

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Executive Board held at Knowle, Sidmouth on Wednesday, 20 July 2005

Present: Councillors:
Miss S M Randall Johnson
R G Franklin

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

Also Present Councillors:

Mrs V Ash
T A Cope
J E D Falby
A R Giles
M J L Green
Mrs A E Liverton
G K Liverton

Ms S M Merritt
R Mudge
Mrs F I Newth
A W J Reed
T G Reeves
Mrs L A Roden
S C Wragg

Apology from non-Board member Councillor Mrs M A Rogers

The meeting started at 5.30 pm and ended at 7.23 pm

The Leader had given her apologies as she would be arriving late – she arrived at agenda item 11: Medium Financial Plan when she assumed chairmanship of the meeting. The Vice-Chairman was in the Chair until the Leader arrived.

*25 **Minutes**

The minutes of the meeting of the Executive Board held on 15 June 2005, were confirmed and signed as a true record.

*26 **Closure of Rolle College, Exmouth**

The Chairman reported that Rolle College was to close and a 90 day consultation process was now taking place. If confirmed, this would have a major impact on Exmouth and it was suggested that a meeting of interested parties be held to discuss implications and a way forward.

RESOLVED

that East Devon District Council arrange a meeting with Devon County Council, Exmouth Town Council, the Regional Development Agency and other interested parties to discuss the impact that the closure of Rolle College will have on Exmouth, object to it and assess all possible steps that could be taken.

***27 Forward Plan**

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

The meeting of the Executive Board scheduled, if required, for August would only be called if items could not be deferred until the September meeting. The items on the Forward Plan for August, namely Housing Stock Options Appraisal (final report) and appointment of a contractor for refuse/recycling contract would be taken to the October and September meetings respectively. It was anticipated that the Unlocking Exmouth proposals would be referred to the September or October meeting.

***28 Matters referred to the Executive Board**

Members considered the minutes of the meeting of the Corporate Overview Committee held on 7 July 2005, which were circulated at the meeting. At its last meeting, on 15 June 2005, the Executive Board had referred a number of matters to the Corporate Overview Committee for detailed consideration, namely:

- Western Power Repair Work (Minute 5 refers)
- East Devon Citizens Advice Bureau – Service Level Agreement (Minute 21 refers)
- Exe Estuary Partnership Memorandum of Agreement (Minute 4 refers)
- Revenue and Capital Outturn report for 2004/05 (Minute 12 refers)

The Corporate Overview had considered these matters in depth and where appropriate had invited expert witnesses to provide additional information and to answer Members' questions. Members of the Executive Board noted and approved the decisions and recommendations of the Committee.

Further negotiations would take place in respect of arrangements for the Exe Estuary and the recommendations resulting from these discussions would be reported to a future meeting of the Board.

(Councillor S C Wragg declared a prejudicial interest in respect of the Western Power minute, as an employee of that company, but remained in the Chamber as there was no further discussion or voting on this item.)

RESOLVED

that the decision of the Corporate Overview Committee to accept Western Power's explanation and apology for their actions and offer of remedial work be noted and the following recommendations be approved:

- (1) that the Council commits to the East Devon CAB through signing the Service Level Agreement based on existing levels (currently £30,950), and that Devon County Council be asked to match fund the service,
- (2) that there be further negotiations with all agencies including Exeter City Council about the remit, funding and location of the Exe Estuary Partnership and its officers, before the Memorandum of Agreement is signed. (The recommendations resulting from these discussions to be reported to a future meeting of the Board.)

***29 Petition re Exmouth estuaryside development**

A petition of nearly 10,500 signatures expressing opposition to an initial consultation proposal for a major convenience store led development in the area of the estuary site was received and noted.

The Chief Executive stated that the proposals were at a very early stage but that processes were now in place to facilitate wide consultation and analysis of feedback. Members were reminded that the supermarket was only an element of more extensive proposals encompassing the whole seafront area of Exmouth. Negotiations were continuing with the RLNI in respect of the boat station and its siting. The Council was not in a position to finance the development required to provide Exmouth with enhanced facilities, which meant that it was essential for the initiative to be privately led and financed.

(Councillor Mrs P A Stott declared a personal interest in this item due to her sons' involvement with the RLNI).

***30 Local Ombudsman Annual Letter 2004/05**

Consideration was given to the annual letter of the Local Government Ombudsman, which summarised the complaints made against EDDC during 2004/05. The Ombudsman congratulated the Council on improvements within the planning service, which had resulted in a reduction in the number of complaints relating to planning matters.

