

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 2 December 2015

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.30 pm.

***122 Public Speaking**

Richard Eley, Sidmouth, spoke on agenda item 17 – Sidmouth Mill Street car park. He said that the report had wrongly attributed comments to the Chamber of Commerce and asked Cabinet to disregard this element. He said that he welcomed the way that EDDC was now tackling the problem of car parking at Mill Street. He said that EDDC's approach should be incremental increases in tariff to avoid any adverse impact on the community. He emphasised the importance of wide consultation, time to think and consideration of all options. He said the suggestion that the area could be used for housing would be to the expense of valuable town centre parking.

The Leader advised Cabinet that three questions had been received with notice under the terms of 'questions and statements by the public' in respect of broadband provision in the area. The questions and supporting documents provided by the questioners had been circulated in advance of the meeting to Cabinet members. In turn, the Leader asked the three members of the public to read out their questions to Cabinet.

Councillor Twiss declared a Disclosable Pecuniary Interest at this point and withdrew from the Chamber until after the public speaking item.

1. Question received with notice – Graham Long.

"Minutes of the Nov 12 Scrutiny Meeting which considered a report from Connecting Devon & Somerset are in your agenda pack. You need to be aware that whilst the Phase 1 90% programme may be on track to deliver 90% superfast coverage in the more urban areas by the end of 2016, there is now not a snowballs chance in hell of Phase 2 delivering 95% coverage in rural East Devon by the end of 2017- the goal that David Cameron states repeatedly.

"This is because the CDS Board have twice failed to find suppliers for Phase 2 and are now on their third attempt, which may result in suppliers contracts being signed in the second half of 2016, leaving just over one year for suppliers to complete the programme. CDS's second attempt to agree a Phase 2 contract with BT collapsed in June, not because BT didn't offer value for money, but because CDS were offering them £35M for it, £6M less than BDUK estimate the project will cost, namely £41M. This happened because not one District Council in Devon, including EDDC, committed a penny whilst every District Council in Somerset committed their Phase 2 match funding. The attached FOI response showing the breakdown of the £34,495,000 offered to BT confirms this.

"Paul Diviani has confirmed to me that EDDC had "in principle" allocated £680k to the Phase 2 programme, but EDDC did not commit that funding and as such it could not be included in a legally binding contract with BT. Devon is the only County in England where the County Council and the District Councils have failed to work together on this with the consequence that rural taxpayers in Devon & Somerset will have to wait up to 2 years extra before their broadband service improves.

“It is clear that DCC & EDDC do not understand that there is a problem here because the Devolution Statement of Intent in your agenda pack (Slide 6), amazingly lists CDS as an example of a successful Devon & Somerset programme. CLA members who put Devon & Somerset in the bottom four out of 44 English counties for broadband connectivity in their recent survey, will not agree with that.

“Why is this Cabinet not working with the County Council to deliver the rural broadband service that every other county outside of Devon & Somerset now have up and running?

Will this Cabinet commit, (not allocate “in principle”), £680k of match funding to CDS’s third attempt at securing Phase 2 contracts which may be signed between June and November 2016? If not, why not? “

2 Question received with notice – Steve Horner.

“You will have received from me a paper that explains how Co-Investment Financing would be the solution which will provide Next Generation Access compliant broadband coverage for Devon and Somerset. Equally, this Co-investment proposal could be applied to cover East Devon only.

“Now that negotiations have collapsed between BT and CD&S, EDDC are left without a Phase 2 solution and your taxpayers are dependent on what CDS come up with as a 95% coverage solution next year. Co-investment can take that 95% programme and extend it to provide close to 100% superfast coverage.

“Last summer I spent considerable time with Councillors Twiss and Diviani explaining how such a proposal would work and obtained a proforma outline contract for both to study.

“I have heard no more from either Councillor.

“I have considerable experience with such financial matters, having led, on behalf of a major British bank, a trail blazing multi million pound contract to construct and launch a chain of geo stationary communication satellites on behalf of Inmarsat.

“What action has been taken by this council to implement a Co-investment Phase 2 superfast broadband programme for East Devon?

