

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 9 September 2015

Attendance list at end of document

The meeting started at 5.30pm and ended at 6.27pm

***74 Public Speaking**

There was no public speaking.

The Portfolio Holder Sustainable Homes and Communities read out a statement regarding the Syrian refugee crisis to highlight the Council willingness to play its part in the national programme to relocate refugees. The process of assisting refugees was led by Governmental policy, and, in the case of Devon, normally co-ordinated locally by the County Council. Devon County Council was the relevant social services authority and it was anticipated that they would play a key part in any local offer of support. As a housing authority the Council would expect to work with the County Council and assist in placing such numbers of refugees as may be allocated to the district. In the past, most refugees had tended to be placed in urban areas where there was easier access to the many support services that were required.

***75 Minutes**

The minutes of the Cabinet meeting held on 12 August 2015 were confirmed and signed as a true record.

***76 Declarations**

Cllr John O’Leary– Min no. 15

Type of interest - Personal

Reason: Member of the Manor Pavilion Steering Committee

***77 Exclusion of the public**

There was one confidential item which officers recommended should be dealt with in this way.

***78 Matters of urgency**

None

***79 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committees.

***80 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 September to 31 December 2015.

***81 Joint Overview and Scrutiny Committees minutes held on 11 August 2015**

Members received and noted the minutes of the meeting of the joint Overview and Scrutiny Committees held on 11 August 2015.

RESOLVED (1) that the following decision be noted:

Minute 8 - Moving and improving consultation

1. that the Committees noted and understood the methodology to be used for the consultation process.

RESOLVED (2) that the following recommendations be agreed:

Minute 8 - Moving and improving consultation

1. that the introduction to the survey be reviewed and edited in line with comments raised by the Committees during the debate.
2. that the questions within the questionnaire be reviewed and re-ordered in line with comments raised by the Committees during the debate.

***82 Recycling and Refuse Partnership Board minutes of a meeting held on 21 August 2015**

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board minutes of a meeting held on 21 August 2015.

RESOLVED (1) that the following be noted:

Minute 16 – Statistical information

1. The update report.

Minute 17 - SITA Senior Contract Manager update

The performance report.

Minute 18 - Cloud Nine/in-cab technology and citizen app progress report and new systems review

The progress report.

Minute 19 – Sustainable waste service trial (Feniton & Exmouth) – update, leaflets and communications plan

The trial update.

Minute 22 – Progression of collection contract procurement

The procurement contract update.

RESOLVED (2) that the following decisions be supported:

Minute 16 – Statistical information

2. that the Recycling and Waste Contract Manager send the amended statistical information for July to the Board members.
3. that the Recycling and Waste Contract Manager bring a report to a future meeting on charging options for replacement refuse and recycling receptacles.

***83 Office re-location update – key decision**

The Deputy Chief Executive updated Cabinet on the progress of relocation plans including the signing of the conditional contract on the Knowle site with Pegasus Life Limited. This had opened the way for Pegasus to commence their planning process and EDDC had moved to secure design and construction services.

EDDC had now completed a detailed selection process overseen by the South West Construction Framework to secure a design contractor. Following the interviews, the

Executive Members agreed to select the AECOM Design Team. Following clarification on a few issues, the Relocation Project Executive Group confirmed this decision.

The tender procedures also using the South West Construction Framework were underway to select the construction contractor to deliver both the new build HQ at Honiton and the refurbishment of Exmouth Town Hall.

With regard to Knowle Park, the Deputy Chief Executive had proposed key terms to Sidmouth Town Council regarding the transfer of the remaining parklands and lower car park area into the ownership of Sidmouth. Detailed negotiation was expected to follow that would include more specific detail on conditions, timing and the financial considerations.

An inquiry would be held on 15 September 2015 following an objection by EDDC, to the proposed registration of Rights of Way across parts of the Knowle site. The outcome of the appeal would not affect the ability of the project to move forward but was a matter to be considered within the planning process if rights of way were registered.

The report detailed a threat of challenge to the Council's decision to reject an application to register the Knowle as an Asset of Community Value. Legal correspondence had been exchanged and the Council had not heard further on the matter.

Officers had looked into the opportunity to accelerate the refurbishment of Exmouth Town Hall with a view to completing the works and occupation six months before the Honiton HQ. The advantages of staggered relocation were detailed in the report together with how this could be achieved including cashflow. The meeting also discussed risk and audit considerations.

In respect of Honiton Heathpark the design team would investigate whether it was possible to combine elements of the existing business centre, particularly including the atrium space, reception and meeting space (while retaining the serviced office space function) with the new EDDC HQ.

A Project and Facilities Manager would be recruited to oversee the internal aspects of the move working alongside the Relocation Manager. The physical move of staff, functions and services was a very detailed and complex process with many aspects dependent on each other. To minimise risk, the planning needed to start early. It was seen that this would be a fixed term post for three years working with the existing facilities team.