The Ombudsman suggested that there could still be scope for improvement within the Council's complaints handling procedures to encourage members of the public to use the internal complaints' procedure in the first instance rather than raise issues immediately with the Ombudsman. The Council's internal complaints system was established and proved to be a useful intelligence gathering tool which identified issues that needed to be addressed. The Council was considering amending its complaints' policy to accommodate anonymous complaints, which currently were not processed.

Members noted that the current 21-day target for responses to enquiries from the Ombudsman was to be extended to 28 days to assist all councils. It was suggested that checks could be put in place to make sure that these targets were achieved. The Chief Executive confirmed that the Council was now much more proactive in keeping the Ombudsman up-to-date in respect of the progress on enquiries.

The Ombudsman offered to arrange a visit from a senior member of his staff to give a presentation to those officers involved in preparing responses to Ombudsman enquiry letters. This would help to develop their understanding of the investigations and the Council's role in assisting this procedure.

Officers were congratulated on the very positive letter.

- RESOLVED**
- (1) that the contents of the Annual Letter of the Local Government Ombudsman 2004/05 be noted,
 - (2) that at day 28 following an enquiry from the Ombudsman's Office, to which a response was yet to be given, the matter be referred to the relevant Corporate Director, with the matter being referred to the Chief Executive at day 32,
 - (3) that the Ombudsman be asked to arrange a visit by a senior member of his staff to give a presentation to those Council officers who are involved in preparing responses to his enquiry letters as a means of helping officers to understand what is involved in investigations and how the Council can best assist.

***31 Pest control service – urgent decision**

Members noted the urgent decision taken by the Chief Executive in respect of charges for the above service and the extension of the current pest control contract. Members asked for clarification of costs of treatment and whether the new charge was for each visit. This has since been confirmed as the cost of treatment until eradication, which involves 3 visits.

RESOLVED

that the following urgent decisions taken by the Chief Executive be noted and confirmed:

- (1) The contract with SDK (KILSYTH) Ltd to provide pest control service be extended from 20 June 2005 until 31 October 2006, to coincide with the expiry date of the Dog Warden contract, with the Council's Standing Orders being varied to provide for this,
- (2) The current budgeted amount of £8,000 be paid as a single annual payment to SDK (KILSYTH) Ltd., this being the Council's annual contribution to the service,
- (3) Householders be charged £20.00 (including VAT) for each treatment, until eradication, of rats in domestic premises.

***32 Future of the Manor Pavilion Complex and an up-date on the other public halls and the Council Suite (key decision)**

Members considered the report of the Head of Economic Development and Property Services, which up-dated Members on proposals for the Manor Pavilion complex, following consultation. The report gave an up-date of discussions concerning the future of the Council's other public halls in an attempt to cut the cost of running the facilities.

It was acknowledged that the Manor Pavilion, Sidmouth, was a valuable and well used asset but was currently running at a significant loss. Increases in hire charges had been made but this action was insufficient to address the problem. It was acknowledged that the theatre needed to be managed in a more efficient and proactive way so that the deficit could be cut and full use made of the asset. It was also noted that a premises manager would need to be appointed before 6 August 2005 to be responsible for the new licensing arrangements. It was proposed that the facility could be effectively managed jointly with the Pavilion at Exmouth.

Members also noted the contents of a letter, circulated at the meeting, from the Sidmouth Arts Club Operatic Society, proposing to lease the theatre, with another partner, from the Council. This proposal and other suggested ways forward would be considered by the Council in consultation with the Manor Pavilion and Arts Centre Advisory Forum.

Consultation and discussions had also taken place in respect of reducing the deficit incurred by Seaton Town Hall, Elizabeth Hall, Exmouth, and Mackarness Hall, Honiton. Negotiations had already been opened with Seaton Town Council in respect of Seaton Town Hall.

RESOLVED

- (1) that a new management be put in place by the Council in consultation with the Manor Pavilion and Arts Centre Advisory Forum, with the regime being administered by the Communities Directorate
- (2) that the Manor Pavilion name be changed to "Manor Pavilion Theatre",

*32 **Future of the Manor Pavilion Complex and an up-date on the other public halls and the Council Suite (key decision) (cont/..)**

- (3) that a Feasibility Study be carried out in conjunction with the new management of the theatre to determine the most cost effective ways of utilising the Arts Centre as part of the complex,
- (4) that the Manor Pavilion Theatre Management Committee be formed consisting of members and user representatives (including a representative from Sidmouth Town Council) to assist and advise the new management with the operation of the theatre complex (to replace the existing Advisory Forum),
- (5) that the recommendation of the Manor Pavilion & Arts Centre Advisory Forum of the 16 March 2004 to renew the 3 year agreement with the summer season operator be agreed subject to the agreement of the annual fee and other terms in the light of management arrangements to be put in place,
- (6) that application be made to convert the existing licences on the Manor Pavilion Theatre to a Premises Licence allowing for the sale of alcohol, providing a suitable designated Premises Supervisor can be identified before the deadline date of 6 August 2005,
- (7) that the ongoing discussions and proposals for Seaton Town Hall be noted and an application be made to convert the current licences to a Premises Licence, but not allowing alcohol sales, unless a suitable Premises Supervisor can be found or suggested by Seaton Town Council before the deadline date of 6 August 2005,
- (8) that the existing Public Entertainment Licence for the Knowle Council Suite be converted to a new licence not allowing the sale of alcohol,
- (9) that the Chief Executive, in consultation with the Portfolio Holder – Culture, be given authority to agree the details flowing from the recommendations made above.

