

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 6 January 2016

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.21pm

***142 Public Speaking**

Peter Fox spoke on agenda item 20 – PSPO Consultation Results, Shelly Beach and Belshers Slipway. He spoke of the lack of bylaws and speed limits for Personal Water Crafts and speed boats and stressed he was not seeking a ban of these. He said the consultation failed to address anti-social behaviour and that community assets were protected elsewhere so why not here.

Roy Pickering spoke on agenda item 20 – PSPO Consultation Results, Shelly Beach and Belshers Slipway. He said he was disappointed with the methodology of the consultation with it losing sight of what the issues were. These issues being the extreme anti-social behaviour by an identifiable group of users, to a point where serious injury could occur to other beach users. The Public Space Protection Order dealt with problems with particular issues and did not ban everything. He said bylaws were needed so they could be enforced through the court.

Jo Frith spoke on agenda item 18 – Draft Revenue and Capital Budgets. She spoke of the Beach Management Plan (BMP) officer funding being stopped as of April 2016. Officer time was required to work on the Plan to its completion in 2016. The outcome of the Beach Management Plan for Sidmouth was a proposed Coastal Defence Plan. This would require preparing an application to the Environment Agency (EA) for funding. If this was not done following the completion of the project, it was possible the BMP would need updating therefore incurring consultancy fees before an application was made. She also noted the removal of the River Sid training wall and the implications to other coastal defences; she suggested the BMP budget be reviewed.

In response to this the Deputy Leader stated the BMP project was coming to an end and future funds if required would be funded from existing budgets. The budget did allow for officer time, which included the new Engineering Project Officer. EDDC were committed to seeing the project through in order to submit the application to the EA to achieve a successful outcome.

Jeff Turner spoke on agenda item 17 – Sidmouth, Eastern Town Scoping Study. He asked for support for the project, as Sidmouth needed the improvements and wanted to move on from the Council's relocation from the Knowle. He confirmed the town council's decision to engage in the development of a Neighbourhood Plan for Sidmouth with the priority area being the regeneration of eastern town. He eagerly awaited the outcome of the BMP. He confirmed the town council was fully committed to support the scoping study as this was essential and the only option to move the town forward.

***143 Minutes**

The minutes of the Cabinet meeting held on 2 December 2015 were confirmed and signed as a true record subject to the inclusion of a correction made by the Service Lead for Environmental Health and Car Parks at Minute 137 – Sidmouth Mill Street Car Park. The Service Lead had apologised to Richard Eley (who had left the meeting at that

point), for incorrectly attributing comments within the Car Park report to the Chamber of Commerce when they had been made by Mr Eley as an individual.

*144 **Declarations**

Councillor Iain Chubb – Minute 20
Interest: Personal
Reason: He owns a speed boat

*145 **Exclusion of the public**

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

*146 **Matters referred to the Cabinet**

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

The Leader read the following statement with regard to the Local Plan examination:

‘The Council has just received what is known as the Fact Check Reports from the Local Plan Inspector in relation to both the Local Plan and the Community Infrastructure Levy (CIL) charging schedule. These documents provide us with what the Planning Inspectorate’s guidance describes as “tentative final report”. The guidance is clear that it is not for us to question the Inspector’s conclusions and that the report is not for publication. We can simply respond within 2 weeks for clarification or to address any factual issues. I can however say that the report concludes that both the Local Plan and CIL charging schedule are sound and can move to adoption subject to main modifications. Unfortunately I am unable to give any further details at this time but can assure you that when we receive the Inspector’s final report it will be published as soon as possible following receipt.’

The Leader also confirmed that the supermarket Lidl was set to buy Sainsbury’s land holding at Clyst Honiton near Exeter as a distribution centre, with the potential to create 450 jobs for local people.

*147 **Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 February 2016 to 31 May 2016.

*148 **Exmouth Regeneration Programme Board held on 24 November 2015**

Members received the action notes of the Exmouth Regeneration Programme Board held on 24 November 2015.