Further reports would be brought to Cabinet advising of progress and seeking decisions as required. Future steps to be reported on would include:

- Development and agreement on detailed design matters
- Commissioning of construction contractors
- Planning processes by Pegasus and EDDC for respective sites

Discussions included:

- was their additional spend on Exmouth Town Hall (ETH) because of an earlier start time to the refurbishment?
- The Knowle Park transfer to Sidmouth Town Council to be informed to the Asset Management Forum as this was a community asset
- Had audit advice been given to the early start on ETH?
- The need to support staff already working in ETH and to find suitable alternative accommodation for them during the refurbishment.

- What would the rental costs be to tenants of ETH after the refurbishment? Would the extra costs incurred due to having to move out while these were underway, be met by the Council.
- The Worksmart project presently underway could help ETH staff by sharing ideas and best practice.
- ETH staff needed to be located within the town centre to service the needs of the public.

RESOLVED:

Knowle Site

1. Note that EDDC is now in conditional contract with Pegasus Life Ltd for sale of part of the Knowle site
2. Note that the Deputy Chief Executive has formally proposed key terms to Sidmouth Town Council with the offer to transfer the remaining Knowle Park together with a commuted sum for the benefit of the town
3. Note that the inquiry regarding Rights of Way at the Knowle will be heard on 15 September 2015
4. Note that EDDC is opposing a potential Judicial Review claim of the Council's decision to reject the application to register part of the Knowle site as an Asset of Community Value

Honiton Heathpark

5. Note that further consultation will be carried out with Business Centre licensees by the design team and by officers as the design process progresses

Exmouth Town Hall

6. Note the tasks and procedures required to deliver refurbishment of ETH and agree to bring forward refurbishment works at Exmouth Town Hall (ETH)
7. Confirm that it is EDDC's clear desire to retain the existing tenants within a newly refurbished town hall
8. That the risk element associated with the early refurbishment of ETH be looked into to, and this then to be considered by internal audit.

Other

9. Note the detailed framework procedure used to select the design team to take forward detailed design work for Heathpark and Exmouth and manage planning processes as required
10. Note the ongoing framework driven selection procedure for the construction contractors to carry out new build and refurbishment work
11. Note the ongoing detailed engagement with staff and tenants through Worksmart workshops to gain their views on internal design, fit out and operational requirements so that we create the right environment and provide the right tools for working smarter
12. Note the ongoing consultation with our residents and equalities partners to ensure that our future service provision is accessible and meeting demand through an equalities and best value consultation exercise

REASON:

The above recommendations were to advise Cabinet on project progress and seek agreement to take forward the previous commitment of Council to deliver relocation from Knowle to Honiton and Exmouth offices.

***84 Procurement of new recycling waste collection and associated services contract**

The Strategic Lead, Housing, Health & Environment gave an update on the procurement of a new contract for recycling, waste collection, and associated services, and the trial of a new service model in Feniton and Exmouth (the Colony). The report gave the background to the trials and how these were being carried out.

The three bidding companies who had passed the evaluation process had been asked to submit outline solutions to the six service delivery options (Lots) provided within the bidders document.

Each of the companies provided high quality submissions and presentations and performed well at interview. Following evaluation and scoring, it was decided by the evaluation panel to allow each company to progress to the next stage of the process, the ISDS stage [invitation to submit detailed solutions].

The suggested new timetable was detailed in the report as:

- Invitation to submit detailed solution [ISDS] – Thursday 11 August 2015.
- Due date for return of written detailed solutions – Monday 14 September 2015.
- ISDS Dialogue Phase – from Monday 5 October 2015.
- Invitation to submit final tender [Best and Final Offer] – Monday 2 November 2015.
- Due date for return of final tender [Best and Final Offer] – 12 noon, Monday 30 November 2015.
- Evaluation process – from Monday, 30 November to Friday, 18 December 2015.
- Report to Cabinet – Wednesday 10 February 2016
- Intention to Award Notice – Thursday 11 February 2016.
- Alcatel standstill period – until Thursday 25 February 2016
- Contract Award Notice – Friday 26 February 2016.

The Contractor would have three months from contract award to prepare and mobilise the contract for commencement on 23/05/2016.

Members noted that the renewal of the refuse contract had important financial implications for the Council in terms of both the nature of the service delivered and the capital assets used to deliver that service. The Council has already engaged Capita Asset Services to provide treasury consultancy services.

An improved recycling service, together with less frequent refuse collection, is one of the options being explored that would enable the Council to increase its recycling rate and reduce the tonnage of waste sent for disposal.

Discussions included:

- Clarification of the benefits to the leasing or buying of waste collection vehicles

The Portfolio Holder, Environment asked all members, as ambassadors for waste and recycling, to get 'on board' to promote the importance of recycling in their wards and wider public, in order to increase the uptake of recycling to preserve East Devon.

