

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 4 October 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 7pm.

***72 Public Speaking**

There were no questions from the public.

***73 Minutes**

The minutes of the Cabinet meeting held on 6 September 2017 were confirmed and signed as a true record.

***74 Declarations**

Councillor Tom Wright: Minute 91; personal interest as Member of Budleigh Salterton Town Council.

***75 Matters of urgency**

None

***76 Matters referred to the Cabinet**

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

***77 Exclusion of the public**

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

***78 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 November 2017 to 28 February 2018.

***79 Minutes from the Recycling and Waste Partnership Board held on 23 August 2017**

Members received the Minutes from the Recycling and Waste Partnership Board held on 23 August 2017.

RESOLVED (1) that the following recommendation be approved:

Minute 25 Garden waste collections – outline options

1. that officers write to Otter Rotters Ltd to inform them that alternative options for the provision of a green waste collection service in East Devon would be pursued and therefore the expired contract with Otter Rotters Ltd not be renewed;
2. that officers be invited to work up a detailed business case, in partnership with SUEZ, for a new district wide garden/green waste collection service with a preference for a chargeable, fortnightly, all year round service, modelling options for charging and likely service demand; and
3. that Devon County Council be requested to undertake any necessary procurement exercise for the disposal of green/garden waste in East Devon.

***80 Minutes of the STRATA Joint Scrutiny Committee held on 6 September 2017**

Members noted the Minutes of the STRATA Joint Scrutiny Committee held on 6 September 2017.

- *81 **Minutes of the Housing Review Board held on 7 September 2017**
Members received the Minutes of the Housing Review Board held on 7 September 2017.

RESOLVED (1) that the following recommendations be noted:

Minute 20 Housing Revenue Account Business Plan update

the contents of the draft Housing Revenue Account Business Plan 2017-2022.

Minute 22 Responsive repairs and works to void properties contract procurement process

1. the progress being made on the renewal of the responsive repairs and work to void properties contract;

RESOLVED (2) that the following recommendations be approved:

Minute 20 Housing Revenue Account Business Plan update

the Housing Revenue Account Business Plan 2017-2022.

Minute 22 Responsive repairs and works to void properties contract procurement process

2. the direction of travel and the terms of reference for the project group formed to discuss the procurement;
3. the brief for the appointment of procurement consultants.

Minute 23 Fire safety and policy update

1. the Fire Safety Policy and endorse the approach towards fire safety in Council owned housing;
2. the inclusion of an article on fire safety in the next Housing Matters magazine.

Minute 24 Compliance review

the recommendations outlined in the compliance review (as outlined in section three of the Housing Review Board report).

Minute 25 Sewage treatment works progress

1. applications for First Time Sewerage should be submitted at up to 10 locations; and
2. applications for sewer requisitions should be submitted at 3 locations at a cost of £2,500 per location;
3. further consideration be given to options for transfer of sites which are not eligible for the above.

Minute 26 Tenancy succession policy

1. the Tenancy Succession Policy,
2. the inclusion of an article raising tenants' awareness of the Succession Policy in the Housing Matters magazine.

Minute 28 Annual report to tenants

the content of the annual report to tenants, subject to the information being graphically designed for reproduction in the December Housing Matters magazine.

***82 Notes of the Sidmouth Beach Management Plan Steering Group held on 13 September 2017**

Members received the Minutes of the Sidmouth Beach Management Plan Steering Group held on 13 September 2017.

***83 Minutes of the Budget Working Party held on 13 September 2017**

Members received and noted the Minutes of the Budget Working Party held on 13 September 2017.

***84 Minutes of the Capital Strategy and Allocation Group held on 13 September 2017**

Members received the Minutes of the Capital Strategy and Allocation Group held on 13 September 2017.

RESOLVED that the following recommendations be approved:

Report 5 Guide to Project Management

the Terms of Reference of the Capital Strategy and Allocation group be amended so that the group meets on a quarterly basis to undertake more regular monitoring, in line with the guide.