3 Question received with notice – Adrian McArdle.

I have two hats on tonight. One as Parish Councillor for the Parish of Broadhembury, and one as a Dairy Farmer attempting to drive our family business; a traditional facet of our Devon landscape, with an amount of diversification into employing more people and helping more businesses that require a quick and reliable internet connection. I will not drone on citing all the reasons why home and business life is made ghastly without one, nor why more and more of our lives are spent online. I have wasted enough of my time moaning about this over the last few years, and I come here for action from people who can act, and, ideally, some proof that someone is getting yelled at for this fudge.

Areas of our parish are, according to CDS maps, deemed out of programme as regards the current roll-out, and who knows what is going on with the next phase. CDS are unable to provide information that will enable my parishioners to plan for their future, and

manage their home and business lives online now. The PC has asked questions of CDS regarding the status of the cabinets in our parish, and what will or won't be enabled. We are not being given the courtesy of decent replies, let alone concrete answers. Weeks of delay are becoming months then years which as you can hear from me tonight has created frustration at best and anger at worse.

I want to grow and invest. Yet all we have from the programme director of CDS is "how long is a piece of string?" when for many of your taxpaying voters this is the second of only two utilities.

I and many of the businesses in my parish have now no faith that you will help us. You are failing to make this happen by failing to get the money committed last year, and CDS admit they are intending to fail half of my parish for the want of a week with a wheeled digger and a drum of cable, or better still a ladder and a drum of cable, despite the wads of free money.

Please can I have my share of this money back? I will match it and with others will invest it in a not for profit solution that works for us, our families, businesses and parish, and potentially neighbouring parishes. I believe it will be faster, cheaper, more future-proof, and working sooner than yours. Satellite broadband is not fit for purpose and we will thus not be fobbed off with vouchers for that to achieve the PM's goal of 100%. If you support me, we will get it right, and today will be the day when this council is identified as the can-do answer for several hundred registered voters. Be brave.

For the absence of doubt that it can be done please visit b4rn.org.uk [<http://b4rn.org.uk/chris-conder-invested-by-prince-william/>] to see how farmers wives, children, and grandparents are currently doing in rural Lancashire what Devon is not, to the tune of 1000MB/s whilst I sit here ranting with no-one managing to improve my 5MB/s. And I'm lucky with 5."

The Leader's response, presented by Councillor Ian Thomas, Portfolio Holder, Finance, to the questions put by Mr Long, Cllr Horner and Cllr McArdle was:

'The questions rightly identified the fact that up till now the matter of Superfast Broadband roll out had fallen within the remit of Connecting Devon & Somerset (a joint venture set up by the County Councils) and their contractual arrangements with BT. EDDC had chosen not to be a contractual party to the matter because of the excessive secrecy surrounding the original contracts.

The issue of agreeing an 'in principle contribution' to the phase 2 roll out or making a 'commitment' was not just a matter of semantics. Without an open approach to discussions and an ability to share that information with communities, it would be irresponsible to commit funding - or in effect, give it away.

EDDC was committed to pursuing the matter on behalf of its communities and recently on 24 November, the Chief Executive wrote in the following terms to the Commercial Lead of Broadband Delivery UK:

"We are writing to confirm our intention to apply for support from the South West Fund for a project to provide superfast broadband to the remaining 10% of premises in East Devon District not otherwise covered by the CD&S/BT Phase 1 buildout.

We have been in discussion with potential suppliers for the past year on a possible co-investment arrangement whereby public and private funds would be applied to the construction of a predominantly FTTH network, and we find their proposals appealing and well worth supporting, both financially by way of co-investment by EDDC, and in 'soft' terms.

In the absence of an application form, we intend to address the various points raised in the guidelines by way of a paper to be submitted to EDDC Cabinet and to BDUK. In the meantime, we can confirm the Council's intention to comply with mandatory criteria points 1-5 and priority criteria points 6-9, and to satisfy information requests a-d.

We look forward to working with BDUK on the successful initiation, funding approval and execution of this important and worthwhile project.”

A reply is awaited in order to commence the stage of preparing a detailed report. We also understand that CD&S are in discussions to try to ensure the delivery of their original objectives.’

The Leader advised that under the Council's terms in respect of questions submitted in advance, the questioners now had the right to ask a supplementary question relevant to the original questions printed above.

