

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 5 February 2020

Attendance list at end of document

The meeting started at 5.32 pm and ended at 8.35 pm

124 Public speaking

There were three people wishing to speak. One spoke at minute 139 New Feniton Flood Alleviation Scheme and two spoke at minute 140 Queen's Drive Redevelopment Project.

125 Minutes of the previous meeting

The minutes of Cabinet held on 8 January 2020 were confirmed as a true record.

126 Declarations of interest

Minute 139 New Feniton Flood Alleviation Scheme.

Councillor Susie Bond, Personal, Has been involved with the scheme from the start.

Minute 140 Queen's Drive Redevelopment Project.

Councillor Bruce De Saram, Personal, Member of the Queen's Drive Delivery Group.

Minute 140 Queen's Drive Redevelopment Project.

Councillor Nick Hookway, Personal, Part of a community group with a keen interest on the site.

127 Matters of urgency

There were no matters of urgency.

128 Confidential/exempt item(s)

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

129 Forward Plan

Members agreed the contents of the forward plan for key decisions for the period 1 March to 30 June 2020.

130 Minutes from Asset Management Forum held on 9 January 2020

Members received and noted the Minutes from Asset Management Forum held on 9 January 2020.

RESOLVED that the following recommendation be agreed:

Minute 24 Notes from the previous meeting

a review into remote capabilities of meeting facilities be carried out.

Minute 32 Marpool workshops, Exmouth

Marpool workshops Exmouth be declared surplus to service requirements.

131 **Minutes of Strata Joint Scrutiny Committee held on 13 January 2020**

Members received and noted the Minutes of Strata Joint Scrutiny Committee held on 13 January 2020.

132 **Minutes of the Joint Overview and Scrutiny Committees held on 15 January 2020**

Members received and noted Minutes of the Joint Overview and Scrutiny Committees held on 15 January 2020.

RESOLVED that the recommendations at Minute 6 be taken into account with the related report (Minute 135 Revenue and Capital Budget 2020/21):

133 **Minutes of Housing Review Board held on 23 January 2020**

Members received and noted the Minutes of Housing Review Board held on 23 January 2020.

RESOLVED (1) that the recommendations at Minutes 51, 52 and 53 be taken into account with the related report (Minute 135 Revenue and Capital Budget 2020/21):

RESOLVED (2) that the following recommendations be agreed:

Minute 54 Future Right to Buy spend

1. delegated authority be given to the Strategic Lead Housing, Health & Environment, Portfolio Holder for Sustainable Homes & Communities and Chair of Housing Review Board to approve purchases to meet the 2020/2021 spending requirements using Right to Buy receipts and borrowing from public works loans board together with any commuted sums that may become available.
2. following consideration of the options put forward for spending Right to Buy receipts in the future, that option 5 be pursued; a combination of purchasing stock and to look at developing new build.
3. paying back some Right to Buy receipts may be a possibility be noted.

Minute 56 Homes Standard

1. the contents of the self-assessment document appended to the report be noted.
2. a budget of approximately £20,000 be approved to fund an external consultant to undertake a health check/audit of all areas of statutory compliance.
3. the Property and Asset Manager consider options for combining the final two years of electrical inspections (due to finish 2021/2022) into the coming year 2020/21 in order to finish the programme one year early.

Minute 57 Review of fire safety policy
the fire safety policy be approved.

Minute 59 Extension to gas servicing contract
the existing gas servicing and repair contract is extended for one further year.

Minute 60 Extension to asbestos surveying contract

the existing asbestos surveying contract is extended for one further year.

134 **Programme of Meetings 2020/21**

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 2020 Annual Council meeting be held on Wednesday 13 May.

135 **Revenue and Capital Budget 2020/21**

The Strategic Lead Finance presented the Revenue and Capital Estimates for 2020/21. Cabinet adopted draft Revenue and Capital Estimates for 2020/21 at its meeting on 8 January 2020. A joint meeting of the Overview and Scrutiny Committees reviewed those budgets on 15 January and the Housing Review Board considered the Housing Revenue Account budgets on 23 January.