***85 Minutes of the Scrutiny Committee held on 21 September 2017**

Members received the Minutes of the Scrutiny Committee held on 21 September 2017.

***86 Discretionary Rate Relief - 2017 Revaluation Support**

The 2017 Spring Budget included a fund to local authorities to help provide support to businesses who have had an increase in their rates bill due to the 2017 Revaluation. It is for billing authorities to determine a local scheme.

The local scheme developed covers two parts:

- Part A – Formula based for financial years 2017/18 and 2018/19 only;
- Part B – Case by case for four years from 2017/18 until 2020/2021.

Debate centred around:

- Means of contacting businesses proactively about the support;
- Support related to those businesses with a rateable value of £18K and above;
- Local scheme had been devised to administer a relatively small fund of money available as efficiently as possible.

RESOLVED: that the Discretionary Rate Relief Scheme be approved, and delegated authority be given to the Section 151 Officer in consultation with the Finance Portfolio Holder to review the scheme, and if necessary, increase the thresholds to ensure that Government funding is being fully directed to businesses in East Devon.

REASON:

Members are required to approve a local discretionary scheme in order to ensure that funding made available by the Government to support businesses impacted by the 2017 Revaluation can be directed to ratepayers based on the approved local scheme.

***87 Financial Plan and Transformation Strategy**

This updated Financial Plan and Transformation Strategy extends to cover the period 2018 – 2028. The Budget Working Party have considered the General Fund position and given a clear steer on the direction that the Plan and Strategy should take.

The Medium Term Financial Plan (MTFP) calculates a projected deficit for the General Fund in 2018/19 of £0.735m and a further £0.529m in 2019/20; an annual budget shortfall is projected through the term of the Plan up to 2027/28, equating to a cumulative budget deficit of £5.4m. Some mitigation of this position has been identified in the Transformation Strategy, but there is still more work to do in generating savings. Immediate work identified is to bridge the gap by driving the self-sufficiency of the Council.

The Portfolio Holder for Finance outlined the importance on delivering new premises that provide business rates, as well as the need for clear ambition in the transformation savings to provide the additional income needed.

The Chairman of the Overview Committee Councillor Godbeer, announced his desire to engage his committee in researching income generation and help give direction on change required to deliver future balanced budgets.

RECOMMENDED: that the Financial Plan and transformation Strategy be approved.

REASON: Good practice in managing the finances of the Council is to produce a Financial Plan looking at the future direction of the Council's budgets. A plan in place allows a view of the Council's finances over a longer period and identified where action needs to be taken to influence the direction and shape of future service delivery, within a balanced budget. The Transformation Strategy identified key strategic themes that underpin the transformational activity to help the Council achieve savings and efficiencies, and continue to protect front line services.

***88 Homelessness Reduction Act 2017**

The Homelessness Reduction Act 2017 is expected to come into effect from April 2018, with the biggest changes to homelessness legislation for 40 years. The purpose of the Act is to give people the help they need to avoid becoming homeless in the first place, and to give those already experiencing homelessness access to help regardless of whether or not they had a priority need, or if they were considered as intentionally homeless. Everyone would receive assistance, and Local Authorities would be expected to intervene at earlier stages.

Implications for the Council were:

- applicants will be regarded as “homeless” within 56 days, rather than the current 28 days, leading to a rise in homeless applications and subsequent rise in demand;
- the “5 tests” criteria of homelessness will be replaced by a more complex system with additional opportunities than previously existed to request a review of decisions;
- training for staff and limited staff resource;
- need for new case management system to be compliant with the new legislation

The Portfolio Holder for Sustainable Homes and Communities reminded the Cabinet of the strong track record of the housing service in prevention of homelessness, but

acknowledged that there would be an impact on the service. She outlined her concerns on the effect of delays in benefit payments under the universal credit scheme.

