

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of the meeting of Cabinet held**  
**at Knowle, Sidmouth on 9 March 2016**

**Attendance list at end of document**

The meeting started at 5.30pm and ended at 6.03pm

**\*189 Public Speaking**

Ed Moffatt from the Diocese of Exeter spoke on agenda item 12 - Cranbrook Place of Worship Land. Mr Moffatt had been working on the creation of a church community for Cranbrook for the past 13 years. In that time the Church primary school had been established with a strong local identity. There was an aspiration for a church building in Cranbrook. A sharing agreement had been drawn up with Churches Together in Devon and Cornerstone Church. The three funding partners were the Diocese of Exeter representing the Church of England in Devon, the Plymouth and Exeter District of the Methodist Church and the South West Synod of the United Reform Church. Cornerstone Church was aware of the onus to be dedicated to the service of the whole community of Cranbrook. The Diocese of Exeter was aware of the legal agreement and was happy to take this forward with the Council in due course. Answering a question from the Chairman Mr Moffatt confirmed that following a recruitment and interview process; which included participation from local community groups, there was now a new minister who would start the post shortly as well as living in Cranbrook itself.

**\*190 Minutes**

The minutes of the Cabinet meeting held on 10 February 2016 were confirmed and signed as a true record. Following an amendment from Council to minute **179 ESCo Energy Services**, the recommendation now reads,

‘that the Council is not currently persuaded to become a shareholder of the public sector Energy Services Company (ESCo) and would request further information in order to make a final decision.’

**\*191 Declarations**

Councillor Iain Chubb – Minute 13  
Interest: Personal  
Reason: Is a private landlord

Councillor Bill Nash – Minute 13  
Interest: Personal  
Reason: Is a private landlord

**\*192 Matters referred to the Cabinet**

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

**\*193 Exclusion of the public**

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

**\*194 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period

1 April 2016 to 30 July 2016.

**\*195 Notes of the New Homes Bonus Panel held on 25 January 2016**

Members received the action notes of the New Homes Bonus Panel held on 25 January 2016. Members were asked to note the concerns at the recent changes to criteria with regard to the use of Parishes Together Fund monies for ditching and drainage works and potentially verge and hedge cutting.

**RESOLVED:**

that the New Homes Bonus Panel's decisions be supported and its recommendations approved, as set out in the notes of the Panel's meeting.

**\*196 Minutes of the Overview Committee held on 26 January 2016**

Members received and noted of the Minutes of the Overview Committee held on 26 January 2016.

**RESOLVED (1) that the following be noted:**

**Minute 27 - Enterprise Zone update**

1. the outcome of the Enterprise Zone application submitted by the Heart of the South West Local Enterprise Partnership confirmed as part of the Government's Autumn statement,
2. the additional work that will be needed to be undertaken to develop a detailed business case and defined geography before the Zone can become operational.

**Minute 28 - South West Trains franchise consultation**

**Minute 29 - Overview forward plan**

That the forward plan include:

- 9 February 2016 – additional meeting on the Refuse and Recycling contract award.
- 22 March 2016 – Sustainability. Update on Flood Risk Management and Shoreline Management Plan, Update on Economic Development and Draft Annual Report.
- First meeting after 1 May 2016 – EDDC policy on providing Affordable/Starter Homes

**\*197 Minutes of the Scrutiny Committee held on 18 February 2016**

Members received and noted Minutes of the Scrutiny Committee held on 18 February 2016.

**RESOLVED (1) that the following be noted:**

**Minute 50 – Portfolio Holder up-date – Sustainable Homes and Communities**

1. the report
2. the housing team be congratulated on its significant achievements;
3. the Committee express its concerns at the failure of the Housing Minister to recognise and address the housing problems faced by EDDC as a result of the imposed reduction in housing rent.