Mr Long asked why the Council was taking so long to take action. The Chief Executive responded by saying that necessary time had been spent debating with a potential partner to proposed alternative arrangements which the Council could then consider in detail. As the Broadband update report considered by the Scrutiny Committee at its meeting on 12 November 2015 (minute 37) shows, positive steps had been taken with Devon and Somerset (CDS). The District Council would continue, as necessary, to investigate additional providers when the Phase 2 tendering process had been completed. The Council was very aware of the needs of isolated and rural communities.

Councillor Horner asked if Devon County Council's needs would out-weigh those of the district council.

In response the Leader confirmed his commitment to the needs of East Devon. The Chief Executive explained why the Devon districts had decided not to contribute to the Phase 2 rollout.

***123 Minutes**

The minutes of the Cabinet meeting held on 4 November 2015 were confirmed and signed as a true record.

***124 Declarations**

Councillor Phil Twiss – Minute 122

Interest: Disclosable Pecuniary

Reason: His work includes selling broadband and network connections.

Councillor Jill Elson – Minute 133

Interest: Personal

Reason: Governor, Exmouth Community College

Councillor Eileen Wragg – Minute 139

Interest: Personal

Reason: Member of the South West Regional Flood and Coastal Committee

***125 Exclusion of the public**

There were no confidential items which officers recommended should be dealt with in this way.

***126 Matters referred to the Cabinet**

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

***127 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 January 2016 to 30 April 2016.

***128 Minutes of the Recycling and Refuse Partnership Board held on 23 October 2015**

Members received and noted the minutes of the Recycling and Refuse Partnership Board held on 23 October 2015.

Councillor Iain Chubb, Portfolio Holder – Environment and Chairman of the Partnership Board spoke positively about the sustainable waste service trial (Feniton and Exmouth colonies). He also advised on the details of the Christmas collections and use of information hangers which highlighted and promoted the East Devon app - this would be particularly useful should winter collections be disrupted by severe weather. Consideration in respect of possibly charging for replacement refuse and recycling receptacles would be deferred until after the new waste contract was in place – it was more important to encourage recycling than to generate income. When possible charges were considered, arrangements regarding multiple occupation properties and whether the responsibility for providing the waste receptacles should be that of the landlord or tenants would be included.

RESOLVED (1) that the following be noted:

Minute 27 – Statistical information – update report.

Minute 28 - SITA Senior Contract Manager update - performance

Minute 29 (1) - Sustainable waste service trial (Feniton & Exmouth) – update, leaflets and communications plan

Minute 30 - Devon County Council textile contract - update

RESOLVED (2) that the following be agreed:

Minute 29 (2) – Sustainable waste trial

that thanks be given to all the various teams involved in the success of the trial so far.

Minute 32 - Christmas collections

that the Christmas collections and the sample year collection information hanger be agreed in principle.

RESOLVED (3) that the following recommendations be agreed:

Minute 34 - Charging options for replacement refuse and recycling receptacles

The Council look positively at charging for waste and recycling receptacles, with officers further exploring charging options and proposing a policy. (This would be deferred until after the new waste contract was in place).

Minute 35 - Progression of collection contract procurement

The bidding lots be reduced as set out in the report to the Partnership Board.

*129 **Minutes of the STRATA Joint Scrutiny Committee held on 22 October 2015**

Members received and noted the minutes of the STRATA Joint Scrutiny Committee held on 22 October 2015. Councillor Alan Dent, Committee member, advised that overall Strata was on target and on budget.

RESOLVED (1) that the following decision be noted:

Minute 28 - Progress Report on Strata Implementation Plan

Minute 29 - Strata Performance Indicators - Month ending 30 September 2015

Minute 30 - Budget Monitoring Report to 30 September 2015

The report update and Final Statement of Accounts for 2014/15

Minute 33 - Human Resources Update Report

RESOLVED (2) that the following recommendations be agreed:

Minute 33 - Human Resources Update Report

1. the approach proposed in relation to terms and conditions.
2. the agreements made at the Staff Joint Forum (point 4) with UNISON.