(Prior to the discussion and voting, the Head of Legal and Member Services advised Members of the Licensing and Enforcement Committee that if they discussed the above matter or voted at this stage, should the licence application be referred to a Licensing and Enforcement Sub Committee they would be excluded from being a member of that Sub Committee.

Members of the Licensing and Enforcement Committee present, namely S Hughes, J B Nicholson, Mrs A E Liverton, Ms S M Merritt, R Mudge, Mrs F I Newth and T G Reeves did not speak or vote on this item.)

***33 Medium Term Financial Plan 2006/07 – 2008/09**

Members considered the report of the Financial Services Manager in respect of the Medium Term Financial Plan for the next three years in respect of revenue and capital budgets.

The Corporate Director – Economy commented on the major factors which would impact on the Financial Plan, including the required refuse and recycling contract, the cost of Job Evaluation, concessionary fares and the development of the new community.

It was suggested that it would be useful to call a meeting of the Town and Parish Councils to explain the changes to the refuse and recycling arrangements and the impact that these would have on the Council's budget and on every householder.

It was also suggested that the mandatory concessionary fares would be expensive and would not benefit the residents in large areas of East Devon where public transport was not available. The revenue grant system was intended to provide additional support to match the anticipated higher level of concessionary fares granted. The Corporate Director – Economy advised that such promises in the past, made by the Government to make extra funding available, had not necessarily materialised.

It had been assumed, in preparing the Plan, that the Leisure Trust and Housing Stock Options would have no impact on the overall budget.

The Plan showed that the Council would continue with its non-borrowing policy. Lower returns from invested funds had been assumed as a consequence of a predicted downward movement in interest rates. Members noted the funding gap between the financial requirements and the estimated budget and proposed actions required to achieve a balanced budget. The work carried out by the Leader's Service Prioritisation Group in 2004 had provided a valuable steer for the allocation of resources to priority services. The Council would have to revisit services, which had been identified in the exercise as low priority, to see what further cuts could be made. The Council would continue to examine its income streams to maximise income. Council Tax charges would be carefully controlled to avoid the danger of capping.

The Plan identified a significant under-funding of the capital programme and items included would need to be further prioritised.

- RESOLVED**
- (1) that the contents of the Medium Term Financial Plan 2006/07 to 2008/09 be noted and steps, outlined in the report, be taken in order to set balanced revenue and capital budgets,
 - (2) that a meeting be arranged in October with the Town and Parish Councils to explain the new refuse and recycling arrangements and how these will affect every household.

***34 Revenue and Capital Monitoring report 2005/06 – Quarter One**

Members considered the report of the Financial Services Manager, which identified variances within the quarter and how these would effect the future budget. Members were advised that, with the exception of building control income, monitoring had not highlighted any material variance from budget, which would require remedial action at this stage. Appendix C to the report had been included in error and Members were asked to delete this page.

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

*35 **Car Parking Charges – Reserved Spaces**

Members considered the report of the Corporate Director – Economy in respect of the review of the charges made for the provision of reserved car parking spaces. Charges varied depending on location with the most expensive reserved parking being sited nearest to the town centres. Members noted that the Council had a total of 130 reserved parking spaces within the district. The charge currently made was considerably less than the income generated from a similar space in pay and display car parks. It was proposed that residents of domestic properties, in adjacent streets, with street parking restrictions and in properties without a recognised parking space should be entitled to 50% discount. Parking spaces used by businesses would not be discounted.

To soften the impact on businesses, the revised charges will be implemented in 3 stages, with the maximum charge becoming effective from 1 October 2007.

- RESOLVED**
- (1) that the revised charges as set out in Appendix A to the report be effective, implemented and, for business users, phased from 1 October 2005,
 - (2) that for residential users the full charge, discounted by 50% be implemented from that date.

*36 **Monitoring of Performance – Fourth Quarter and End of Year 2004/05**

Members considered the report of the Policy Manager giving relevant performance information for the period 1 January to 31 March 2005 and details of the end of year 2004/05 performance indicators, which were measured against targets. Officer comments and proposed remedial action in respect of Performance Indicators, which had failed to reach the targets set were noted. Overall, significant improvements in performance had been made even when targets had not been met.