Cabinet agreed the following recommendations from the Joint Overview and Scrutiny (Minute 6 refers);

2. Include within the Finance Key Service Objectives that it should '*carry out an urgent review of the Capital Strategy and Allocations Group, specifically the fitness for purpose of the climate change matrix which is used to determine the fate of applications*' in light of the CSAG decision over providing open space at Brixington.
3. Include within the Finance Key Service Objectives wording on the Commercialisation Strategy to say '*Enable officer to prepare plans to execute commercialisation in priority areas to deliver the Commercialisation Strategy.*'
4. Include two additional Key Service Objectives for Governance & Licensing namely, '*Enable enhanced meeting management through fully utilising the Bosch equipment in the Chamber by implementing electronic voting and speaker queuing*' and '*Assess options for live-streaming and / or webcasting of meetings and virtual member attendance at meetings*'.
5. In the Place, Assets and Commercialisation Service to replace the word '*target*' with '*approach*' in relation to Asset Transfer to Towns and Parishes.
6. In the Planning Service include a Key Service Objective in relation to ensuring proper Construction Environment Management Plans are put in place for development and then enforced robustly where necessary.
7. In the Planning Service, agree to the Key Service Objective on the carrying out of a review of the Playing Pitch Strategy, but ensure that the spirit of the Strategy, once adopted, is followed at all levels within the Council.

Cabinet determined that there should not be two additional posts in the Economic Development service and it was therefore unnecessary for the amount allocated in the budget for Climate Change Action Plan of £0.323m to be reduced by £0.100m to provide for them. Cabinet therefore did not accept recommendations 8 and 9 of Minute 6 of the Overview and Scrutiny Meeting.

Cabinet agreed the recommendations in Minutes 51, 52 and 53 of the Housing Review Board from the meeting of the 23rd January 2020.

As part of the Prudential Code for Capital Finance in Local Authorities the Council was required to set prudential indicators as part of its budget setting process, these indicators were detailed in the Treasury Management Strategy 2020/21 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy contained in the report for members' consideration.

Alongside the Treasury Management Strategy sits the Capital Strategy which was also contained in the agenda for adoption.

RECOMMENDED: to Council to approve:

1. the Net Revenue General Fund Budget of £14.777m,
2. a Council Tax increase of £5 a year giving a Band D council tax of £146.78 a year for 2020/21,
3. the Housing Revenue Account Estimates with a net surplus of £0.927m and,
4. the Net Capital Budget totalling £8.069m for 2020/21.

REASON:

There was a requirement for the Council to set a balanced budget for both the General Fund and Housing Revenue Account and to levy a Council Tax for 2020/21.

136 **Capital strategy 2020/21 - 2023/24**

The Finance Manager presented the report that asked Cabinet to consider this strategy which formed part of the annual budget setting approval process. The report draws together various adopted strategies and agreed process of the Council that govern how the Council manages capital expenditure and investment decisions.

The Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code required local authorities to produce a capital strategy to demonstrate that capital expenditure and investment decisions were taken in line with desired outcomes and take account of stewardship, value for money, prudence, sustainability and affordability. This Council's practices met these outcomes and it was useful to set these out in one place to demonstrate this.

The Capital Strategy was a key document, it provided a high level overview of how capital expenditure, capital financing and treasury management activity contribute to the delivery of desired outcomes. It also provided an overview of how associated risk was managed and the implications for future financial sustainability. It included an overview of the governance processes for approval and monitoring of capital expenditure.

The Portfolio Holder for Finance thanked John Symes and his team for their efforts in creating the strategy.

RECOMMENDED:

that Council adopt of the Capital Strategy 2020/21 – 2023/24.

REASON:

In order to comply with good practice there was a requirement for the Council to have in place an adopted Capital Strategy.

137 **Treasury Management including the Strategy 2020/21 - Minimum Revenue Provision Policy Statement and Annual Investment Strategy**

The report detailed the overall position and performance of the Council's investment portfolio for the first six months of 2019/20.

The Chartered Institute of Public Finance and Accountancy (CIPFA) produced a Code of Practice for treasury management for Public Services. One of the main recommendations of the code was the requirement for an annual Treasury Management Strategy to be formally adopted by the Council. There was also a requirement to set prudential indicators relating to all treasury activities that the authority would undertake in the forthcoming financial year.

RESOLVED:

that the Treasury Management Mid-Year Review 2019/20 – 1 April 2019 to 30 September 2019 – the investment values and performance for the period to 30 September 2019 be noted.

RECOMMENDED: that Council approve and adopt:

The Treasury Management Strategy 2020/21 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy, including;

- a. the Prudential Indicators for 2020/21,
- b. the Minimum Revenue Provision Policy Statement and
- c. the creditworthiness criteria and updated list of counterparties.

REASON:

The Council was required:

1. to produce an annual review of its treasury management activities and performance.
2. to produce a half yearly review of its treasury management activities and performance.
3. to formally adopt a Treasury Management Strategy and set prudential indicators before the beginning of the financial year.

