

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 29 November 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.54pm

***108 Public Speaking**

There were two members of the public who wished to speak.

Nick Hookway spoke on Minute 121 - Exmouth Regeneration Update, Queen's Drive. Mr Hookway expressed his concern over the Phase 3 site being divided into 3 parts for new temporary attractions when the previous fun park could have been left open for this use. He was concerned over the cost of the attractions as well as the material they would be made out of. He was not convinced because of the road works, noise and dust that visitors would visit Exmouth to use these temporary attractions.

Kay Foster spoke on Minute 130 - Campervans and Motorhomes in Exmouth. Kay Foster stated that motorhomes would still be allowed to park along the seafront as well as 70 vehicles taking up approximately 2 spaces in the car parks overnight. She asked why the number of motorhomes could not be divided between other seaside towns such as Sidmouth, Seaton and Budleigh Salterton as Exmouth was being saturated with these vehicles.

In response to the question the Service Lead, Environmental Health and Car Parks explained Exmouth Town Council had asked the Council and Devon County Council for assistance to allow for overnight parking for motorhomes and campervans. He reiterated the Council was not trying to attract new business.

***109 Minutes**

The minutes of the Cabinet meeting held on 1 November 2017 were confirmed and signed as a true record.

***110 Declarations**

Councillor Ian Thomas: Minute 135; personal interest – Director of Exeter Science Park
Councillor Phi Skinner: Minute 135; personal interest – Shareholder representative of Exeter Science Park

Councillor Tom Wright: Minute 132; personal interest – member of LED

Councillor Pauline Stott: Minute 130; personal interest – owns a campervan

Councillor Bill Nash: Minute 130; personal interest – owns a campervan and Exmouth Town Councillor and Ward Member

Councillor Bill Nash: Minute 132; personal interest – Council appointed trustee of LED

Councillor Mark Williamson: Minute 121; personal interest – Ward member and Exmouth Town Councillor

Councillor Jill Elson: Minute 121; personal interest – Governor of Exmouth Community College

Councillor Roger Giles: Minute 126; personal interest – Member of Ottery St Mary Town Council

Councillor Eileen Wragg: Minute 135; personal interest – son works at Science Park

***111 Matters of urgency**

There were two reports that were dealt with in this way:

Minute 134 Introduction of a chargeable Green Waste collection service, and

Minute 135 Request for a £1.723m two year loan from the Exeter Science Park Ltd to fund Grow-on Building 1A

***112 Matters referred to the Cabinet**

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

***113 Exclusion of the public**

There were two items that officers recommended should be dealt with in this way.

***114 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 January 2018 to 30 April 2018.

***115 Minutes of the Strata Joint Executive Committee held on 26 September 2017**

Members received the Minutes of the Strata Joint Executive Committee held on 26 September 2017.

***116 Minutes of the Arts and Culture Forum held on 11 October 2017**

Members received the Minutes of the Arts and Culture Forum held on 11 October 2017.

RESOLVED that the following recommendation be approved:

the Villages in Action working with Carn to Cove in the future be supported.

***117 Minutes of the Scrutiny Committee held on 19 October 2017**

Members received the Minutes of the Scrutiny Committee held on 19 October 2017.

RESOLVED that the following recommendation be approved:

the petition was made through the Local Government Association to Government, to either exclude land charge requests from the Environmental Information Regulations, or the Environmental Information Regulations were scrapped as part of the exit from the European Union.

***118 Minutes of the South East Devon Habitat Regulations Executive Committee held on 23 October 2017**

Members received the Minutes of the South East Devon Habitat Regulations Executive Committee held on 23 October 2017.

***119 Minutes of the Overview Committee held on 7 November 2017**

Members received the Minutes of the Overview Committee held on 7 November 2017.

RESOLVED that the following recommendations be approved:

Minute 17 Scoping report – income generation and savings

the Overview Committee report its findings on income generation and transformation.

Minute 19 Heart of the South West Productivity Strategy Consultation

Cabinet be invited to review and contribute to a joint response from the four Exeter and Heart of Devon authorities comprising our functioning economic market area.

