

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 4 November 2015

Attendance list at end of document

The meeting started at 5.32pm and ended at 7.16pm.

***107 Public Speaking**

Richard Gibbs spoke on behalf of the Sidmouth Residents Association concerning item 12 on the agenda; vehicle related anti-social behaviour in car parks. He asked for night closures at the Manor Road car park, Sidmouth from 9pm to prevent 'boy racers', speeding and loud music. Local residents had their sleep interrupted by the noise from these cars. He informed the committee that lawful use of the car park at night was minimal and it was not used by businesses or hotel visitors. He pointed out the speed bumps do not prevent entry into the car park and barriers worked elsewhere in the county. He reminded members that EDDC had a duty to stop nuisance such as this.

Eric Bowman spoke on behalf of the Seaton Residents Association on the same issue. He informed members they now had an opportunity to solve the problem of 'boy racers'. Such aggressive driving late at night was intimidating to members of the public. The Underfleet car park in Seaton was used as a race circuit finishing back at the car park. He recommended the installation of barriers and 30 miles per hour enforcement signs.

Sergeant Andy Squires, Community Policing Officer for Sidmouth and Seaton, spoke from a police perspective stating this was a partnership problem. Catching these drivers was very difficult, as they needed witnesses in order to prosecute. He spoke of the need for education, enforcement and engineering as there would always be 'boy racers', hence the need for a long-term solution. He supported the installation of barriers to stop entry with the facility to exit the car parks.

***108 Minutes**

The minutes of the Cabinet meeting held on 7 October 2015 were confirmed and signed as a true record.

***109 Declarations**

None

***110 Exclusion of the public**

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

***111 Matters referred to the Cabinet**

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

***112 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 December 2015 to 31 March 2016.

***113 Minutes of the Arts and Culture Forum on 18 September 2015**

Members received and noted the minutes of the Arts and Culture Forum on 18 September 2015. Members noted that Councillor John O’Leary had been elected Chairman of the Forum for the ensuing year and that Douglas Hull was appointed Vice Chairman. Particular thanks had been given to the Manor Pavilion Theatre manager and his team for all their hard work.

***114 Notes of the Budget Working Party on 8 October 2015**

Members received and noted the notes of the Budget Working Party held on 8 October 2015.

RESOLVED (1) that the following decision be noted:

Minute 3 – Financial Plan and Transformation – actions update 2014/15

1. that the current budget position be noted and action identified through the Transformation Strategy be supported,
2. that town and parish councils be advised of the anticipated reduction in the Council Tax Support Grant for 2016/17 as 27% maximum – in line with the reduction being made by the Government.

115 Minutes of the Scrutiny Committee held on 15 October 2015

Members received and noted the minutes of the Scrutiny Committee held on 15 October 2015. The Chairman of Scrutiny thanked members of the committee as well as other councillors for their input into the meeting. He especially wanted to thank officers; in particular Debbie Meakin, Democratic Services Officer, for their guidance help and support.

Discussions included:

- representations had been made to the local MPs concerning cuts to the police service
- the formula to which the policing cuts were considered, for example tourism figures were not considered alongside residential numbers
- the operation of the Asset Management Forum should be public, with the need for working bodies operating in private to avoid Part B (confidential) items being on agendas

RESOLVED (1) that the following be noted:

Minute 33 - Scrutiny Forward Plan

RESOLVED (2) that the following decisions be supported:

Minute 31 – Changes to Scrutiny practices based on best practice.

To adopt the practices recommended as follows:

- Sharing of forward plans of the Cabinet, Scrutiny Committee and Overview Committee to raise awareness of issues for each;
- Encourage Single Member Studies for an elected member to research a specific topic to feed back to the committee that include scope and regular update;

- Receive regular updates from Task and Finish Forums prior to the final report;
- Request written submission from external bodies or witnesses if they are not able to attend a meeting of the committee in person.

RECOMMENDED (1) that the following recommendations be referred to Council for determination:

Minute 29 - Crime and Disorder Update

that Council conveys to the Home Secretary that the proposed cuts for the police service would severely impact on Police Community Support Officers and other front line staff and must be resisted; the issue also to be raised with the local Members of Parliament.

Minute 30 – Asset Management Forum

1. that the Asset Management Forum, a forum appointed by Council to advise the Cabinet, be allowed to meet in public, with reports meeting exemptions being heard when public and press are excluded under “Part B”;
2. that questions and statements from the public be permitted on agenda items of Asset Management Forum that are not considered in “Part B” as per the practice adopted by Cabinet, and the Overview and Scrutiny Committees;
3. that agendas and minutes of the Asset Management Forum be published as per the access to information procedure rules.

Minute 31 - Changes to Scrutiny practices based on best practice

1. that Portfolio Holder update reports are provided to the Scrutiny Committee in writing at least once each civic year, thereby giving the committee opportunity to invite the Portfolio Holder back to respond on specific issues of interest to the Scrutiny Committee;
2. that the Council’s constitution be amended to reflect these changes.
3. that a report dealing with the issues raised from Minutes 30 and 31 was sent back to Cabinet.

116 Empty Homes Plan 2015 - 2019

The report was to seek agreement from Cabinet to adopt the Empty Homes Plan 2015 – 2019. The Strategic Lead Housing, Health and Environment spoke of empty homes being a wasted resource, especially when there was pressure for good quality affordable housing in the district. The plan was simple with changes in legislation making the task a little easier. The plan followed good practice but was proportionate and relevant to the local area.

The Portfolio Holder Finance requested the cost figures and potential financial gain be reported to Cabinet.

