

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 8 June 2016

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.20pm

***1 Public Speaking**

Kevin Blakey spoke on agenda items 15 and 16 – Cranbrook Town Centre Facilities and Team Resources. Mr Blakey is the Chairman of Cranbrook Town Council, he spoke of how important it was for Cranbrook's town centre facilities to be brought up to a high specification. There were many young families living in Cranbrook who did not have their own transport therefore it was essential that the facilities reflected their needs.

Mr Blakey said the team of officers working for Cranbrook was concerned mainly with planning matters and that the community support officer was a critical resource and major asset. He asked that consideration be given to the location of the team emphasizing the importance of being hands on within the community, to get a strong feel for the day to day issues the community has and it's aspirations for the future.

***2 Minutes**

The minutes of the Cabinet meeting held on 11 May 2016 were confirmed and signed as a true record.

***3 Declarations**

None

***4 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committees. The Chief Executive informed Members that the deadline for registering for the EU Referendum had been extended to midnight on 9 June 2016.

***5 Exclusion of the public**

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

***6 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 July 2016 to 30 October 2016. There was one addition, which was the Local Government Boundary Commission for the next Cabinet meeting.

7 Minutes of the Recycling and Refuse Partnership Board held on 27 April 2016

Members received minutes of the Recycling and Refuse Partnership Board held on 27 April 2016.

RESOLVED (1) that the following be noted:

Minute 68 – Statistical information

Minute 70 - Sustainable waste service trial (Feniton & Exmouth) – update

1. the sustainable waste service trial update

Minute 71 - Mobilisation planning, working groups and sub groups, and timeline

Minute 72 - Communications plan

This draft communications strategy outlined the Council's overarching communication and engagement approach relating to the delivery of the new recycling and waste collection service.

Minute 77 - Dates of future meetings

RESOLVED (2) that the following recommendations be approved:

Minute 70 - Sustainable waste service trial (Feniton & Exmouth) – update

2. that thanks be given to all the various teams involved in the success of the trial so far.
3. that interventions to increase the recycling of food waste be supported.
4. that a visit to the energy to waste plant be arranged to allow officers to conduct waste analysis of the trial areas.

Minute 74 - Update on Otter Rotters

that the Board continue to support Otter Rotters.

Minute 75 - Devon County Council avoided waste disposal cost sharing

that the Strategic Lead, Housing, Health and Environment report back on progress at the next Board meeting.

Minute 76 – Any other business - Award finalists

EDDC and SUEZ had been nominated for a national recycling award for the best public/private partnership, based on the success of the recycling trial. The awards ceremony would be held in London on 6 July 2016 and a Board member representative was requested.

1. that a nominated elected member represent the Recycling and Refuse Partnership Board at the forthcoming awards ceremony.

RECOMMENDED that the following recommendations be referred to Council:

Minute 76 - Any other business - Textile collection

It was suggested that the Council should publicise that the Salvation Army had won the textile collection contract in Devon. It was also hoped that the use of bring banks for textile collections would be promoted.

1. that textile collection be promoted and publicised via press releases.

***8 Notes of Community Fund Panel held on 9 May 2016**

Members received the notes of the Community Fund Panel held on 9 May 2016 and approved the Panel's recommendations.

***9 Council Tax Support Scheme for 2017/18**

The Service Lead – Revenues and Benefits updated Members to the Council Tax Support (also known as Council Tax Reduction). This was introduced in April 2013 and replaced the national Council Tax Benefit scheme, with a 10% funding reduction.

RESOLVED:

1. that the draft scheme for consultation be agreed
2. and a meeting of the Finance Think Tank consider the results of the consultation and agree the recommendation to be presented back to Cabinet.

REASON:

There were a number of welfare changes announced in the 2015 Summer Budget and the Autumn Statement. These changes were reflected in the Council Tax working age scheme in order to keep the scheme aligned with Housing Benefit (HB), Pensioner Council Tax Support Scheme and Universal Credit (UC).

The Devon Local Government Steering Group (DLGSG) met on 15 April 2016 to consider a report from County and District Heads of Finance on Council Tax – Future Strategy. The report asked them to consider whether changes should be made to the council tax support scheme for 2017/18. There were 4 options presented:

- Option 1 – No change.
- Option 2 – Further restrictions in liability level.
- Option 3 – Administration changes to align with Housing Benefit and Universal Credit.
- Option 4 – Option 3 plus the introduction of a minimum income floor for self employed.

All Members of the DLGSG agreed to progress with option 4. This option would deliver savings both to the cost of the scheme and in its administration.

The cost of the scheme was met through the Council Tax collection fund and all the major precepting authorities needed to continue to make significant savings due to cuts in funding.

All the Devon Authorities (including the two Unitary authorities) were proposing the same changes to their 2017/18 scheme.

Each year continued to see a reduction in our administration grants for both Council Tax Support (CTS) and HB, which is why it was important to keep the schemes aligned so that we are not creating additional administration. Now that roll out of UC for working age was being expanded it made sense to minimise the administrative process.

10 **Revenue and Capital Outturn Report 2015/16**

The Strategic Lead – Finance presented his report. The budget book had been issued with the agenda and this included full details of variations, transfers and other matters. During 2015/16, monthly budget monitoring reports had informed members of budget variations and the anticipated year-end financial position. No concerns had been raised – the Council had maintained its net spending within overall approved budget levels. Members were asked to note the final position for the year and compare this outturn position with the budgets set (General Fund, Housing Revenue Account and the Capital Programme). The report outlined the implications of these results on the Council's reserves and made recommendations on reserve transfers.