138 **Climate Change Strategy**

The Strategic Lead Housing, Health & Environment presented this new strategy. Having completed a carbon footprint exercise and adopted a climate change action plan it was recommended that these elements of EDDC's climate change actions be incorporated in a climate change strategy. This provided a context for the actions proposed to take to become carbon neutral.

The Strategy pulled together elements of the previous cabinet reports and briefings into a narrative that explained what was trying to be achieved and why. The central piece of the Climate Change Strategy was the Action Plan and the Devon Climate Change Declaration. This would constitute a key policy document for the Council.

Discussions included the following:

- The need for our MPs and County Councillors to lobby central government directly for financial support due to the enormous sums involved to address the issues within the Climate Change Strategy

- Any social housing improvements to reducing carbon emissions would come from the HRA
- The need to get on with it even with a lot of unknowns at present.

The Portfolio Holder for Environment thanked John Golding for his report.

RECOMMENDED: that Council adopt:
the Climate Change Strategy 2020 – 2025 incorporating the Climate Change Action Plan.

REASON:

To present a strategy document to sit with the Climate Change Action Plan.

139 **New Feniton Flood Alleviation Scheme**

The completion of the Feniton Flood Alleviation Scheme in 2020/21 to allow a review of grant funding to bridge the current budget shortfall needed to be agreed; it was intended that Phase 3 would be delivered in early summer 2020 and Phase 4 would follow in 2021.

Martyn Smith, Chairman of Feniton Parish Council spoke of the anguish and impact flooding in the village had on its residents, with some being flooded more than once and then having to live in temporary accommodation miles away while their houses were being repaired. He described the mental anguish residents had when it rains and how essential the work of the flood wardens was when they step in to put in place measures to prevent flooding. Mr Smith emphasised the need for Phase 3 to go ahead.

The Deputy Leader spoke of her and all the residents of Feniton gratitude to Tom Buxton-Smith for the incredible work he has done to get to this stage in the scheme.

RESOLVED:

1. to proceed with the delivery of Phase 3 of the flood alleviation scheme (being the proposed May 2020 undertrack crossing) on the basis of an emerging cost basis contract subject to the Environment Agency confirming the availability of the additional funding as detailed in the report,
2. that delegated authority be granted to the Strategic Lead Housing, Health and Environment in consultation with the Strategic Lead Governance and Licensing to negotiate and enter into the emerging costs basis contract with Network Rail and its contractor to deliver Phase 3, and
3. that Phase 4 of the flood alleviation scheme (being the linking up and completing the project) be scheduled for delivery in 2021/22, to allow sufficient time to apply for further Government grants and plan and procure the project for a summer construction, with a further report detailing the precise delivery date.

REASON:

As it stands, the project budget was insufficient to complete both Phase 3 (UTX) and Phase 4, without further applications for Central Government grant money. It was not known if these applications would be successful prior to the last mobilisation date (end February) for Network Rail to deliver the Phase 3 UTX this year. Indications from the Environment Agency had been positive that more funding should be available. A change to the partnership funding percentage would allow enough budget to complete Phase 3

and this approval by the Environment Agency should be known prior to the Cabinet meeting.

Much time and effort had gone into securing the May 2020 UTX, and delaying this would add additional cost to the project. There were no other possession dates available in 2020, and dates for 2021 had not yet been planned. The project would benefit more than 70 properties in Feniton as well as providing relief from the anxiety of the ever present flood risk. It was understood that the project was eligible for further Central Government Grant money, however this was not yet formally signed off. Risk to EDDC was that if Phase 3 was built and if Phase 4 was not funded, the project had wasted £770k for an unconnected culvert under the railway and offering no flood risk reduction to Feniton.

140 **Queen's Drive Redevelopment Project**

The purpose of the report was to provide information on the final findings of the work completed by the council's external advisors, along with their recommendations for the next steps, in relation to the Queen's Drive redevelopment project. It should be noted that Phase 1 (Road and Car Park) works were now complete and Grenadier Estates were on site and well on their way to deliver the new watersports centre (Phase 2). The focus was therefore the future of the Phase 3 site.

Jane Ashton spoke on behalf of Andy Lock who was a member of Transition Exmouth and who was involved in the HemingwayDesign visionary exercise. Transition Exmouth endorsed a sustainable approach to the outcome of Phase 3 and were keen that environmental, social, economic and cultural considerations with a future driven by good health and well-being for all were crucial. Early on in the consultation it was stated that Exmouth had declining visitor numbers, shorter visits and less spend per head compared to elsewhere in East Devon. Queen's Drive Phase 3 may not in itself reverse this trend unless it was imaginative and progressive. There was concern that the project was playing it safe with an addition of a hotel adjacent to a family play area, this was not the best use of space and did not address the wider objectives previously set.

