Cardiac Rehabilitation programmes identified in the report be approved, with the Primary Care Trust being invited to make a financial contribution to the cost of the scheme in 2005/06 with the Council reserving the right to reconsider its ability to fund the scheme or make further amendment in the future,
- (3) that the post holder identified in the report be granted early retirement.

(Councillor A J Wilkinson declared a prejudicial interest in the item in respect of the PULSE scheme as non-executive director of the Primary Care Trust).

95 **Leisure, Countryside and Cultural Development Structures**

Members considered the report of the Corporate Director – Communities in respect of proposed alterations to the structure of the Leisure and Countryside Teams, which would result in significant savings. It was suggested that combining Arts Development, Sports Development and Countryside Services into a Cultural Development team could provide a number of new opportunities and develop stronger links between these services. As part of the debate, the Chief Executive explained the importance of maintaining staff morale and focus during a process of difficult financial adjustments as well as ensuring the organisation could successfully adapt to changing circumstances. He also requested delegated authority, in consultation with the Leisure Portfolio holder to agree alternative or revised proposals to recommendations (1), (2) and (3) to enable them to be implemented satisfactorily and to achieve additional savings. After debate, the following was recommended.

**RECOMMENDED**

- (1) that the temporary Leisure Services post identified in the report be deleted, with the secondee to this post returning to his substantive post,
- (2) that, subject to (1) above, the consequential temporary staff changes be returned to their substantive positions,
- (3) that post number 12/301 be regraded from ED2 to ED3 to recognise the new roles for outdoor facilities, added as a consequence of the Streetscene structure.

95 **Leisure, Countryside and Cultural Development Structures - cont**

- (4) that the proposal to create a new team within the Communities Directorate to be titled "Cultural Development" to action the Cultural Strategy; (this team to encompass the remaining functions of Sports Development and Arts Development as well as the Countryside Teams), be deferred.

(Councillor J H Glanvill asked for his vote against recommendation 4 to be recorded).

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