130 **Minutes of the Housing Review Board held on 5 November 2015**

Members received and noted the minutes of the Housing Review Board held on 5 November 2015. In the absence of Councillor Pauline Stott, Chairman of the Review Board, Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder, advised of steps being taken to mitigate the impact of the Government's rent reduction policy. She also referred to the Government's 'pay to stay' policy consultation. She questioned how the Council could gather earning information by household and the unfairness of any extra income generated by local authorities under this scheme being returned to the Exchequer when it was proposed that Housing Associations would be able to keep any extra income from their housing schemes. Councillor Elson had written to the local MPs on this matter, seeking their support. She also referred to the proposed changes through the Housing and Planning Bill and the need to drive policy forward to enable more affordable houses to be built.

In response to concerns raised on the impact of Government initiatives (including Right to Buy, Rent Reduction Policy and Pay to Stay) as well as cuts to Government grant, the Chief Executive advised that the budget process would address their effect on the Housing Revenue Account.

RESOLVED (1) that the following be noted:

Minute 38 – Forward Plan update

Minute 43 – Consultation update on changes to variation of tenancy agreement – outcomes

Minute 45 – Completion of asbestos management surveys in housing stock – progress made

Minute 46 - Handy person trial review – success of review noted.

Minute 48 - Housing and Planning Bill briefing – noted main contents of Bill.

RESOLVED (2) that the following recommendations be agreed:

Minute 39 – Tenant Scrutiny Panel report – customer recruitment and involvement

that Officers review the Tenant Scrutiny Panel report and recommendations on customer recruitment and involvement and respond in a report at a future Housing Review Board meeting.

Minute 42 – ‘Pay to stay’ consultation for social housing tenants

that the Board’s comments and concerns be included in the Council’s response to the Government’s consultation on pay to stay.

Minute 44 – Provision of free and independent financial advice service for tenants

that the Council enters into a new contract for the provision of a free and independent financial advice service for tenants.

Minute 45 – Completion of asbestos management surveys in housing stock

that a two year programme of works to ensure asbestos management surveys are carried out across the council housing stock be approved;

Minute 46 - Handy person trial review

that the trial be extended to a wider area, at the discretion of the Property and Asset Manager.

Minute 47 - The tenant’s journey – a longitudinal study proposal

that the STAR survey be replaced with a longitudinal study to enable better collection of tenant satisfaction and performance data.

Minute 48 - Housing and Planning Bill briefing

that the Strategic Lead – Housing, Health & Environment and the Portfolio Holder – Sustainable Homes and Communities meet with Planning to discuss the Bill and its implications and report back to the next meeting of the Housing Review Board.

RECOMMENDED that the following recommendations be referred to Council:

Minute 40 – Rent reduction policy

The position with regard to the rent reduction proposals be considered and a review of the Housing Revenue Account Business Plan be initiated.

Minute 41 – Moving rents to target rents

that rents be moved at a tenancy change to formula/target rent level for new tenants commencing 30 November 2015.

Minute 45 – Completion of asbestos management surveys in housing stock

that £100,000 be set aside in the 2016/17 and 2017/18 budgets for the completion of asbestos management surveys, with the Strategic Lead – Housing, Health & Environment and the Portfolio Holder – Sustainable Homes and Communities being given delegated authority to approve additional funding if required to ensure this work is completed.

131 **Minutes of the Scrutiny Committee held on 12 November 2015**

Members received and noted the minutes of the Scrutiny Committee held on 12 November 2015. In the absence of the Scrutiny Chairman, Councillor Alan Dent, Vice Chairman, commented on the useful update and recommendations regarding Broadband. He said that the meeting had included useful feedback on the Arboricultural Service and positive works carried out. However, the Service was under-resourced and was not currently in a position to carry out all of the recommendations of the Tree Task and Finish Forum.

In response, the Chief Executive advised that any bids for increasing service resources would be considered during the budget process but that the Council's key priority was to deliver the Recycling and Refuse Contract.

RESOLVED (1) that the following be noted:

Minute 38 - Evaluation and protection of Trees Task and Finish Forum update

1. the hard work of the Arboricultural Team and the importance of the service;
2. the intention to embed the recommendations of the Task and Finish Forum in the service plan.