In discussion, comments included:

- dialogue had been held with local MPs on the impact of the changes. Work was underway with officers on the viability of a loan scheme for benefits until universal credit had been awarded, as well as with other agencies in signposting where to get help;
- referral arrangements were in place with other authorities to place a homelessness case in the correct authority;
- urgent cases of homelessness were dealt with by means of temporary accommodation (such as bed and breakfast or hostel) until more permanent accommodation was arranged;
- the report recognises the resource issue the change in legislation makes, and an estimate of £100K in additional budget for the first two years has been planned for, par of which being £15K in the current year for staff costs.

RESOLVED:

1. that the challenges and implications of the Act be noted;
2. that a supplementary estimate of £15k in the current budget be assigned for the associated staff costs in preparing for the legislation coming into force from April 2018.

REASON:

To meet with good practice and provide information on the change in legislation; and to cover the cost of associated staff resource in preparing for the new Act.

***89 Monthly Performance reports – August 2017**

The report set out performance information for the 2017/18 financial year for August 2017.

There was one indicator showing excellent performance:

- Percentage of Non-domestic Rates Collected

There was one performance indicator showing as concern.

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - Three appeal decisions received this month, all of which were dismissed.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for August 2017 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 Management, Housing and Revenues and Benefits.

***90 Guide to Project Management**

A key finding of the audit review of the “Achievement of Major Capital Projects” was that the Council did not have a corporate framework in place for major capital projects. Financial approval and monitoring was found to be sound. The Audit and Governance Committee debated the audit review in March 2017 and endorsed the recommendations made by the South West Audit Partnership (SWAP). Since then a guide has been produced, reviewed by SWAP and the final version was before Cabinet to agree.

The terms of reference for the Capital Strategy and Allocations Group (CSAG) would need to be agreed to be amended, to reflect the role of monitoring Council projects as set out in the guide.

The Portfolio Holder for Finance endorsed the guide, which was echoed by the Chairman of Audit and Governance Committee. The CSAG was decided as the best fit, under the terms of the Council's constitution, to undertake the monitoring role. The guide would come into immediate effect for all new projects.

CSAG was confirmed as an existing group established by Cabinet, with current terms of reference to "approve a method of allocation and bid prioritisation" with a view to bids being reviewed against available resources using an agreed allocation framework. Members were reminded that meetings were open for any Member to attend.

A request was made to ensure that the required staff resource in the project process was clearly stipulated.

RESOLVED:

1. the Guide to Project Management be approved;
2. the Terms of Reference of the Capital Strategy and Allocations Group to include the monitoring of Council projects.

REASON: Having a guide in place provides a framework for the oversight and monitoring of capital projects, ensuring a consistent approach for the management of Council projects.

*91 **Budleigh Salterton Neighbourhood Plan to be formally 'made'**

The Budleigh Salterton Neighbourhood Plan had now passed referendum and must be formally 'made' by East Devon District Council in order to form part of the development plan.

In response to a question, the Chairman of Development Management Committee, Councillor Howe, confirmed that the committee had a requirement to take any neighbourhood plan into account in the determination of planning applications.

RESOLVED:

1. that the Budleigh Salterton Neighbourhood Plan was 'made' so it formed part of the development plan; and
2. that the Neighbourhood Plan group be congratulated on their hard work and advised that once 'made' the Neighbourhood Plan would carry full weight in the planning decision making process.

REASON:

The Budleigh Salterton Neighbourhood Plan received a majority 'yes' vote in their referendum as required by the regulations and there was no substantive reason not to 'make' the Plan.

*92 **Safety Advisory Group**

The report considered the public safety risks from organisers holding large public events without consultation with public safety authorities; and recommended adoption of a Safety Advisory Group (SAG) that would:

- promote high standards of public safety at large public events in the area;

- provide organisers with sensible, practical health and safety information to allow them to comply with their legal responsibilities without undue expense;
- as far as practical, reduce any inconvenience to residents, businesses and the general public arising from events;
- provide organisers with an approach that would be consistent with other Local Authorities across Devon.