120 **Proposed changes to the working age Council Tax Reduction Scheme (known as Council Tax Support) from 1 April 2018**

The report from the Service Lead, Revenues and Benefits asked Members to consider the proposed changes to the working age Council Tax Reduction Scheme (known as Council Tax Support) from 1 April 2018 and to consider the impact of the changes made for the 2017/18 scheme.

RECOMMENDED:

that Cabinet recommends to Council;

1. that the impact of the changes made to the 2017/18 scheme and the accompanying Equality Impact Assessment (Appendix 1) be considered, and
2. that it be recommended to Council that the proposed working age Council Tax Reduction Scheme (contained in the background links) from 1 April 2018 be adopted.

REASON:

To align the Council Tax Reduction scheme for working age with changes to national benefits and the introduction of Full Service Universal Credit it is recommended that the proposals outlined are adopted.

121 **Exmouth Regeneration Update - Queen's Drive**

The Deputy Chief Executive outlined the purpose of the report was to provide an update on the status of the Queen's Drive regeneration project and to detail the progress of the last 12 months. The report covered progress with planning permissions; Phase 1 road and car park works, Phase 2 Grenadier Estates and the watersports centre; temporary uses for 2018; Phase 3 Visioning Exercise; overall programme and budget.

Discussions included the following:

- the recent 'Big Wheel' temporary attraction in Exmouth had been a success
- the beach was the best attraction. The Council was trying to create new opportunities on a temporary basis to support this attraction
- there were lots of open and free space for everyone to enjoy
- the Masterplan showed the timeline survey and needed to be reviewed by all as a reminder to its objectives
- concern over public money being spent on these temporary attractions
- once closed these attractions would be moved to and used at other sites
- the need to try out a variety of attractions
- Phase 3 would have a consultation so people could have they say on the matter
- concern over the cost of the new road.

Councillor Geoff Jung asked that it be put on record that he was against the expenditure of the reserved matters application.

RESOLVED:

1. that the successful and extensive consultation process undertaken by Grenadier Estates for Phase 2, the watersports centre and public space, in preparation for a submission of a detailed planning application, be noted,
2. that the appointment of Dyer and Butler as the contractor for the road and car park site be approved. That delegated authority be given to the Deputy Chief Executive in consultation with the Portfolio Holder for Economy and Strategic Lead (Governance and Licensing), to enter into the contract for the works and any associated highway related agreements,

3. that the updated budget position and detailed budget allocation which remained within the overall existing budget approved by Council in November 2016, be approved,
4. that delegated authority to the Deputy Chief Executive in consultation with the Chairman of the Exmouth Regeneration Board be given to take forward a Visioning Exercise for the uses and design of the Phase 3 area of the site which will involve a detailed community engagement process in the New Year, and
5. that delegated authority for the Deputy Chief Executive in consultation with the Portfolio Holder for Economy and Strategic Lead (Governance and Licensing) be given, to take forward and deliver plans for temporary uses. These would take place on the Phase 3 area to create a new mix of attractions for visitors and local residents for the 2018 season onwards.

RECOMMENDED:

that Cabinet recommends to Council;

6. that two Members to act as Directors of the Queens Drive Exmouth Community Interest Company, be appointed.

REASON:

1. To enable the Queen's Drive regeneration project to progress to the next stages of delivery in the case of the road and car park;
2. To ensure that the site remained available for use by the public as a leisure and play area whilst plans were being prepared for its redevelopment;
3. To ensure that a comprehensive review of opportunities for the regeneration of the Phase 3 area were reviewed, with the benefit of external expertise and that the community participated in the process.

***122 Exeter and East Devon Enterprise Zone**

The report set out to receive approval to vary the 'no worse off' principle in relation to business rate retention in order to support enhanced borrowing and investment.

Discussions included the following:

- vitality of the Science Park was important to drive economic development
- any adverse effect on the local roads needed to be managed

The Portfolio Holder Finance congratulated the team for the manner in which the Enterprise Zone designation had been introduced.

RESOLVED:

1. that the progress with the operation of the Enterprise Zone designation, be noted,
2. to vary the 'no worse off' principle in relation to business rate retention for the first 5 years to increase borrowing potential, be agreed,
3. that a further paper early in 2018 setting out specific investment propositions, be received.