RESOLVED (2) that the following recommendations be agreed:

Minute 37 – Broadband Update

1. that Connecting Devon and Somerset (CDS) be encouraged to pursue an open tender exercise for providers for Phase 2 of broadband delivery;
2. that CDS be asked to investigate alternative technologies, including cable less technologies for rural areas, and remain technology neutral;
3. that CDS be asked to give priority to isolated and rural communities;
4. that the District Council continue to investigate additional providers once the Phase 2 tendering process is completed, as necessary.

Minute 38 - Evaluation and protection of Trees Task and Finish Forum update

that the recommendations of the Task and Finish Forum be implemented within the service plan period.

RECOMMENDED that the following recommendations be referred to Council:

Minute 38 - Evaluation and protection of Trees Task and Finish Forum update

That significant resource allocation takes place to achieve the service requirements of the Arboricultural Team.

132 **Minutes of the Overview Committee held on 17 November 2015**

Members received and noted the minutes of the Overview Committee held on 17 November 2015. Councillor Peter Bowden, Chairman of the Committee highlighted issues discussed, including in respect of the Exmouth Beach Management Plan, Environmental Health Licensing Policy and the Local Government Boundary Commission for England Electoral Review update.

In response to a question on the Electoral Review, the Chief Executive confirmed that the Council's case would be made for no or minimal change to the existing number of EDDC Councillors. However with the increase in electorate in the district and the addition of Cranbrook, electoral change would impact across the whole district.

RESOLVED (1) that the following be noted:

Minute 18 - Draft Council Plan 2016-2020 – content.

RESOLVED (2) that the following be approved:

Minute 20 - Environmental Health Service

that it be recognised that the health, safety and wellbeing of residents, workers and visitors was being safeguarded by the work of the Council's Environmental Health teams. In particular to note that they continued to: inspect food businesses and investigate complaints about the safety of food; resolve complaints about workplace health and safety and good practice; investigate infectious diseases and prevent their spread within the community; prevent and control environmental pollution including the control of smoke, odours, flies and noise; promote and enforce public health and pest control legislation; provide advice on the likely impact of new development and on a variety of licensing matters; develop the Council's new permanent in-house pest control and dog warden services alongside a range of other duties including reporting bathing water quality and arranging funerals (where no other arrangements are being made to dispose of the body of a deceased person in the district).

Minute 22 - Local Government Boundary Committee for England Electoral Review Update – results of Member survey.

Minute 23 – Overview Forward Plan

RECOMMENDED that the following recommendations be referred to Council:

Minute 18 - Draft Council Plan 2016-2020 – content.

that the comments made at the meeting be incorporated into the draft Council Plan, including endorsement of the importance of neighbourhood local plans.

Minute 19 - Exmouth Beach Management Plan

that the draft Plan be adopted and the management, maintenance and monitoring recommendations be implemented, subject to concerns about obtaining funding sources for the work.

Minute 21 - Environmental Health Licensing Policy

that the following be formally adopted:

- the conditions for home boarding of dogs as set out in Appendix A to the report;
- the conditions for Dog Day Care facilities set out in Appendix B to the report;
- the enforcement policy set out in Appendix C to the report.

Minute 22 - Local Government Boundary Committee for England Electoral Review Update

that a draft submission be prepared for the LGBCE on the basis of no or minimal change to the existing number of EDDC Councillors (currently 59).

133 Heart of the South West Devolution

A joint Overview and Scrutiny Committees meeting had been held earlier in the afternoon and their recommendations circulated to Cabinet.

The report of the Chief Executive advised members of discussions to date regarding possible devolution of powers to the Heart of the South West (included Devon County, Somerset County, Plymouth City and Torbay) and sought approval for the next step. The presentation given to parish, town and district delegates the previous evening had been circulated to all Members prior to today's meeting. Of particular note was the aim to develop a local solution to deliver better services compared with the current centralised approach. This would help achieve 'joined up' delivery of services, such as health and social care, built around people and the places where they live. The delivery would have improved regulation with embedded prevention, support and self-management and financial sustainability to achieve best use of resources. Strategic Planning, for example in flood prevention and in provision of affordable housing would be based on local issues and solutions.

The Statement of Intent issued from the Heart of the South West area in September had been sent to all Members together with subsequent updates on progress. A key issue highlighted was that the Heart of the South West was seeking to achieve consensus and to ensure that all areas would benefit.

Councillor Moulding, Portfolio Holder – Strategic Development and Partnerships updated Members on joint discussions already undertaken with South West authorities and key priorities. He spoke of the need for health and public welfare reforms and the particular concerns regarding the demographic of this area with its ageing population. Devolution was not just about economic growth and opportunity. The Council also needed to be mindful of its leadership role within the South West, the ambition for growth and the contribution that the Heart of the South West would make to the national economy. Investment in the future would include important infrastructure improvements. He applauded the statement of intent which the partnership would build - it was vital to get this early stage right.

The report was further debated and points made included:

- The election of a Mayor covering such a wide area was not supported.
- Devon County Council and Somerset County Council were not providing adequate care in the community. Even a 2% increase in the Council Tax would not cover the cost of care.
- The loss of funds to Community Colleges including the apprentice levy.

- The need to get set up a proper dialogue between employers and schools/colleges before students make their subject choices at 14.
- Transport issues – public transport does not always provide students with a link from their community to the college of their career choice.
- How will academies fit in the plans – these are currently under the direct control of Government rather than County Councils?
- The Council must represent its residents in the best way that it can – but will this be possible when there is potentially going to be more influence from Counties?
- The demographics of the area – older population, medical advances, retirement incomes. Devon County Council should invite Devon Senior Voice to contribute to the debate.
- Developers of private sheltered housing should be asked to make a Section 106 contribution to social and health care.
- It would be helpful to refer the report to the Audit and Governance Committee for consideration of governance issues arising from devolution.
- Economic growth was essential for delivering benefits to the area – including health and social care provision.
- It was important not to assume that this area would remain one of comparative low wages in perpetuity – the devolution initiative needed to address this perception.
- Work needs to be carried out with the universities in the region to help retain the skills and help build a knowledge economy.
- Connectivity does not just mean super-fast broadband but also significantly improved transport links.
- Need to take into account genetic analysis in local hospitals.
- Is there a danger that this could be an additional layer of government? Could very local input be lost as a result? It was important to communicate reassurances.
- The importance of prevention was highlighted – the Council would want to drive this approach.

In summing up, Councillor Moulding said that the comments would be taken into account at the detailed stage. At this point, the Council was agreeing to a strategic approach with key objectives being used as building blocks. In supporting the bid at this early stage, the Council was not making a commitment other than to continue in the process.

Councillor Ian Thomas, Portfolio Holder – Finance, read out and proposed the five recommendations of the Joint Overview and Scrutiny Committees. The proposals were seconded by Councillor Tom Wright followed by a unanimous vote.

RECOMMENDED:

1. that clear objectives be set in preparation for negotiation if the bid proves successful in reaching Government discussion;
2. that an oversight group be set up of Portfolio Holders and appropriate members to follow the process of the bid;
3. that the work and the process to date be noted;
4. that the Leader be given delegated authority to sign the proposed Devolution Bid on behalf of EDDC subject to ratification of Council on 16 December 2015;
5. that an element of rural proofing is put forward for inclusion in the draft bid.

REASON:

the Leader and Chief Executive, together with the Leaders and Chief Executive Officers of the various authorities within the Heart of the South West area, had been debating the possible content of a devolution bid to Government. The next stage in the process was to submit the bid by the 18 December 2015.

134 Refresh of the Council Plan

Councillor Tom Wright, Portfolio Holder – Corporate Business presented the report of the Strategic Lead Organisational Development and Transformation. The report incorporated the work undertaken by the Corporate Business Think Tank and feedback from the Overview Committee of 17 November 2015. The draft Council Plan 2016-20 included a new council ambition, four key priorities and clear, measurable performance strategies as well as refreshed council values. Councillor Wright thanked his Think Tank and the Strategic Lead Organisational Development and Transformation for their valued input.

The Plan was a pivotal document, which set out the context, direction of travel and key priorities as the basis for service planning and monitoring. It was an important document for informing staff, councillors, residents, visitors, town and parish councils, business and other partners about the Council's key priorities and how and where the Council would direct its finance and other resources.

RECOMMENDED:

that the draft Council Plan be reviewed and recommendations for amendment or additions to the document be noted.

REASON:

To enable Members to debate and review the contents of the draft Council Plan in advance of its publication.

***135 Council Tax Support Scheme 2016/17**

Members considered the report of the Revenues and Benefits Service Lead setting out details of the Council Tax Support Scheme (also known as Council Tax Reduction), which was included with the agenda papers together with a full Equality Analysis Form. The Council was legally required to approve a new local scheme annually by 31 January of the preceding financial year. The Council was required to subject any proposed changes to the scheme to public consultation before the new scheme could be adopted. Members were asked to approve the current scheme for 2016/17.

In consultation with other Devon authorities, this Council proposed that the current scheme be retained for 2016/17 with a review and wide consultation undertaken next year. This would be after Government measures to cut welfare spending had come into effect in April 2016. At the moment it was difficult to fully determine their impact - these changes would influence the scheme in 2017/18.

Members were advised that the Council no longer received a separate grant from Government for Council Tax Support – this funding was now amalgamated into the Council's overall Finance Settlement and not identified separately. Since 2014, the Council had reduced the grant paid to town and parish councils by the percentage reduction in its own grant from Government. It was proposed that this methodology continued – with the town and parish grant payment being reduced by 27% for 2016/17.

RESOLVED:

1. that the Council Tax Scheme for working age customers be approved for 2016/17 (unchanged from 2015/16) with delegated authority to the S151 Officer and the Portfolio Holder for Finance being included in the Policy to take into account any typographical issues and any further changes in law, government guidance or policy.
2. that the Council Tax Support Grant passed to Town and Parish Councils for 2016/17 be reduced by 27% in line with this Council's expected reduction in its Revenue Support Grant from Government in 2016/17.

REASON:

The consensus of the Devon Chief Executives and Leaders at the Devon Local Government Steering Group meeting in May 2015 was to continue with the current scheme for 2016/17.

***136 Treasury Management Performance 2015/16 – 1 April 2015 to 30 September 2015**

The report presented by the Strategic Lead – Finance, detailed the overall position and performance of the Council's investment portfolio for the first six months of 2015/16. The review of performance included monitoring cash flow, investment and resourcing capital plans. The report acknowledged the difficult investment market, low interest rates and risk.

An update of the Treasury Management Strategy Statement and Annual Investment Strategy would be presented to Cabinet in February 2016 to enable the annual formal review to be carried out.

The Portfolio Holder – Finance extended thanks to the Strategic Lead – Finance and his team. He particularly drew Members' attention to the Capita Asset Services Benchmarking report for the period to 30 September 2015 (paragraph 8.6 of the report) which indicated that the weighted average rate of return expected for the range of investments which EDDC is party to should be between 0.41% to 0.51%. However EDDC's net weighted average return was above this at 0.76% which indicated that EDDC was outperforming market expectations.

In response to a question about exploring the possibility of investing in community projects, the Strategic Lead – Finance advised of particular security issues but that the Council was considering funding internal investments and would consider community projects if these had a very strong business case.

RESOLVED:

that the investment values and performance for the period to 30 September 2015 be noted.

REASON:

the Council was required by regulations to produce a half yearly review of its treasury management activities and performance.

***137 Sidmouth Mill Street car park**

Alan Morgenroth, proprietor of Goviers said that car parking in Sidmouth was a significant issue. The lack of town centre parking was creating a problem for customers and staff. Creating a pay and display car park would benefit the whole of Sidmouth. Mr Morgenroth was concerned that the Council had considered developing the site for housing – this would put even more pressure on car parking in the town centre. In response, the Chief Executive gave him reassurances about the foreseeable future.

The Senior Lead for Environmental Health and Car Parks presented the report on the Mill Street proposals, which gave details of the current position and proposed options. Interim proposals were to offer the spaces for business use over the Christmas period, with income paid through the Council being given to charity.

RESOLVED:

that steps taken to revise the East Devon Parking Places Order and the Council's in-house team be tasked with managing the remaining car parking spaces as a public pay and display car park.

REASON:

to enable the quick response to bring the 36 un-let reserved parking spaces in Sidmouth town centre, into use for public pay and display car parking.

***138 Staff engagement survey 2015**

The report updated Members on staff responses to the 2015 staff engagement survey. The majority feedback was very positive indicating a motivated workforce who were happy with East Devon as their employer. The survey was important in providing critical information about staff engagement throughout the moving and improving project. It would be submitted in January 2016 to the Investor in People assessor who would be reviewing the Council's Gold status.