In discussion, some Members argued for a widening of the group to encompass other issues, such as the impact of litter from events, and in monitoring the events to ensure that guidance has been followed.

In response, the Deputy Chief Executive made clear that there were already reporting mechanisms in place for advising Streetscene and other services of pending events to prepare for additional clean up. Members were also advised that monitoring already took place with officers on the ground at events, including Licensing and Environmental Health officers.

In clarifying the role, the group was explained as a means of bringing together all the required bodies (such as Police, Fire and others) for an event organiser to obtain advice. This doesn't preclude the responsibilities of each of those bodies to act within their role in terms of liability; and training will be in place for the SAG so that it does not transgress into areas of liability.

A suggestion was made to have information available online for event organisers in making use of the SAG once established and supported by many Members.

RESOLVED:

1. that a Safety Advisory Group be established, to meet on a quarterly basis, to provide event organisers with a single point of contact to obtain relevant advice on managing public safety at large events. After two years, a formal review be conducted to assess the effectiveness of the Group and the costs and benefits to the Council, event organisers and the general public;
2. that once established, information is made available on the services of the group by means of webpage and/or other means of communication.

REASON:

At present there is no formal mechanism in East Devon for event organisers to easily arrange contact with all the regulators who had a role in advising them on public safety matters. It is possible for an organiser to devote considerable resource to developing an event without adequately considering public safety or nuisance issues which could have a significant impact on the viability of the event. Having a well publicised Safety Advisory Group (SAG) would provide businesses with a single point of contact for the provision of that information.

***93 Seaton Tramway new Terminus**

The report advised members that the new lease agreement with Seaton Tramway had now been entered into. Through the granting of this new, longer lease, which incorporated additional land, the council had enabled Seaton Tramway to invest in the redevelopment of its terminus site in Seaton to provide a modern facility that completed the regeneration of this area of land to the east of the Underfleet.

Councillor Marcus Hartnell thanked the officers and Members for their help, both in the recent negotiations, and the past regeneration work over the past ten years that had led

to a real change for the town. A regeneration forum had been established locally to continue the work of progress in the town.

The Cabinet agreed that the positive work should be widely publicised.

RESOLVED:

1. that the report be noted;
2. that the positive development of Seaton be publicised.

REASON:

To provide a summary of the enabling and investment activities that the council had undertaken over the last 10 or more years in the town of Seaton.

Attendance list

Present:

Paul Diviani Leader

Portfolio Holders:

Phil Twiss	Deputy Leader/Strategic Planning and Developments
Ian Thomas	Finance
Tom Wright	Environment
Marcus Hartnell	Deputy Portfolio Holder Environment
Iain Chubb	Corporate Services
Jill Elson	Sustainable Homes and Communities
Phil Skinner	Economy

Cabinet Members without Portfolio:

Geoff Pook

Cabinet apologies:

Eileen Wragg

Non-Cabinet apologies:

Simon Grundy
Alan Dent
David Barratt
Ian Hall
John O'Leary
Roger Giles
Ben Ingham
Matt Booth
Steve Hall
Jenny Brown
Val Ranger

Officer apologies:

Mark Williams, Chief Executive

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
Bruce de Saram
Dean Barrow
Mike Howe
Graham Godbeer
Cherry Nicholas
Mark Williamson
John Dyson
Colin Brown
Brenda Taylor
Maddy Chapman
Eleanor Rylance
Colin Brown
Rob Longhurst
Helen Parr
Steve Gazzard
Pauline Stott
Mike Allen
Geoff Jung
Peter Faithfull
Dawn Manley
Andrew Moulding

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 – Governance and Licensing, and Monitoring Officer
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Libby Jarrett, Service Lead Revenues and Benefits
Debbie Meakin, Democratic Services Officer

Chairman Date.....