Councillor Brian Bailey from Exmouth Town Council said if there was to be a hotel then the site should be sold to give the council funds to develop the rest of the area for play and recreation which made economic sense. The recreational area could then be more inventive. The hotel should be a mid-market hotel to attract younger people and families. The Harbour View Café needed to be developed by a separate business from the hotel in order to keep prices reasonable.

Discussions included the following:

- Ward members needed to be included in the discussions of Phase 3
- The need to get the seafront finished but in a manner that supported the democratic process
- The selection panel was ill suited. EDDC was held in low regard by Exmouth residents
- EDDC was not to get involved in direct investment
- To keep the guidelines in mind and get real-time marketing information
- Take advantage of the empty site by ensuring Climate Change issues would be paramount to future development and businesses
- Professional advice stated the need for a hotel. Clarity was needed for potential hotel businesses who may be interested
- There had never been a business plan with no evidence to show the need for a hotel on the seafront

- What the community wants must come first
- Concern a lot of the site may be taken up by the hotel with not much left for the community. Must see a cohesive approach to the whole site

RESOLVED:

1. a selection panel comprising of the Leader, the Portfolio Holders for Asset Management, Finance and Economy, an EDDC Exmouth ward member appointed by the Leader, the Service Lead (Place, Assets and Commercialisation) and Project Manager – Place & Prosperity, be established for the purpose of agreeing the selection criteria for the commercial development (Phase 3a & 3b), which should be agreed in consultation with the Exmouth Queen's Drive Delivery Group. Then carrying out the evaluation of the bids received following the marketing exercise with a view to making a recommendation to Cabinet in relation to the preferred bidder / operator. That the Strategic Lead Finance be given delegated authority to progress the rest of the actions identified in Section 6 of the report,
2. that where any Phase 3b land is not disposed of under Recommendation 1 above, any further decisions on any disposals or development proposals in relation to delivery of the open leisure spaces/public realm would remain with the Cabinet and a separate report to be brought to Cabinet,
3. that if, following the marketing exercise, there was an opportunity for the council to be involved in direct investment and/or delivery of new development on the site, that this would be assessed through the Commercial Investment Framework process before being reported to Cabinet,
4. that delegated authority be granted to the Strategic Lead Finance in consultation with the Leader and Portfolio Holder for Asset Management to oversee delivery of further popular temporary attractions on Queen's Drive Space during the 2020 season, and
5. that the Exmouth Queen's Drive Delivery Group sits in public as from 1 March 2020 with Parts A & B agendas as required.

REASON:

To enable the final phase of the Queen's Drive redevelopment project to complete the thorough independent scoping process that had been underway for the last 2 years since the council decided to undertake to refresh the vision for Queen's Drive phase 3 in 2016. To progress to the next stages of delivery.

To ensure that the popular Queen's Drive Space could continue to offer a range of leisure and free play activities for local residents and visitors to Exmouth throughout 2020.

141 **Exemption to standing orders - Events Consultant**

To inform members of the reappointment of Andrew Hopkins as Events Consultant for Queen's Drive Space.

RESOLVED:

that the attached Exemption to Standing Orders in respect of the appointment of Andrew Hopkins as Events Consultant for Queen's Drive Space for 2020, be noted.

REASON:

To ensure continuation of the programme of spring and summer events at Queen's Drive Space in 2020.

142 **Heart of the South West Joint Committee Governance Arrangements**

The report provided an update for the Constituent Authorities on the Joint Committee's governance arrangements and budgetary position for 2019/20. The report contained recommendations for amendments to the Committee's Arrangements document following the governance review.

Discussions included the following:

- The council had a responsibility to drive the local economy forward
- The council could only use its influence if it was part of the joint committee
- This was an important body that helped the council participate and bring in funding and investment for the area
- This was good value for money

RECOMMENDED: that Council agree:

1. the amendments to the Heart of the South West Joint Committee's list of functions in the Arrangements document and note the updated budget position for 2019/20,
2. the recommendation from the Joint Committee on 27 September 2019, to re-appoint Somerset County Council as the Administering Authority for the Joint Committee, and
3. that provision be made of £2,800 as a contribution to the administration and work programme of the Joint Committee in the 2020/21 financial year, subject to all other Constituent Members making a financial contribution based on the methodology agreed in previous years.