149 **Minutes of the STRATA Joint Executive Committee held on 24 November 2015**

Members received and noted the minutes of the STRATA Joint Executive Committee held on 24 November 2015. In addition to the reports for note and resolutions made by the Committee, the Cabinet considered the Committee’s recommendations and proposed the following:

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

Minute 23 – adoption of Idox Uniform in Exeter

that East Devon District Council, Exeter City Council and Teignbridge District Council approve a budget for the implementation of Uniform within Exeter City Council. The budget requirement is:

| | | % contribution | | 15/16 (£000s) | 16/17 (£000s) | 17/18 (£000s) |
|-------------------------------|--------------|----------------|----------------|---------------|---------------|---------------|
| Uniform implementation | EDDC | 36.7 | Capital | £34.9 | £19 | £19 |
| | ECC | 35.9 | Capital | £34.4 | £19 | £19 |
| | TDC | 27.4 | Capital | £30.2 | £14 | £14 |
| | Total | 100 | | £99.5 | £52 | £52 |
| Data improvements | ECC | 100 | Capital | £100 | £0 | £0 |

Minute 26 - Business case update

that the three Councils (EDDC, ECC and TDC) approve the following additions to their capital programmes subject to a 10% contingency to allow the 2016/17 convergence plan to be delivered.

| | % contribution | 16/17 (000s) | Inclusive of 10% contingency |
|--------------|----------------|----------------|------------------------------|
| EDDC | 36.7 | £132.85 | 146.14 |
| ECC | 35.9 | £129.96 | 142.96 |
| TDC | 27.4 | £99.19 | 109.11 |
| Total | 100 | £362.00 | 398.21 |

***150 Member Development Working Party held on 25 November 2015**

Members received and noted the report of the Member Development Working Party held on 25 November 2015. The Working Party had considered the Councillor feedback following the roll out of the initial 3-month welcome/induction programme – May, June, July 2015. Detailed consideration included learning points, what worked well, what could be done differently next time and what learning/training/refreshers were still required. The recommendations in respect of the 2019 welcome/induction programme would be taken into account at the relevant time. The following recommendations of the Working Party with immediate relevance were supported by Cabinet:

RESOLVED

1. that ways of providing councillors with staff contact details, by service, together with up-dates when staff leave and their replacement, be explored;
2. that the Chief Executive be asked to give 6-monthly briefings to councillors on Council business initiatives, challenges and future plans – it was suggested that these could be held before meetings of the full Council;
3. that the 2016 Member Development programme reflect the suggested areas proposed by the Working Party which included more on social media, IT skills, standards and planning processes.

*151 **New Homes Bonus Panel held on Thursday 26 November 2015**

Members received the notes of the New Homes Bonus Panel held on Thursday 26 November 2015.

RESOLVED

that the recommendations of the Panel in respect of applications received under the scheme be agreed.

*152 **Meeting of the Leisure East Devon Joint Working Party held on 26 November 2015**

Members received the notes of a Meeting of the Leisure East Devon Joint Working Party held on 26 November 2015.

RESOLVED

that an annual service fee requirement of £898,710 for 2016-2021 be agreed for the Service Level Agreement with LED.

153 **Minutes of the Capital Strategy and Allocation Group held on 1 December 2015**

Members received and noted the minutes of the Capital Strategy and Allocation Group held on 1 December 2015.

RECOMMENDED that the following be referred to Council to be considered during the annual budget process:

1. that the Housing Revenue Account Capital Programme be agreed,
2. that following the repayment of a £1.4 m loan during the year, a loan application be made to the PWLB for a 30 year fixed rate loan for £700,000 to address the deficit within the Housing Revenue Account as a result of the Government initiative to cut housing rent by 1%.
3. that the Housing Revenue Account, Capital Programme and PWLB loan be kept under review by the Housing Review Board and Cabinet.
4. that the Capital Programme process and evaluation/scoring forms be reviewed to improve the phasing of the programme and to help decision making in respect of new bids, giving proper weight to key issues such as health and safety considerations.
5. that the capital scheme bid recommendations be agreed.