RESOLVED:

1. that the outcomes of the staff engagement survey as an important benchmark and to monitor staff engagement throughout the office relocation project be noted,
2. that the next steps would involve drawing up a corporate and service action plans to address points made by respondents in the comments section be noted.

REASON:

that Members were kept updated of staff engagement generally and any issues that arising.

***139 Exemption to Contract Standing Orders for Feniton Flood Alleviation Project Phase 1 Tendering**

The report gave the reasons for an exemption to Contract Standing Orders for the use of four contractors on Pro Contract who had expressed an interest in submitting a tender for the Feniton flood alleviation project Phase 1 works.

RESOLVED:

that the exemption in order for this Phase of the Feniton flood alleviation scheme to be completed, be agreed.

REASON:

The Feniton Flood Drainage Works was part of a project being promoted by EDDC at a total cost of £1.6m, to reduce the risk of flooding to residents in Feniton. Phase 1 of the project was to construct the ditch system at Metcombe & Sweethams Cottage and Gosford Farm. The Environmental Agency wanted to see work started on site to justify the money that had been allocated for EDDC from Defra. The successful contractor was Kingcombe Aquacare Ltd for the Tender sum of £158,852.92. This work started on site in October 2015.

***140 Exemption to Contract Standing Orders for Feniton Flood Alleviation Project Phase 3 Network Rail Crossing**

The report gave the reasons for the approval of an exemption to Contract Standing Orders for the use of one contractor, specified by Network Rail (NR), to carry out work on their land to cross the West of England Main Line.

RESOLVED:

that the exemption in order for this Feniton flood alleviation scheme to be completed, be agreed.

REASON:

In order to complete the Feniton Flood scheme, a pipe has to pass underneath the West of England Main Line, on the route agreed with the Environment Agency, Parish Council and adjacent landowners. The contractor NR have recommended for this scheme was Balfour Beatty Rail (BBR). If BBR were not used there would be long delays and increased cost in delivering the scheme. BBR had sent a budget cost of £226,759.00 +/- 10%.

***141 Monthly Performance reports – October 2015**

The Strategic Lead – Organisational Development and Transformation presented the report setting out performance information for October 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were two indicators that showed excellent performance:

1. Percentage of planning appeal decisions where the planning inspector had disagreed with the Council's decision
2. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events

There was one performance indicator showing as concern:

- Working days lost due to sickness absence –
 - a) Sickness for October 2014 was 5.64 average days per person. This year the figure was 5.78, which represented an increase of 0.14 average days per person compared with last year.
 - b) The trend in sickness absence showed a higher incidence of sickness against the annual target of 8.5 average days per person. However, if sickness absence continued at the same rate for the remainder of the financial year the final average number of days sick per person would be 9.90, which was lower than last year, which was 10.41.
 - c) The Human Resources team continued to work closely to manage sickness absence with line managers. The trend of new long-term sickness cases emerging continued and 18 employees had been on long-

term sick (2 months or more) during the year compared with 11 for the same period last year.

RESOLVED:

that the progress and proposed improvement action for performance measures for October 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.

Attendance list

Present:

Paul Diviani Leader
Andrew Moulding Deputy Leader/Strategic Development and Partnership

Portfolio Holders:

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

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Cabinet apologies:

Philip Skinner Portfolio Holder Economy

Non-Cabinet apologies:

Steve Gazzard
Roger Giles
Pat Graham
Mike Howe
Pauline Stott
Brenda Taylor

Also present:

Councillors:

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Dean Barrow
Matt Booth
Susie Bond
Peter Bowden
Colin Brown

Paul Carter
David Chapman
Matt Coppel
Alan Dent
John Dyson
Peter Faithfull
Graham Godbeer
Alison Greenhalgh
Ian Hall
Steve Hall
Marcus Hartnell
John Humphreys
Ben Ingham
Rob Longhurst
Dawn Manley
Bill Nash
Cherry Nicholas
John O’Leary
Helen Parr
Marianne Rixson
Mark Williamson

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Anita Williams, Principal Solicitor and Deputy Monitoring Officer
Diana Vernon, Democratic Services Manager

Chairman Date.....