REASON:

The Enterprise Zone designation went live in April 2017. Work had focused on developing projects to both overcome identified barriers to delivery and scoping catalytic investments that could increase the pace at which new commercial space and jobs were delivered. In order to maximise the borrowing power and the scope to bring the projects forward, a variation was sought to the 'no worse off' principle in relation to retained business rates as

set out in the Memorandum of Understanding signed with Devon County Council and the Heart of the South West LEP.

***123 Treasury Management Performance 2017/18 – 1 April 2017 to 30 September 2017**

The report detailed the overall position and performance of the Council's investment portfolio for the first six months of 2017/18.

RESOLVED:

that the investment values and performance for the period to 30 September 2017, be noted.

REASON:

The Council was required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management in Public Services published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce a half yearly review of its treasury management activities and performance.

***124 Exemption to Contract Standing Orders - Provision of Treasury Management Services by Capita Asset Services**

The report informed of the renewal of a contract with Capita Asset Services to provide Treasury Management Services to the Council from 1 November 2017 for a period of three years at a cost of £24,300.

RESOLVED:

that an exemption to the Council's contract standing orders and renewal of a contract with Capita Asset Services to provide Treasury Management Services from 1 November 2017 for a period of 3 years, be noted.

REASON:

The current contract with Capita Asset Services expired on 31 October 2017. As there were only two companies operating in the local authority treasury advice market, the Council were unable to obtain the required three quotes. Capita had provided treasury management advice to the Council for a number of years and the experience lost and the disruption caused by moving to an alternative provider was unlikely to justify any savings that might be achieved by a move. In view of the above, it had been necessary to use an exemption to Contract Standing Orders.

***125 Monthly Performance reports – October 2017**

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

There were four indicator showing excellent performance:

- Percentage of Non-domestic Rates collected
- Percentage of planning appeal decisions allowed against the authority's decision to refuse
- Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- Working days lost due to sickness absence

There were no performance indicators showing as concern.

The Portfolio Holder Finance wished to congratulate Simon Davey and his team for the high percentage collection of business rates and days taken to process new claims for Housing Benefits/Council tax.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for October 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.

- *126 **Response to Neighbourhood Plan for the parishes of Ottery St Mary and West Hill**
To agree the response by the Council to the current consultation for the Neighbourhood Plan for the parishes of Ottery St Mary and West Hill.

RESOLVED:

that the formal submission of the Neighbourhood Plan for the parishes of Ottery St Mary and West Hill be noted, and the producers of the plan be congratulated on the dedicated hard work and commitment in producing the document.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the neighbourhood plan by the Independent Examiner.

- *127 **Response to Neighbourhood Plan for the parish of Feniton**
To agree the response by the Council to the current consultation for the Neighbourhood Plan for the parish of Feniton.

Councillor Susie Bond wished to thank officers Claire Rodway, Phil Twamley and Tim Spurway for their hard efforts and support in the process.

RESOLVED:

1. that the formal submission of the Neighbourhood Plan for the parish of Feniton be noted, and the producers of the plan be congratulated on the dedicated hard work and commitment in producing the document, and
2. that the Council make the proposed representation set out at paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the neighbourhood plan by the Independent Examiner.

- *128 **Dunkeswell Neighbourhood Plan to be formally 'made'**
The Dunkeswell 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.

RESOLVED:

1. that the Dunkeswell Neighbourhood Plan was 'made' so it formed part of the development plan, and

2. that Neighbourhood Plan group be congratulated for their hard work and advised that once 'made' the Neighbourhood Plan would carry full weight in the planning decision making process.

REASON:

The Dunkeswell 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.

***129 Uplyme Neighbourhood Plan to be formally 'made'**

The Uplyme 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.

The Portfolio Holder Finance wished to congratulate the Neighbourhood Planning team and EDDC officers for all their hard efforts.

RESOLVED:

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

REASON:

The Uplyme 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.

***130 Campervans and Motorhomes in Exmouth**

The Service Lead, Environmental Health and Car Parks presented proposals for a pilot scheme to allow overnight sleeping in campervans and motorhomes within the council's long stay car parks at Maer Road, Queens Drive Echelon and Imperial Recreation Ground in Exmouth.