RESOLVED:

1. that the progress so far on the procurement of the new recycling and waste collection contract, and of the recycling and waste collection trial be noted.
2. that the amendment to the initial procurement timetable to allow more time for completion of the procurement be agreed.
3. to extend the length of the existing collection contract, subject to agreement being reached with SITA and delegated authority be given to:
 - a) the Strategic Lead, Housing, Health and Environment, the Strategic Lead Finance and the Portfolio Holders for Finance and Environment to agree terms with SITA.
 - b) the Strategic Lead, Legal, Licensing and Democratic Services to take such steps as were necessary to progress and secure the 2-month contract extension, be agreed.
4. the engagement of Capita to provide specialist financial support in relation to the refuse contract and the associated exemption to Contract Standing Orders be agreed.
5. a further more detailed report was brought to Cabinet showing accurate costing, tender evaluation and implementation timescales prior to the award of the new contract.

REASON:

By extending the procurement timetable, sufficient time would be available to carry out the procurement of the new contract. This included full examination of the potential to purchase contract fleet by the council via use of capital monies to provide a better and economic service for its residents. This extension also allowed further time for a detailed analysis of the trial of a new service model in Feniton and Exmouth (The Colony) of the benefits and cost implications of an improved recycling service with a three-weekly refuse collection.

***85 Exemption from Standing Orders – Handy Persons’ scheme**

The Portfolio Holder, Sustainable Homes and Communities, explained the exemption request for the handy person scheme.

Following a Task and Finish Forum, the Housing Review Board agreed to a six-month trial of a handy person scheme for tenants of East Devon.

Using the scheme to undertake these small-scale repair works should bring about savings of at least £14 per repair. The scheme had been widely advertised and already had a register of over 100 tenants interested in using it. For the six-month trial, it seemed sensible to use the two current contractors who knew the trial areas.

An exemption report had been written and signed off as required, requesting that the council proceed with the trial scheme without the need for obtaining additional quotations.

RESOLVED:

that the exemption to procurement requirements for the trial handy person scheme be agreed.

REASON:

To allow the scheme to proceed in September 2015

***86 Monthly Performance reports – July 2015**

The Chief Executive gave an update report setting out performance information for the July 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were four indicators that showed excellent performance, namely,

1. Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
2. Percentage of non-domestic rates collected
3. Creditor days – percentage of invoices paid in 10 working days
4. Creditor days – percentage of invoices paid within 30 days

There was one performance indicator showing as concern, namely

1. Working days lost due to sickness absence – sickness absence would continue to be monitor closely and a reduction to these figures in the next few months was expected as sadly those with long illnesses would be ill health retired.

Discussions around fly tipping included the need for the number of cases not to increase and just how difficult it was to prosecute offenders as they were rarely caught in the act. Materials such as asbestos that could not be taken to recycling centres were also a concern.

RESOLVED:

that the progress and proposed improvement action for performance measures for July 2015 be noted.

REASON:

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

***87 Exclusion of the public**

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

***89 Manor Pavilion – renewal of the summer season licence**

The Service Lead, Countryside & Leisure, presented this report, which highlighted the current three year licence arrangement for Paul Taylor Mills Productions finished on 31 October 2015. Following negotiations between both Paul Taylor Mills Production Company and the Strategic Lead, Housing, Health & Environment, the Service Lead, Countryside & Leisure and the Theatre Manager the renewal of the licence agreement for a further three years was recommended.

RESOLVED:

That the renewal of the three year licence agreement with Paul Taylor Mills Productions for the Manor Pavilion Theatre summer season for a further three year term be agreed.

REASON:

The current licence agreement finished on 31 October 2015 and due to the commercial success of the current Summer Season programme over the last three years, the Manor Pavilion Theatre wished to extend the current licence agreement for a further three years.

Attendance list

Present:

Andrew Moulding Deputy Leader/Strategic Development and Partnership
(Vice chairman in the chair)

Portfolio Holders:

Tom Wright Corporate Business
Iain Chubb Environment
Jill Elson Sustainable Homes and Communities
Phil Twiss Corporate Services
Philip Skinner Economy
Ian Thomas Portfolio Holder Finance

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Cabinet apologies:

Paul Diviani Leader/Chairman

Also present:

Councillors:

Megan Armstrong
Brian Bailey
David Barratt
Peter Bowden
Colin Brown
Peter Burrows
Paul Carter
Maddy Chapman
Alan Dent
Peter Faithfull
Roger Giles
Graham Godbeer
Alison Greenhalgh
Simon Grundy
Ian Hall
Marcus Hartnell
John Humphreys
Geoff Jung
Dawn Manley
Bill Nash
Cherry Nicholas
John O'Leary
Helen Parr
Pauline Stott
Mark Williamson

Honorary Aldermen:

Stephanie Jones

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
John Golding, Strategic Lead – Housing, Health & Environment
Charlie Plowden, Service Lead – Countryside & Leisure,
Steve Pratten, Relocation Manager
Amanda Coombes, Democratic Services Officer

Councillor apologies

Non Cabinet:

Mike Allen
Matt Booth
David Chapman
Steve Hall

Officer apologies

None

Chairman Date.....