*154 **Minutes of the Joint Overview and Scrutiny held on 10 December 2015**

Members received and noted the minutes of the Joint Overview and Scrutiny held on 10 December 2015 to consider the recycling trial. The Committees had voted separately on recommendations which recognised the positive feedback from the trials, the successful project planning and communications and the importance of monitoring and evaluation.

RESOLVED (1) that the following recommendations be noted:

the improved recycling trial in The Colony, Exmouth and new Feniton

RESOLVED (2) that the following recommendations be taken into account when Cabinet consider agenda item 16 – 'I'm on Board' – Improved recycling trial in The Colony Exmouth and New Feniton:

1. that the officers and communities involved be congratulated on the success of the trial;
2. that the anticipated increase in recycling be welcomed;
3. that consideration be given to the trial service method when evaluating the final bids for the new waste and recycling contract;
4. that the assistance of town and parish councils be sought both in early involvement prior to implementation of a new contract, and during implementation of a new contract to help educate and inform their communities of the new service adopted;
5. that the successful project planning and communication approach be replicated for any further rollout of the service change;
6. that the trials continue and the monitoring and evaluation process be maintained;
7. that detailed cost implications of any proposed change in service, including the impact on the recycling credit income to the Council, be sought.

***155 Minutes of the Scrutiny Committee held on 10 December 2015**

Members received and noted minutes of the Scrutiny Committee held on 10 December 2015.

A question was asked to why in Minute 44, the Principal Solicitor stated the letter in question was sub judice and therefore could not be discussed concerning the Queens Drive proposals in Exmouth. The Strategic Lead - Legal, Licensing and Democratic Services responded that the Council was a party to the proceedings and hence sub judice applied. Other people and social media could still make comments but as a party involved and one making decisions going forward, it was inappropriate to discuss the content of the case in open forum until after the judgment.

RESOLVED (1) that the following decisions be noted:

Minute 43 - Mill Street Press Release of 17 September 2015

1. the Committee's reaffirmation of its endorsement of the existing media protocol;
2. the continued use of a press template for officers in preparing a press release for forwarding to the communications team.

Minute 44 - Scrutiny Forward Plan

that a review of public consultation related policy be scoped and reported back to the Committee.

***156 Review of the Refuse and Recycling Trial**

The Strategic Lead Housing, Health and Environment updated members on the results from the trial, which had been running since mid September 2015 in The Colony Exmouth and New Feniton. The trial was being run to test the improved recycling scheme ahead of the appointment of a new recycling and waste collection contractor in June 2016. The findings had been very successful with a 19% reduction in residual waste disposal. Food recycling disposal had increased considerably with some residents using this service for the first time. An Absorbent Hygiene Products service had been available but the demand was not forthcoming. The 'I'm On Board' branding made for excellent communication. The Council was at the stage of evaluating best and final offers for the new recycling and waste collection contract and the results of the trial would inform the ongoing contract.

The Portfolio Holder Environment thanked the Waste Team and the residents participating in the trial, for their hard efforts in making the trial so successful. He wished to thank the ward members for their support in this matter.

The Deputy Leader reported that at a recent meeting at Devon County Council, East Devon came third out of 200 local authorities with minimum waste arising going to landfill. He hoped that with the new systems in place to improve recycling and reduce residual waste this position could place the council on top.

RESOLVED:

1. that the joint committee recognition of the positive results of the trial in both The Colony & New Feniton (Increase in recycling from 37 to 55% and 41 to 58%, and respective reduction in residual waste, with only 10 service issues raised by residents.) be noted;
2. that given the success of the improved recycling rate (from 39% before the trial to 56% during) Officers use the trial results to influence the evaluation of tenders for the new recycling and waste collection contract;
3. that the successful project planning and communications effort be noted and the approach replicated for any further rollout of the service change;
4. the trials and the monitoring and evaluation process be continued and maintained.

REASON:

The trial had been a great success; it had increased the average kerbside recycling rate from 39% to 56%. It resulted in a 19% reduction in residual waste being sent for disposal from 7.9 tonnes per week (before the trial) to 6.4 tonnes per week presently. There had been concern from some residents and the media prior to the trial about how families would cope with the reduced residual collection frequency. However due to extensive communications and strong planning, there were only ten reported issues concerning bin space, smells or ability to cope that have been dealt with.