**Minute 52 - Quarterly monitoring of performance, 3rd quarter 2015/16 Oct – Dec 2015**

1. the provision of Broadband and the importance of engaging with communities be included in the Scrutiny forward plan,

2. the new policy relating to motor homes to welcome day visitors to East Devon's towns be circulated to the Committee for their information,
3. the Strategic Lead – Organisational Development and Transformation be invited to a future meeting of the Committee with comparative data from other authorities to outline the current position relating to working days lost due to sickness absence and actions being taken,
4. the Development Manager be asked to advise on the number of temporary staff now within the service (whether this has increased or decreased) and future plans to improve performance in respect of determining planning applications,
5. officers take care in preparing the wording of the questionnaire in respect of a potential increase in street trading as this was already causing local concern,
6. officers provide the Committee with an update on the Management Plans for Seaton, Sidmouth, Exmouth and Budleigh beaches,
7. Seaton Jurassic – the Committee to monitor visitor numbers against projections,
8. Planning on-line – to invite the Economy Practice Manager to a future meeting of the Committee to address concerns raised about the service currently provided, issues around the search facility and plans to only provide town and parish councils with on-line documents on which to submit their comments.

### **Minute 53 – Scrutiny Forward Plan**

Items were agreed for inclusion:

17 March 2016

Beach Hut update

Chardstock and Dunkeswell Strategy 27 decision debate

14 April 2016

Draft Scrutiny annual report.

Broadband provision. Consider inviting Councillor Ian Thomas (former Portfolio Holder relevant for Broadband) and Phil Twiss (current Portfolio Holder relevant for Broadband).  
How we consult and engage with the public – implementation of policy

#### Future meetings

- Portfolio Holder updates as required
- Review of the production process of the Local Plan.
- Exmouth Sea Scouts hut – update on progress.
- Review of EDDC website – including search engine, comparison with other authorities, and how this reflects the image of the Council.
- Planning on-line – to invite the Economy Practice Manager to a future meeting of the Committee to address concerns raised about the service currently provided, issues around the search facility and plans to only provide town and parish councils with on-line documents on which to submit their comments.
- The Strategic Lead – Organisational Development and Transformation be invited to a future meeting of the Committee with comparative data from other authorities to outline the current position relating to working days lost due to sickness absence and actions being taken,
- Seaton Jurassic – the Committee to monitor visitor numbers against projections,
- Police 101 service – the new Police Crime Commissioner to be invited (after May elections). To include what is expected from the service, and how it needs to be improved to gain the support and faith of the public providing information and needing help.

**RESOLVED (2) that the following recommendations be agreed:  
Minute 51 - Scope for Dunkeswell and Chardstock Built-up Area Boundary (BUAB)**

Subject to,

1. the background paper timeline including the date of the public hearing when the Inspector heard the contributions from Chardstock and Councillor Ben Ingham,
2. the consultees be increased to include the former Dunkeswell ward member, Bob Buxton, Councillor Andrew Moulding (who addressed Council on the issue).

**198 Programme of meetings 2016/17**

The Cabinet considered the proposed timetable of meetings for the next Council year.

**RECOMMENDED:**

that the draft meetings timetable be referred for approval to the annual meeting of the Council.

**RESOLVED:**

that the 2016 Annual Council meeting be held on Wednesday 18 May.

**REASON:**

To meet the legal requirement to hold an annual meeting and also such other meetings as necessary for the conduct of the Council's business in accordance with its constitution.

**\*199 Cranbrook Place of Worship Land**

Darren Summerfield, New Community Projects Officer presented the report. The Section 106 Legal Agreement for Cranbrook made provision for Place of Worship Land. The site was an area of 0.2 hectares adjacent to St Martin's Primary School and fronting Younghayes Road; located within the first phase of the town. Following its laying out the New Community Partners were required to transfer the land to the District Council. The Diocese of Exeter and Cornerstone Church had requested that following the transfer of the land to the Council that it be transferred to the Diocese. The Place of Worship Land was in the process of being prepared in accordance with the agreed specification and the purpose of the report was to consider the options for its future management and ownership.

Cornerstone Church and Churches Together in Devon's vision had set out that in the short term the church intended to develop the approved spiritual garden as a community facility. It stated that the approved scheme was developed in conjunction with the community and that project received support from people across the community, including those of different faiths and those who consider themselves without faith. The spiritual garden was intended to be an open space that was accessible to all so to provide a location for reflection, spirituality and occasions for community gathering. It would include a central covered area and this could be used for a range of activities such as christenings, wedding blessings, storytelling, musical performances, BBQs and picnics. In addition, including areas of green space and wild flowers, it was envisaged that the site could include space for temporary community vegetable gardens where various community groups could take responsibility for using the space.