Members were advised by the Portfolio Holder – Communities that performance in respect of rent arrears (L46) would improve when the new arrears system was in place, with tenants in arrears being visited weekly and new tenants being given help and advice.

Performance in respect of operational net revenue expenditure on sports/swimming (L72) had not met its target. The Portfolio Holder – Culture advised that it was hoped that when the Leisure Trust was established there would be an opportunity to investigate the introduction of a swimming strategy.

The Leader advised that not all buildings were compliant with disabled access/facilities (BV 156) due to costs and major problems preventing improvements.

It was suggested that failing to meet the performance indicators in respect of answering incoming calls to the switchboard (L94) gave a poor impression to customers. Members were advised that it was always difficult to cope with peak demand but additional staff were brought in to provide cover at the early part of the week and following major mailings, for example the issue of council tax bills. The development of a contact centre would mean that our customers were given a much-improved service. The web site also provided a wealth of useful information.

- RESOLVED**
- that the performance and proposed remedial action for PIs for the financial year 2004/05 overall and the planned outcomes from Service Plans for the fourth quarter of 2004/05 be noted.

***37 Economic Development and Property Services**

Members considered the report of the Corporate Director – Economy in respect of the proposed short-term work plan for the above service to match resources with essential service delivery following the departure of 2 full time members of the Economic Development Team.

The planned maintenance programme was in place and it was proposed that it was now appropriate to make the temporary post of Property Services Manager permanent.

- RESOLVED**
- (1) that, in the short-term, economic development resources be devoted to the activities outlined in the report whilst the Council considers its corporate priorities and medium term financial position,
 - (2) that the post of Property Services Manager be made permanent.

***38 Criminal Justice and Police Act 2001 – The Local Authorities (Alcohol consumption in Designated Public Places) Regulations 2001**

Consideration was given to the report of the Head of Legal and Member Services in respect of a review of current byelaws relating to the Consumption of Intoxicating Liquor. The report detailed the current designated places in Sidmouth and Exmouth where consumption of intoxicating liquor was not allowed. The above Act had been introduced to give local authorities supporting measures to tackle alcohol-related crime, disorder and nuisance.

The local byelaws, if not replaced by Designated Orders, would cease to exist after 1 September 2006. Members were asked to consider the appropriateness of the Council making a Designation Order to cover the areas under existing byelaws and whether this designation should be extended to include other areas. It was suggested that all Town Councils should be consulted in respect of their own areas.

Members noted the wide consultation process, which would be actioned, if the decision was made to proceed with a Designation Order.

- RESOLVED**
- (1) that specified areas in the District be considered for a Designation Order, including those areas under the existing East Devon District Council byelaws as set out in paragraph 1 of the report,
 - (2) that the Head of Legal and Member Services, in consultation with the police, all Town Councils within the District, relevant EDDC officers and Portfolio Holder, be given delegated authority to identify further areas for inclusion in a Designation Order,
 - (3) that the necessary consultation and publicity process be implemented with a view to making a Designation Order,
 - (4) that representations/consultations be subject to a further report to the Board before implementing a Designation Order.

39 **Corporate and employment policy up-dates**

Members considered the report of the Head of Organisational Development in respect of up-dates to corporate and employment policies to comply with good management practice, legislation and the recommendations of the CPA.

RECOMMENDED (1) that the following employment policy be accepted. (This policy has been agreed by the Strategic Management Team and also by the Staff Joint Forum and had therefore received wide consultation):

- **Maternity and paternity policy**

(2) that the following employment policies be accepted with delegated powers being given to the Head of Organisational Development – Central Services to agree these with the Union and, if necessary, make minor amendments:

- **Fostering leave policy**
- **Whistle blowing policy**

*40 **Up-date on the implementation of the Freedom of Information Act**

Consideration was given to the report of the Policy Manager setting out the impact of the Act on the Council during its first six months in operation. Members noted that time taken in researching the information was monitored. Where possible information was published on the Council’s web site to prevent repeat requests.

RESOLVED that the number and type of requests made under the Freedom of Information Act during the six months since it came into force be noted and a further up-date be provided after the Act has been in force for a year.

*41 **Standing Orders Exemptions: Invitation to tender to be sought from specialist companies who are not registered with Constructionline**

Consideration was given to the report of the Housing Contract Service Manager seeking agreement to an exception to Standing Order 1.13 for 2 construction contracts requiring specialist contractors which were not registered with Constructionline.

RESOLVED that the exemption to standing orders be accepted, for the reasons set out in the report.

Chairman Date