REASON:

In recent months the Joint Committee had reviewed and updated its governance arrangements in the light of experience since its establishment in early 2018 and in response to changing Government policy and local circumstances. Some changes were required to the Committee's Arrangements document as a result and these needed to be formally agreed by the Constituent Authorities. It was essential that the Joint Committee remains: fit for purpose, represents a sustainable way of working into the future; and delivers value for the resources committed to it by the Constituent Authorities.

143 **Establishing (1) a Housing Company TaFF and (2) a Poverty Working Panel**

An agreement was sought to the setting up of a Housing Company Task and Finish Forum (TaFF) and Poverty Working Panel following recent motions agreed by Council.

Poverty Working Panel

There was a discussion to increase the membership to represent cross parties and allow the chair to be selected by the group. The Portfolio Holder for Sustainable Homes and Communities stated the panel must be established early in order to input into the future

strategy. She said she welcomed cross party involvement and saw this as a positive contribution to this serious matter. She agreed that the membership should be increased.

Housing Company TaFF

The Portfolio Holder for Asset Management proposed Councillor Dan Ledger as Chairman of the TaFF and was happy for himself to be elected Vice-Chairman.

RESOLVED that:

1. a Poverty Working Panel be established on the basis set out in paragraphs 5 & 6 of the report, with the membership being increased to 10,
2. a Housing Company TaFF be established on the basis set out in paragraphs 9 & 12 and to appoint Councillor Dan Ledger as Chairman, and
3. that the resourcing implications that may arise, be noted.

REASON:

To satisfy the wishes of Council in accordance with the motions agreed at the Council meetings of 23 October and 18 December 2019.

144 Update on fly tipping and littering enforcement and the introduction of the additional fixed penalty provision for householder duty of care

The Service Lead Environmental Health and Car Parks updated members on fly tipping and littering enforcement and introduce of the additional fixed penalty provision for householder duty of care.

RESOLVED that:

An additional fixed penalty fine be introduced and set in line with existing fly tipping penalties as follows:

1. £200 fine (reduced to £120 if paid within 10 days of service of the notice) for small fly tips of 180 litres (a standard wheeled bin) or less, and
2. £400 fine (reduced to £200 if paid within 10 days of service of the notice) for medium and large fly tips.

REASON:

To enable officers from both the Environmental Health and Streetscene teams to issue a fixed penalty notice to a person who had breached their duty of care by not ensuring that their waste had been properly disposed of.

145 Response to the Otterton Neighbourhood Plan Submission

To agree the response by this Council to the Regulation 16 submission consultation for the Otterton Neighbourhood Plan.

RESOLVED that:

1. the formal submission of the Otterton Neighbourhood Plan be noted and congratulations given to the producers of the plan on the dedicated hard work and commitment in producing the document, and
2. the proposed representation set out at paragraph 5.2 in this report in response to the consultation, be made.

REASON:

To ensure that the view of the District Council was recorded and inform the consideration of the Neighbourhood Plan by the independent Examiner.

Attendance List

Present:

Portfolio Holders

B Ingham	Leader
S Bond	Deputy Leader
M Armstrong	Portfolio Holder for Sustainable Homes and Communities
J Bailey	Portfolio Holder for Corporate Services
K Blakey	Portfolio Holder for Economy
P Faithfull	Deputy Portfolio Holder for Environment
G Jung	Portfolio Holder for Environment
G Pook	Portfolio Holder for Asset Management
I Thomas	Portfolio Holder for Finance

Also present (for some or all the meeting)

Councillor Mike Allen
Councillor Paul Arnott
Councillor Dean Barrow
Councillor Kim Bloxham
Councillor Fred Caygill
Councillor Bruce De Saram
Councillor Sam Hawkins
Councillor Paul Hayward
Councillor Nick Hookway
Councillor Sarah Jackson
Councillor Vicky Johns
Councillor Dan Ledger
Councillor Tony McCollum
Councillor Paul Millar
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Val Ranger
Councillor Marianne Rixson
Councillor Jack Rowland
Councillor Joe Whibley
Councillor Chris Wright
Councillor Tom Wright

Also present:

Officers:

Tim Child, Service Lead - Place, Assets & Commercialisation
Richard Cohen, Deputy Chief Executive
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
Andrew Ennis, Service Lead Environmental Health and Car Parks
John Golding, Strategic Lead Housing, Health and Environment

Henry Gordon Lennox, Strategic Lead Governance and Licensing
Andrew Hancock, Service Lead StreetScene
Alison Hayward, Senior Manager Regeneration & Economic Development
Karen Simpkin, Strategic Lead Organisational Development and Transformation
John Symes, Finance Manager
Mark Williams, Chief Executive

Chairman

Date: