

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 16 June 2004

Present:

Councillors:

R G Franklin (Vice Chairman in the Chair)

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

Also Present

Councillors:

Miss V Ash
R H H Cross
J E D Falby
Mrs A E Liverton
G K Liverton
Ms S M Merritt
R Mudge
A S Pascoe
A W J Reed
T G Reeves

Apologies

Councillors:

Miss S M Randall Johnson (Chairman)
A J Wilkinson

The meeting started at 5.30 pm and ended at 8.40 pm

*1 **Minutes**

The minutes of the meeting of the Executive Board held on 12 May 2004, were confirmed and signed as a true record.

*2 **Urgent item: Outdoor Swimming Pool Redevelopment Site, Exmouth**

The Chairman agreed for this item to be taken under Part B as a matter of urgency to prevent there being any delay in considering the recommendation of the Economy Overview Committee, made at its meeting on 15 June 2004, in respect of the above.

*3 **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, including the report referred to at Minute 2 above, be dealt with under Part B of the agenda.

***4 Forward Plan**

The contents of the Forward Plan for 1 June to 30 September 2004 were noted and Members were up-dated in respect of the progress of key decisions within the Plan.

Members were advised that the recommendations of the Bye-laws Task and Finish Forum had been referred to the Environment Overview Committee on 3 June and that following a site visit of the beaches in Exmouth by the Forum, a report would be prepared and referred to the Executive Board for consideration.

The Housing Strategy had been considered by the Communities Overview Committee on 18 May 2004 and was now out for wider consultation. A report would be referred to a future meeting of the Executive Board.

A Task and Finish Forum had been set up to discuss the draft Playing Pitches Strategy (Provision of Recreational land in Honiton). The deliberations had included useful site visits and the recommendations of the Forum would be referred to the September meeting of the Board.

***5 Matters referred to the Executive Board**

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

6 Overview Committee Minutes

Consideration was given to the minutes of the meetings of the Strategic Overview (inaugural meeting 1 June 2004), Environment Overview (3 June 2004), and Communities Overview (18 May (special meeting) and 9 June 2004) Committees. The meeting of the Economy Overview Committee had been held on 15 June 2004 and, due to the time-scale, the minutes would be referred directly to the next meeting of the Council on 14 July 2004. However the item discussed by the Economy Overview Committee in respect of the Outdoor Swimming Pool Redevelopment Site, Exmouth, was the subject of a report considered later in the agenda of this meeting.

RESOLVED

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

Strategic Overview	Minutes 1, 2, 3
Communities Overview	Minutes 43, 44,1,2
Environment Overview	Minutes 1, 2, 4, 6, 7,9,10,11

- (2) that the recommendation contained in the following minute be agreed:

Communities Overview	Minute 41
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- (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:

Strategic Overview	Minute 4, 5
Communities Overview	Minutes 6
Environment Overview	Minute 8

- (4) that the recommendation contained in the following minute be taken into account by the Executive Board at its next meeting in July when this matter would be reported for detailed consideration:

Communities Overview	Minute 5
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6 **Overview Committee Minutes (cont)**

RECOMMENDED (1) that the recommendations contained in the following minutes be agreed:

Environment Overview	Minutes 7,9
Communities Overview	Minute 6

*7 **Communities and Strategic Overview Committees draft work programmes**

The draft work programmes 2004/2005 of the Communities and Strategic Overview Committees were noted.

8 **East Devon Local Plan Public Inquiry (key decision)**

Consideration was given to the report of the Policy and Conservation Manager setting out the next stages in the Local Plan process to take the Local Plan to inquiry. Officers recommended that for practical reasons pre-inquiry changes should not be made.

Members noted that a response had been received to the text in the chapter on Axminster in relation to future development beyond the plan period and a clear steer had been given for housing on the east-side of Axminster. This future growth was beyond the Plan period and it was thought sensible to make it clear to the Inspector that there was no need, at this stage, to give a steer to the siting of this development. This would be considered at the appropriate time in the context of the Local Development Framework and area study. It was suggested that the Officers should therefore give representation at the Inquiry in respect of paragraphs 13.17 and 13.17(b) that any steer on future growth and the principle of a bypass was premature at this stage.

Members also noted that the start date of the inquiry was likely to be put back, possibly by 6 weeks, and that when the exact date was agreed with the Planning Inspectorate, this date would be widely publicised.

RECOMMENDED that no pre-inquiry changes be made to the plan in respect of the matters to be considered at the first part of the Local Plan Inquiry but that potential changes to the Plan be put forward in discussion at the inquiry, with the Inspector being made aware that the clause in respect of the siting of potential development to the east-side of Axminster was premature at this stage.

9 **Pennington Point/Salcombe Hill Cliffs (key decision)**

Consideration was given to the report of the Chief Executive in respect of the conclusions reached by the Council's consultants (Royal Haskoning), the Appropriate Assessment having been required by the Habitats Regulations. Members noted that the consultants had given a clear indication that the proposal to progress Option 4b would have an adverse effect on the cliffs' status as an area of conservation, which had national and international importance. Members also noted that funding from DEFRA for this scheme was unlikely to be secured.

It was proposed that in the light of the consultants' report, the planning application for Option 4b be withdrawn and an alternative option be progressed. A letter from the Salcombe Hill Association outlining their comments on the new proposal was circulated to all Members at the meeting.

9 **Pennington Point/Salcombe Hill Cliffs (key decision) (cont)**

- RECOMMENDED**
- (1) that the contents of the Appropriate Assessment be noted and its conclusions accepted,
 - (2) that it be reluctantly concluded that it is premature to further progress Option 4b (comprising a 210 metre revetment) for the medium term foreseeable future but that further erosion of Pennington Point be regularly monitored,
 - (3) that the planning application for Option 4b be withdrawn and that the Government Office for the South West be notified accordingly,
 - (4) that Scheme 2 – involving the construction of a new rock groyne and limited rock revetment work at Pennington Point - referred to in the report to the Environment and Planning Committee dated 20 September 2001, be further investigated as a matter of urgency with a view to reaching agreement with English Nature (as primary consultee), Devon County Council (as owner of Alma Bridge), the Highway Authority, South West Water (as the authority responsible for the pumping station on the Ham), and Sidmouth Town Council, over a scheme that they would find acceptable.
 - (5) that, should an agreement not be achieved for Scheme 2, Scheme 1 or enhancement thereof referred to in the report to the Environment and Planning Committee dated 20 September 2001, be actively progressed through negotiation and discussion with the Environment Agency and DEFRA approval and funding be sought under the Coast Protection Act 1949 for its early implementation,
 - (6) that the Council actively contributes towards a revision of the Shoreline Management Plan so that its next edition more accurately reflects the built up nature of the Cliff Road/Salcombe Hill frontage and its contribution to coastal environmental objectives and that the Council seeks a strategic coastal monitoring grant (or its equivalent) in order to allow further detailed monitoring of conditions at the Salcombe Hill frontage.

(Councillor Mrs M A Rogers asked for her abstention from voting on this item to be recorded).

*10 **Enabling more affordable housing in East Devon (key decision)**

Consideration was given to the report of the Head of Housing and Social Inclusion which presented a case for the creation of a new post in the Housing and Social Inclusion Service of a Housing Strategy and Enabling Officer. It was proposed that a post-holder dedicated to enabling more affordable housing would be able to secure investment and exploit the opportunities available through working in partnership, using the planning system, and identifying suitable land in the Council's ownership for housing development.

***10 Enabling more affordable housing in East Devon (key decision) (cont)**

It was noted that opportunities to provide more affordable housing were being missed and there was a need for a more proactive approach. The report identified ways in which some of the costs of the post could be met from external funding or income but recognised the Council's current financial position.

It was suggested that consideration of such a new post was premature at this stage and that this should be postponed until after the service prioritisation exercise had been carried out.

RESOLVED that the creation of a new post of Housing Strategy and Enabling Officer be discussed during the service prioritisation exercise with any decision to recruit being deferred until the process has been completed.

11 Parliamentary Constituencies in Devon, Plymouth and Torbay

Members were asked to consider the revised recommendations for parliamentary constituencies in Devon, Plymouth and Torbay and to decide whether to make any representations to the Boundary Commission for England about these revised recommendations. A map showing the revised recommendations was displayed at the meeting.

- RECOMMENDED**
- (1) that the Boundary Commission for England be advised that this Council recommends that no changes be made to the existing parliamentary constituencies within East Devon which it is felt currently reflect the diverse nature of the area,
 - (2) that if the Boundary Commission does not accept the recommendation in (1) above, the Chief Executive be given delegated authority to represent the following issues with the Commission:
 - St Loyes to be retained within the Exeter Constituency as this has no relation to the rural East Devon Constituency,
 - Accept Topsham within East Devon Constituency,
 - Retain Exe Valley within East Devon Constituency,
 - Take into account the population growth within East Devon resulting from the proposed new community,
 - Consider the re-naming of the Honiton and Tiverton Constituency if the wards within the Axe Valley are taken into that Constituency.

12 Revenue and Capital Outturn Report for 2003/04

Members considered the report of the Financial Services Manager which compared the outturn figures for Revenue and Capital against the original and revised budgets for the financial year 2003/04. Members noted that similar reports had been referred to the Overview Committees which had closely scrutinised those budgets for which they are responsible.

All Members expressed serious concern in respect of the Council's current unacceptable financial position. There needed to be closer, regular monitoring of budgets and a corporate approach to budget management. Expenditure had to be controlled within budget and more income generated. It was suggested that Central Services should be considered within the service prioritisation exercise.

12 **Revenue and Capital Outturn Report for 2003/04 (cont)**

- RECOMMENDED**
- (1) that the 2003/04 revenue and capital out-turn position be approved,
 - (2) tighter control of budgets be introduced through scrutinising all expenditure and income, closer monitoring, and corporate financial problem solving, with Councillors and Officers being made fully aware that the current over-spend could not be repeated in future years,
 - 3) that as part of the above, it be confirmed that:
 - (a) there is no permission for any overspends and where weekly or monthly budgetary monitoring indicates that this might arise, timely action should be taken,
 - (b) that a prior approval system be introduced for certain budgets, such as equipment and furniture budgets, where approval is required from the Corporate Director/Chief Executive before the budget is spent;
 - (c) that training expenditure be limited to that approved as part of the Corporate Training programme or specific approval resulting from the annual appraisal,
 - (d) that the practice of viring between budget heads and codes (specifically but not exclusively from salaries and consultants budgets) to offset overspends elsewhere be discontinued and that all re-viring be recovered for a corporate decision on how they should be administered,
 - (e) that, in consultation with the Leader of the Council, the Chief Executive to have the authority to take all necessary action including the non-replacement of staff or the non-implementation of approved staffing structures to ensure that no further overspends arise.

13 **Treasury Management Performance 2003/04**

Consideration was given to the report of the Financial Services Manager in respect of the overall performance of the Council's investment portfolio for 2003/04. Members noted that the Council's external fund had experienced a poor year under Investec's management. Investec had been asked to provide statements comparing their performance over recent years with other similar investment trusts. This information would form the basis of a further report to the Executive Board.

Members noted that short-term investment opportunities had been reduced as a result of the gradual deterioration in the Council's cash flow situation over the year. The summary of results, and comparison of in-house and externally-managed funds was noted. The level of short-term borrowing was also highlighted.

- RECOMMENDED**
- (1) that the investment return for 2003/04 be approved,

13 **Treasury Management Performance 2003/04 (cont)**

- (2) that the agreed short-term borrowing limit being exceeded by £2.250M in the period, be noted, (a borrowing limited of £4.750M had been approved by the Executive Board at its meeting on 27.11.02),
- (3) that a report is considered at the next meeting of the Executive Board to determine Investec's performance against other similar investment fund managers and consideration be given to changing the Council's fund manager.

14 **Performance Management Framework**

Consideration was given to the report of the Policy Manager which up-dated Members on steps taken to address areas of weakness, identified in the CPA Inspection report, in the Council's Prioritisation and Performance Management.

The Corporate Strategy had been revised and the number of goals and priorities had been rationalised and reduced. Service Planning days had been introduced to involve staff in the process to develop more robust and relevant plans which would be monitored by the Executive Board quarterly. The appraisals scheme for staff has been reviewed to highlight the links between individual appraisals, service plans and the Corporate Strategy.

A revised 'basket' of 20 performance indicators for monthly monitoring by the Executive Board had been circulated to Members prior to the meeting.

RECOMMENDED

- (1) that the progress made in addressing weaknesses in Prioritisation and Performance Management, be noted
- (2) that the proposed arrangements for the quarterly monitoring of PIs and key outcomes from Service Plans, including improvements arising from Best Value Reviews and the CPA Improvement Plan, during 2004/05 as set out in paragraph 5.d) of the main body of the report, be approved
- (3) that the basket of national BVPIs, set out in amended Appendix A to the report, be monitored monthly during 2004/05, subject to the following amendments agreed at the meeting:
 - PIs 11a and 11b be reported quarterly, not monthly,
 - PI 91 be deleted but this situation be reviewed when the new waste contract has been awarded
 - PI 170b be exchanged for PI L74 - the number of swims/visits per 1,000 population as a more relevant indicator.
- (4) that the Council's CPA Improvement Plan, as set out in Appendix C be approved subject to:
 - Inclusion of recommendations from the Strategic Overview Committee
 - All abbreviations being written out in full for clarity

14 **Performance Management Framework (cont)**

- (5) that the suggested refinements to the Corporate Strategy as set out in Appendix D and in the minutes of the Strategic Overview Committee be approved (reflecting the input from the annual meeting of the Town and Parish Councils), subject to the priority in respect of community and public transport remaining unchanged, and the Constitution amended accordingly
- (6) that the Annual Performance Plan 2004 be largely web-based,
- (7) that a follow-up to the 'Peer Review' towards the end of 2004, as set out in paragraph 12. of the main body of the report, be undertaken. (It was noted that the cost of this follow-up day had been included in the Peer Review exercise carried out before the CPA inspection).

15 **Working towards Level 1 of the Equality Standard**

Members considered the report of the Head of Legal and Member Services in respect of steps being taken to achieve Level 1 of the Equality Standard for Local Government. Members noted that the Standard provided a 5 level framework for integrating equality within the management and processes of the authority. Members noted the importance of the Equality Standard, progress made and the steps to be taken at corporate level to achieve this.

RECOMMENDED

that the Council commits itself to:

- Seeking to achieve Level 1 of the Equality Standard by 1 April 2005,
- A comprehensive Equality Policy, as set out in paragraph 3.1 of the report,
- Developing a process of organisational assessments as set out in paragraph 3.2 of the report,
- Development of a Corporate Equality Plan as set out in paragraph 3.3 of the report.

RESOLVED

that it be noted that a further progress report with recommendations would be referred to the Executive Board in September 2004.

16 **Corporate and employment policy updates**

Consideration was given to the report of the Corporate Director – Central Services in respect of corporate and employment policy up-dates. The policies had been referred to the Strategic Overview Committee for detailed consideration at its inaugural meeting on 1 June 2004.

- RECOMMENDED** that the following employment and corporate policies be accepted with delegated authority being given to the Corporate Director – Central Services and the Portfolio Holder for Resources to liaise with Unison and make minor amendments if necessary.
- Disciplinary Policy and Procedure
 - Absence Management Policy
 - Equality and Diversity Policy
 - Email Policy
 - Mobile Phone Policy

*17 **Battishorne Kickabout area and Community Centre Site, Honiton**

Consideration was given to the report of the Head of Planning and Countryside Services in respect of appropriate use of the land at Battishorne Way, Honiton, which was currently allocated in the Second Deposit Local Plan as a site for a community centre and kickabout area. Members acknowledged the need of community facilities in Honiton's residential areas and such use of this area could serve the Battishorne estate and Heathpark. Members were advised at the meeting that a potential developer had submitted a housing scheme for the site which would include shared equity houses, traffic calming and a significant ring-fenced contribution to a community centre on an alternative site.

- RESOLVED** that, before a final decision is made on the developer's offer outlined at the meeting, a round table meeting of all interested parties be held to secure community agreement and clarification of the proposal to achieve the best possible outcome for Honiton's current and future needs, with the Local Plan being amended as appropriate to reflect any changes in land use; pending this, in line with the recently approved Second Deposit Local Plan, the Council to pursue the Battishorne Way Community Centre as the preferred option.

(Councillor Miss V Ash who had attended the meeting as an observer advised that she had a prejudicial interest in this item as Vice Chairman of Honiton Community Centre Association and left the Chamber during the discussion and voting).

18 **Reinstatement of Cemetery Grant Funding**

Consideration was given to the report of the Financial Services Manager in respect of representations received for Cemetery Grant funding to be reinstated in order to maintain the churchyards to an acceptable standard. Members noted the cost to the Council of closed cemeteries, which the authority had a statutory duty to maintain.

- RECOMMENDED** that the revenue cemetery grants be reinstated at a cost of £20,690 subject to this being found from within existing budgets, with a review of cemetery maintenance and associated costs being carried out to make sure value for money was achieved.

***19 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, and Para 7 Schedule 12A (information relating to the financial or business affairs of any particular person) in relation to the additional item referred to at Minute 2 above, is likely to be disclosed.

20 Proposed ICT Service Staffing Restructure

Consideration was given to the report of the Head of ICT in respect of proposed changes to the ICT organisation structure to meet the developing needs of the section. Members noted the small increase in cost compared with the existing structure and noted that these costs would be offset by reduced spending on contractors.

- RECOMMENDED**
- (1) that the proposed revised restructure of the ICT section be agreed for implementation as soon as practicable,
 - (2) that external programme management support be engaged for 10 months from June 2004 at the cost contained in the report to be met from a reallocation of this year's capital programme from the Asset Management Project to the key projects outlined in the report.

***21 Outdoor swimming pool redevelopment site, Exmouth**

Members considered the draft minute of the meeting of the Economy Overview Committee which recommended that an offer from a designated operator of a 10-pin bowling alley and childrens' indoor activities area be considered in consultation with Exmouth Town Council.

Officers had recommended that the site be re-marketed.

RESOLVED that Officers meet with the developer to discuss the proposal in detail, and seek external advice to secure the best value use of this site for the benefit of the area.

Chairman

Date.....