RECOMMENDED:

1. that the Empty Homes Plan 2015 – 2019 be adopted
2. that the cost figures and potential financial gain be reported to Cabinet.

REASON:

The previous plan expired in 2014; Cabinet was asked to agree formal adoption of this plan.

***117 Vehicle related anti-social behaviour in car parks**

The Service Lead - Environmental Health and Car Parks asked members to consider reports of vehicle related anti-social behaviour in Sidmouth's Manor Road car park and Seaton's Jurassic car park and to propose a solution to the problem.

Discussions included:

- Speed bumps did not deter drivers entering the car parks
- Lockable barriers to prevent entry and 'Dragons teeth' to allow exiting were a reasonable solution
- Visitors needed to use the car parks at night
- A substantial scheme was needed to overcome the problem of 'boy racers'
- Speed bumps were a waste of time
- Investment would also slow down regular traffic entering and exiting the car parks
- The town councils could be responsible for locking any barriers or automated locking devices could be used
- Trial road humps in one car park and barriers in the other
- Closure hours could be flexible if a public event was taking place

RESOLVED:

that lockable entry barriers and appropriate exits be installed in Sidmouth's Manor Road car park and Seaton's Jurassic car park at a cost funded from existing budgets.

REASON:

To discourage vehicle related antisocial behaviour and dangerous driving in two of the Council's public car parks.

***118 Financial Monitoring Report 2015/16 - Month Six September 2015**

The Strategic Lead – Finance summarised the report of the Council's overall financial position for 2015/16 at the end of month six (30 September 2015). Income lost due to the substantial reduction of recycling materials was highlighted.

Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- There was a sufficient Capital Reserve to balance this year's capital programme.

RESOLVED:

The variances identified as part of the Revenue and Capital Monitoring process up to Month Six be acknowledged.

REASON:

The report updates Members on the overall financial position of the Authority following the end of each month and includes recommendations where corrective action is required for the remainder of the financial year.

*119 **Monthly Performance reports – September 2015**

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

There were three indicators that were showing excellent performance:

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. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events

There is one performance indicator showing as concern:

1. Working days lost due to sickness absence – the Council's sickness absence was now on a downward trend. This follows a period of increased sickness absence resulting from long term illnesses.

RESOLVED:

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

120 **South East Devon Habitat Regulations Joint Committees**

Following the decision of Council on 29 July 2015 to agree to enter into joint arrangements with both Exeter City Council and Teignbridge District Council, it had been necessary to review and alter the governance arrangements to ensure clarity and consistency in terms of its operation going forward.

RECOMMENDED:

that the Council agrees to;

1. establish the South East Devon Habitat Regulations Joint Committees (comprising the Habitats Mitigation Executive Committee and Habitats Mitigation Scrutiny Committee) with Exeter City Council and Teignbridge District Council, for the purpose of delivering habitat mitigation measures to be governed in accordance with the Terms of Reference and Rules of Procedure attached at Appendix 1 to the report.
2. delegate all necessary powers (save for those relating to compulsory purchase) to the Habitats Mitigation Executive Committee to enable delivery of mitigation measures in accordance with the Conservation of Habitats and Species Regulations 2010.

3. the Strategic Development and Partnerships Portfolio Holder being the East Devon District Council member of the Habitats Mitigation Executive Committee.
4. seek nominations for and appoints three members to be the East Devon District Council members on the Habitat Mitigation Scrutiny Committee.
5. delegate authority to the Strategic Lead (Legal, Licensing and Democratic Services) in consultation with the Leader of the Council and Chief Executive to amend the Terms of Reference and Rules of Procedure as necessary to ensure effective working of the South East Devon Habitat Regulations Joint Committees, provided that the Solicitors to the Council of Exeter City and Teignbridge District Councils are in agreement.
6. provide the legal support for governance arrangements for the South East Devon Habitat Regulations Joint Committees.
7. be responsible for holding and administering the finances to support the implementation of the decisions of the Habitats Mitigation Executive Committee (or to any officer taking delegated decisions on its behalf) and to provide financial advice when required.
8. the administration of the South East Devon Habitat Regulations Committees being rotated with the Chair - East Devon District Council shall Chair the Committees during the first year. After the first year the Chairmanship will rotate around the other Councils coming back to East Devon in the fourth year.
9. to transfer all funds held to deliver habitats mitigation obtained through planning agreements and community infrastructure levy receipts (as and when adopted) to the account set up in accordance with Recommendation 7. Funds identified in planning obligations to be spent for specific projects will be ring fenced to be spent for those purposes.

REASON:

To implement the decision of Council of 29 July 2015 (following Cabinet recommendations of 2 July 2014 and 17 June 2015)

*121 **Exemption to contract standing orders - work on the water main at Underleys, Beer**

Members noted the report that an exemption had been given to contract standing orders, for the sum of £5,850 + VAT to be spent on renewing the water main to 33-43 Underleys, Beer. Reasons for the exemption were set out in the report.

RESOLVED:

that the exemption be noted

REASON:

to inform Cabinet of the exemption and the money spent to renew the water main at Underleys, Beer

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:

Mike Allen
Peter Bowden
Peter Burrows
David Chapman
Maddy Chapman
Graham Godbeer
Ian Hall
Marcus Hartnell
Steve Gazzard
Marianne Rixson
Brenda Taylor
Mark Williamson

Also present:

Councillors:

Brian Bailey
David Barratt
Dean Barrow
Matt Booth
Colin Brown
Paul Carter
Alan Dent
John Dyson
Peter Faithfull
Roger Giles
Simon Grundy
Steve Hall
Geoff Jung
John O'Leary
Pauline Stott

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
- Amanda Coombes, Democratic Services Officer

Chairman Date.....