Discussions included the following:

- the use of sensible space/distance between the vehicles in the car parks
- no awnings or BBQs to be used
- car parks were not temporary campsites
- car parks should be closed at 10pm
- the wish for this proposal to improve tourism for Exmouth
- Devon County Council must sanction 'No Parking' on roads overnight

RESOLVED:

that a pilot scheme for Exmouth be implemented but conditional upon simultaneous implementation of a complementary scheme of on-street restrictions by Devon County Council, be approved.

The scheme was to offer overnight campervan and motorhome parking in Exmouth for short stays of up to 3 nights as follows:

1. To offer up to 30 pitches for motorcaravans in the current Queens Drive Echelon car park (up to a maximum vehicle length of 5.3m to avoid overhang into the carriageway).
2. To offer up to 20 pitches for motorcaravans in Imperial Recreation Ground car park
3. To offer up to 20 pitches for motorcaravans in Maer Road car park.

4. To consider the feasibility of offering services including: drinking water, waste water disposal and sewage disposal (in one or more of the toilet blocks) and sufficient refuse and recycling facilities located close to the pitches.

REASON:

Under the Civil Parking Enforcement duties as set out in the Road Traffic Regulation Act 1984, the Council had to carefully consider the needs of the community as a whole in arriving at the recommendations which sought to represent a balance of differing priorities and points of view.

These proposals would not interfere with the security of (or access to) any other premises and it was believed that they would not be prejudicial to the amenity of the locality. They were in all other material respects consistent with the legal duties and responsibilities to communities. There were a number of issues arising from the present practice of leaving these vehicles parked on-street and the recommendation would offer a balanced solution.

***131 Update on Air Quality in East Devon and Revocation of the Air Quality Management Area in Honiton**

The report from the Principal Environmental Health Officer updated Members on the air quality review and assessment work carried out by the Environmental Protection team and their participation in Devon wide air quality initiatives. Members were advised that recent measurement surveys had shown that air quality levels in Honiton were now compliant with national health based criteria and DEFRA had approved revocation of the Air Quality Management Area in Honiton.

RESOLVED:

that the revocation of the Air Quality Management Area in Honiton and the work carried out by the Environmental Protection team to assess and promote air quality initiatives across East Devon, be noted and approved.

REASON:

To enable the revocation process to be completed.

132 Energy Savings Proposal – Exmouth Leisure Centre, Honiton Leisure Centre and Sidmouth Swimming Pool

The Strategic Lead, Finance asked Members to consider a proposal from LED to make a capital investment of £262,000 in order to achieve annual energy savings estimated at £60,270 giving a payback period of just over 4 years.

RECOMMENDED:

that Cabinet recommends to Council;

1. to include £262,000 in the capital programme for the current financial year in order to fund the investment identified in the report to generate revenue savings to LED, and
2. that, if agreed, delegated authority be given to the Chief Executive to release the funding subject to appropriate due diligence being completed on the procurement process, reassurance being provided over the projected savings identified and appropriate documentation being in place to ensure that 50% of the cost of borrowing is met by LED.

REASON:

Currently the Council supported the annual deficit of LED in relation to the running of Leisure Facilities in East Devon. In order to maintain this deficit funding around the current level of £893,720 p.a. due to cost pressures in running these services, initiatives need to be pursued to reduce costs.

133 **Exclusion of the public**

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

134 **Introduction of a chargeable Green Waste collection service**

The report outlined service delivery options for a green waste collection service for the residents of East Devon District Council.

The Portfolio Holder Environment wished to thank the Recycling and Waste team for their tremendous effort to get this comprehensive and clear report to Cabinet in such little time.