**RESOLVED:**

1. On receipt of the Cranbrook Place of Worship Land from the New Community Partners that the land was transferred to the Diocese of Exeter acting on behalf of Churches Together in Devon.
2. Delegate the agreement of the details of the transfer of the Place of Worship Land to the Deputy Chief Executive to include the details contained at Paragraph 6.3 of the report.

**REASON:**

To support the delivery of a temporary spiritual garden at Cranbrook and to allow the Diocese of Exeter and Cornerstone Church to lead any future project to develop a permanent place of worship building on the site.

**\*200 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

John Golding, Strategic Lead Housing, Health and Environment presented the report. From the 1 October 2015 private sector landlords were required to ensure that at least one smoke alarm was installed on every storey of their rented property, and that a carbon monoxide alarm was installed in any room which contains a solid fuel burning appliance. They were also required to ensure that such alarms were in proper working order at the start of each new tenancy. These requirements were enforced by the Local Housing Authority.

It was a requirement of the Local Housing Authority to have a statement of principles which act as guidance and sets out how they will enforce the regulations. The statement also set out the approach to determine the amounts that could be appropriate penalties for breaches of the regulation.

The government required local authorities to be open and transparent regarding the civil penalty and to publish the statement of principles which they would follow when determining the amount of penalty charge. These principles and the fine levels were comparable with the Devon Local Authorities and other local authorities across the UK.

Discussion included the following:

- Many properties; specially in Exmouth, were not registered as Houses in Multiple Occupation (HMO) and amongst other issues could create fire hazards
- The burden was on the landlord to understand the rules of HMO when these were quite complex in law

**RESOLVED:**

That Cabinet note the new regulations and the statement of principles and fine levels be agreed

**REASON:**

The regulations require that the council agrees a statement of principles and fine levels.

**\*201 Compulsory Purchase Order: exchanging inalienable land in the ownership of the National Trust with land owned by the Diocese of Exeter at the request of the Parish Council of Branscombe, to provide an extension to the St Winifred's graveyard**

The churchyard of St Winifred's, Branscombe had two burial plots remaining before the graveyard was full. The St Winifred's Parochial Church Council in consultation with

Branscombe Parish Council had been exploring the possible options for a number of years to seek an alternative burial site. The Parish Council and the Parochial Church Council requested that East Devon should assist and acquire the land by Compulsory Purchase Order (CPO) in 2013.

This had been achieved by compulsorily purchasing an inalienable parcel of land from the National Trust and swapping it with land provided by the Diocese of Exeter.

The legal process had now concluded and the Council received confirmation from the National Planning Casework Unit on 14 January 2016 that it could confirm the CPO.

**RESOLVED:**

That Cabinet as recommended by Council, agreed the confirmation of the Compulsory Purchase Order

**REASON:**

To progress the matter so that the two parcels of land can be conveyed between the National Trust and the Diocese of Exeter.

**\*202 Monthly Performance reports – January 2016**

The report set out performance information for January 2016. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were two indicators that were showing 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

There were no performance indicators showing as concern.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for January 2016 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:**

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**

Geoff Pook  
Eileen Wragg

**Cabinet apologies:**

Paul Diviani                    Leader

**Non-Cabinet apologies:**

Paul Carter  
David Chapman  
Maddy Chapman  
Alan Dent  
Graham Godbeer  
Alison Greenhalgh  
Dawn Manley  
Cherry Nicholas  
John O’Leary  
Mark Williamson

**Also present:**

**Councillors:**

Brian Bailey  
David Barratt  
Peter Bowden  
John Dyson  
Peter Faithfull  
Roger Giles  
Simon Grundy  
Ian Hall  
Steve Hall  
Mike Howe  
Geoff Jung  
Bill Nash  
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  
Darren Summerfield, New Community Projects Officer  
Amanda Coombes, Democratic Services Officer

Chairman ..... Date.....