***157 Sidmouth – Eastern Town Scoping Study**

The Deputy Chief Executive thanked Councillor Jeff Turner from Sidmouth Town Council (STC) for his commitment to working in partnership with EDDC as an important step forward for the two councils. As principal landowner EDDC proposed to undertake a scoping exercise in respect of the Port Royal vicinity at the eastern end of Sidmouth seafront. This was to investigate ways to bring about investment and development to renew the area and create a high quality mix of uses.

Discussions included whether the Sidmouth Vision Group survey data would be used as well as any new data gathered. The Deputy Chief Executive confirmed that previous data history would not be disregarded. EDDC and STC would appoint an appropriate professional consultancy to undertake the study and presently had no one in mind.

RESOLVED:

1. EDDC would work with Sidmouth Town Council to prepare a brief and commission appropriate professional consultancy. This was to scope out the detailed work required and options to fully plan the tasks and process, to achieve the regeneration of Port Royal
2. to add to the offer of £2,000 from Sidmouth Town Council a sum of up to £8,000 from EDDC's existing towns regeneration fund

3. to delegate responsibility to take this project forward to the Deputy Chief Executive, in consultation with the Portfolio Holder for Strategic Development and Partnerships

REASON:

To respond to the request from Sidmouth Town Council to work in partnership on the renewal of a key location on, and behind the town's seafront.

***158 Draft Revenue and Capital Budgets 2016/17**

The Strategic Lead Finance presented the report of the draft revenue and capital budgets for 2016/17 for adoption by the members, before it was considered by a joint meeting of the Overview and Scrutiny Committees, the Housing Review Board and the business community.

One of the most significant impacts on the Council's finances had been government funding cuts to local authorities as part of its deficit reduction policy. In the first three years of reductions from 2011/12 to 2013/14, the Council had a third of its overall government funding cut by £2.3m. 2014/15 saw a further 14% reduction in funding of £0.794m and 2015/16 a further 15% reduction of £0.781m. This had resulted in the Council adopting a proactive Transformation Strategy to sit alongside the Council Plan and Financial Strategy.

The Portfolio Holder Finance thanked Simon Davey and his team for all their hard work.

RESOLVED:

that the draft revenue and capital estimates be adopted and forwarded to a joint meeting of the Overview and Scrutiny Committees and Housing Review Board for consideration.

REASON:

There was a requirement for 2016/17 to set balanced budgets, to levy a Council Tax and to set Council House Rents.

***159 Council Tax Base 2016/2017**

The report set out the tax base for 2016/17 and included the breakdown for each parish, expressed in terms of Band D equivalent properties on which the council tax would be based. This was an important component in the Council's budget setting process for 2016/17.

RESOLVED:

1. that the tax base for 2016/17 at 56,404 Band D equivalent properties, and
2. the amount for each parish as the amount shown against the name of that parish as detailed under section 3 of the report, be confirmed.

REASON:

The calculation of the tax base was prescribed under the Local Authorities (Calculation of Council Tax Base)(England) Regulations 2012. This was made under powers of the Local Government Finance Act 1992. The Council Tax Base is defined as the number of Band D equivalent properties in a local authority's area. The tax base is necessary to calculate Council Tax for a given area.

***160 PSPO Consultation Results: Shelly Beach and Belshers Slipway**

The Strategic Lead – Legal, Licensing and Democratic Services updated members on the public consultation returns from 1 to 31 August 2015 on issues of nuisance and annoyance at Shelly Beach and Belshers Slipway. He apologised to residents if they felt the consultation was not what they had hoped for. He reiterated that bylaws always came down to enforcement and this was very resource intensive and hard to enforce. The patrol boat option was more appropriate and the reopening of the Mamhead Slipway would also help alleviate the situation.

Feedback had been sought from residents in the vicinity, users of the beach and slipway and those with local interest including user groups, the police, and town and district councillors, and Devon County Council. The feedback was used to consider the potential for introducing a Public Space Protection Order to address any anti-social behaviour issues linked to localised use of Personal Water Craft. Members were advised that the feedback had indicated that this was not required.