RECOMMENDED:

that Cabinet recommend to Council to:

1. Approve the green waste collection service design as set out in the report, and the provisional service start date of 14 May 2018, and
2. Approve the proposed customer charges for the service, as detailed in the report, and
3. Delegate authority to the Service Lead - StreetScene to provide written confirmation to Devon County Council that EDDC intend to put in place a green waste collection service with a provisional commencement date of 14 May 2018 and thus enable a disposal facility to be put in place, as set out in para 4.5, and
4. Delegate authority to the Strategic Lead for Housing, Health & Environment in consultation with the Portfolio Holders for Environment and Finance and the Strategic Lead for Finance to approve the procurement method for purchase of the green waste containers and the initial quantity to be purchased to best meet the projected needs of the service, as set out in para 6.6, and
5. Delegate authority to the Strategic Lead for Housing, Health & Environment in consultation with the Portfolio Holders for Environment and Finance and Strategic Leads for Finance and Governance and Licensing to conclude analysis and agree the pricing model which best meets our Transformation Strategy savings targets, negotiate and complete any contract amendments with Suez, finalise the customer service agreement and implement the green waste collection service, and
6. That Council receives an update on the financial position at its meeting on 13 December.

REASON:

The reasons for the recommendations were to enable the Project Team to continue to plan for the implementation of the new service to meet the indicative timetable, and in the case of recommendations 4, 5 and 6 to provide delegated authority for some time critical decisions.

135 **Request for a £1.723m two year loan from the Exeter Science Park Ltd to fund Growth on Building 1A**

ESPL has proposed to EDDC a funding arrangement to support their construction of additional 800sqm of business space at the Science Park site. This report considers the opportunity and risk involved. The Portfolio Holder Finance pointed out that the report was incorrect in referring to EDDC as a board member of ESPL. Councillor Thomas is a director in a personal capacity.

RECOMMENDED:

that Cabinet recommends to Council to;

1. Approve a 2 year loan arrangement to ESPL for the sum of £1,732,000 plus an appropriate rate of interest to ensure State Aid compliance to enable the construction of 800m² of additional business space on the Science Park,
2. Give delegated authority to the Chief Executive in consultation with the Strategic Leads for Finance and Governance and Licensing to prepare and enter into appropriate loan agreements and security documentation (including against the new building), and

that Cabinet notes that;

3. SMT will in future receive progress reports on construction and operational phases and loan repayment arrangements with further reports to be brought back to Cabinet as required.

REASON:

EDDC was a shareholder and board member of ESPL. The site was a key element of the wider Growth Point and was now included within East Devon's Enterprise Zone. The Science Park was a key element of EDDC and its partners' commitment to promoting a high productivity and knowledge based economy. New business space on the site would enable ESPL to secure additional income to reinvest and EDDC would derive a higher rate of return than it could secure from its current investment arrangements. The council loan would be secured against the building and during the loan period ESPL would pay interest.

Attendance list

Present:

Paul Diviani Leader

Portfolio Holders:

Phil Twiss	Deputy Leader/Strategic Planning and Developments (arrived during Minute 127)
Ian Thomas	Finance
Tom Wright	Environment
Iain Chubb	Corporate Services
Phil Skinner	Economy (Acting Vice Chairman)
Jill Elson	Sustainable Homes and Communities

Cabinet Members without Portfolio:

Eileen Wragg

Cabinet apologies:

Marcus Hartnell Deputy Portfolio Holder Environment

Non-Cabinet apologies:

Jenny Brown

Andrew Moulding

Graham Godbeer

Maddy Chapman

Steve Gazzard

David Key

Mike Howe

Mike Allen

Brenda Taylor

Steve Hall

Also present (for some or all of the meeting)

Councillors:

Brian Bailey

Bruce de Saram

David Barratt

Roger Giles

Dean Barrow

Cherry Nicholas

John Dyson

Colin Brown

Eleanor Rylance

Simon Grundy

Alan Dent

Ian Hall

John O'Leary

Helen Parr

Pauline Stott

Geoff Jung

Peter Faithfull

Paul Carter

Val Ranger

Peter Burrows

Susie Bond

Bill Nash

Rob Longhurst

Megan Armstrong

Mark Williamson

Ben Ingham

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 – Governance and Licensing, and Monitoring Officer
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Andy Wood, East of Exeter Projects Director
Andrew Ennis, Service Lead – Environmental Health and Car Parks
Gareth Bourton, Recycling and Waste Contract Manager
Amanda Coombes, Democratic Services Officer

Chairman Date.....