Discussions included:

- beach bylaws were already in place to silence noisy boats
- ward members to be informed of future consultations
- residents' views to be considered
- Exmouth beach problematic as vehicles could be driven on the beach
- local PWC users group wished to work with officers to draw up a code of conduct to help residents and users.
- the Council would do everything it could to make life better for local residents

RESOLVED:

1. that there was currently no requirement for a Public Space Protection Order (PSPO) at Belshers Slipway or over Shelly Beach.
2. that the Council seeks to pursue an alternative strategy which may include part-funding a Harbour Patrol Boat.
3. that the Service Lead, Environmental Health and Car Parks meet with the local PWC users group and residents for a roundtable discussion with the aim of identifying solutions to resolve concerns.

REASON:

The results of the public consultation suggested there was little or no requirement for a PSPO as it would limit access to the water, and there were already issues with limited safe access to the water in the estuary and on the seafront.

161 East Devon Public Health Implementation Plan 2015/16

The Public Health Project Officer presented the report for Members to consider the Public Health Implementation Plan which stated the Council's ambitions for thirty-five activities, grouped in four priority areas, aiming to make a positive difference to people's physical health and mental wellbeing across East Devon. It was highlighted that dementia awareness was new to the plan this year. Council teams were keen to work in Cranbrook and had been shortlisted in NHS England's 'Healthy New Towns' initiative.

RECOMMENDED:

that the East Devon Public Health Implementation Plan be agreed.

REASON:

To help ensure that staff across the Council make the best possible use of resources to enable activities that support health and wellbeing across East Devon.

***162 Exemption to standing orders – Homemaker contract**

Members were asked to note the reasons for the approval of an exemption to Contract Standing Orders in order to continue the provision of a financial advice and support service by Homemaker.

RESOLVED:

that the exemption to standing orders to facilitate this continued provision of a financial advice and support service by Homemaker, be agreed.

REASON:

Welfare reforms introduced by the Government were having a financial impact on a number of households both in the private and social sectors. These reforms were causing financial hardship, emotional, and social problems for households, which in turn affected the Council's income collection in respect of Rent, Council Tax and overpaid Housing Benefit. The reforms also had an impact on the number of households becoming homeless. Universal Credit for working age single person households commenced in East Devon on 9 November 2015 and there was yet to be an announcement for the roll out of other categories of households to qualify or switch to this benefit.

Providing a financial advice and support service was vital in trying to prevent and offset the impact of these reforms, helping tenants to remain in their homes and sustain their household finances.

***163 Monthly Performance reports – November 2015**

The Deputy Chief Executive presented the report setting out performance information for November 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 showed excellent performance:

1. Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
2. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
3. Creditor Days - % of invoices paid in 10 working days.

There was no performance indicator showing as concern.

RESOLVED:

that the progress and proposed improvement action for performance measures for November 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
Philip Skinner Portfolio Holder Economy
Phil Twiss Corporate Services
Ian Thomas Portfolio Holder Finance

Cabinet Members without Portfolio

Eileen Wragg

Cabinet apologies:

Geoff Pook

Non-Cabinet apologies:

Mike Allen
Pat Graham
Simon Grundy
Ian Hall
Steve Hall
Marcus Hartnell
Brenda Taylor
Mark Williamson

Also present:

Councillors:

Megan Armstrong
Brian Bailey
David Barratt
Matt Booth
Colin Brown
Paul Carter
David Chapman
Maddy Chapman
Alan Dent
John Dyson
Peter Faithfull
Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Alison Greenhalgh
John Humphreys
Ben Ingham
Geoff Jung
Dawn Manley
Bill Nash

Cherry Nicholas
John O’Leary
Helen Parr
Marianne Rixson
Pauline Stott

Also present:

Officers:

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
Amy Gilbert, Property and Asset Manager
Helen Wharam, Public Health Project Officer
Amanda Coombes, Democratic Services Officer

Chairman Date.....