Members were asked to reflect on the reserves and balances held by the Council at this stage and determine if these were appropriate. It was proposed that as the year end General Fund Balance (£4.045m) was £0.445m above the upper limit of the previously adopted range for this Fund (£2.8m - £3.6m).

Members were advised that the National Non Domestic Rate (NNDR)/business rate income was higher than budgeted by £0.294m for the reasons set out in the report. It was recommended that this amount be transferred to the NNDR Volatility Fund to be used in case of possible future deficits in the NNDR Collection Fund.

Members also noted that the outturn position of Housing Revenue Account showed an under-spend against budget giving a year-end balance of £6.347m which was £4.065m above the minimum level for this Account. It was proposed that the surplus over budget of £1m be transferred into the Housing Revenue Account Business Plan Volatility Reserve giving a total sum of £4.4m This Reserve had been set up in 2012/13 to provide a cushion to ensure sufficient funds were available to service the self-financial loans' commitment.

Discussions included the following:

- Fund new builds from the Right to Buy budget
- The Exmouth Sea Cadet grant would not benefit the wider district and should be offered as a loan

RECOMMENDED:

1. that the outturn position for 2015/16 be agreed
2. the level of Reserves detailed in the report and the transfers/use as recommended; namely
 - a) to use the General Fund to fund an additional grant payment to Exmouth Sea Cadets of up to £0.050m upon final negotiation and agreement by the Chief Executive in consultation with the Leader of the Council and Portfolio Holder Finance,
 - b) the transfer of £0.294m from the General Fund to the NNDR Volatility Fund together with any sum received as this Council's share of any gain in the Devon NNDR Pool for 2015/16,
 - c) the remaining General Fund Balance above the adopted maximum range, currently calculated at £0.101m, is transferred from the General Fund into the Capital Reserve,
 - d) the Transfer of £1m from the Housing Revenue Account into the HRA Business Plan Volatility Reserve,
 - e) the Transfers to other earmarked reserves for specific projects where funding contributions have been made in advance of spend and monies are held at year end to fund this work in future years. The Outturn Book contains full details of these transfers in 2015/16, all be agreed.

REASON:

To report the Outturn position for the Council has approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. This final position would flow through to the Council's Statement of Accounts.

Members were asked to note the variations from the budgets identified within the report and consider the final position. It was appropriate at this stage to reflect on the reserves and balances and determine if these were the correct reserves and levels.

*11 **Annual Treasury Management Review 2015/16: 1 April 2015 to 31 March 2016**

This report details the overall position and performance of the Council's Treasury Management Strategy during 2015/16.

RESOLVED:

1. that the investment values and performance for the year to 31 March 2016 be reviewed and noted
2. that Council approves the amendment to the strategy narrative regarding the maturity of investments with building societies from '...less than 6 months...' to '...6 months or less...' as detailed in section 13 of the report.

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 an annual review of its treasury management activities and performance.

12 **Discretionary Housing Payments Policy**

Discretionary Housing Payments (DHPs) had been in operation since 2 July 2001 to provide additional help to tenants who had a shortfall in their housing costs, who were facing exceptional hardship such as debt issues, or additional short-term expenditure or other exceptional circumstances that required short-term support for people claiming Housing Benefit or Universal Credit. The past few years had seen the DHP fund maximised as a result of everyday difficulties, the recession and Welfare Reform changes. With new Welfare Reforms, an increase in demand was predicted. The Council would continue to monitor applications to this fund and subsequent expenditure.

RECOMMENDED:

that the new Discretionary Housing Payments Policy be agreed

REASON:

To ensure the policy reflects the latest DWP guidance

*13 **Monthly Performance reports – April 2016**

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

There were three indicators that were showing excellent performance:

1. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
2. Creditor Days - % of invoices paid in 10 working days
3. Working days lost due to sickness absence

There is one performance indicator showing as concern.

1. Percentage of planning appeal decisions allowed against the authority's decision to refuse - The Council received six appeal decisions during the month of April which are subject of the performance indicator. Three

appeals were dismissed and three were allowed. This does not reflect any particular trend at this stage, as the figures are cumulative over a twelve month period. It was anticipated that the performance figure would stabilise over the next few months.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2015/16 financial year for April 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.

*14 **Cranbrook Town Centre Facilities**

East of Exeter Projects Director explained that Cranbrook was key to the delivery of the adopted Local Plan and would accommodate the majority of the remaining new homes to be delivered in the District over the course of the Local Plan period. More generally Cranbrook had a vital role to play in providing a place for a vibrant new community to develop, helping to enable economic growth, improve productivity and achieve a more balanced demography in the District. The primary school was the fastest growing school in England, this being a major consideration to young families wishing to live in the town.

A major determinant of the role, function, character and success of Cranbrook would be its town centre. Delivering a centre that was fit for the 21st century in the face of trends such as internet retailing was the greatest challenge facing the town. The town centre of the future would serve a much wider function than just the traditional role of a shopping centre. The report put forward a financial proposition in the form of a contribution to the interest payments on a loan to be secured by the New Community Partners from the Homes and Communities Agency (HCA). This would support the accelerated delivery of key town centre facilities and also help to underpin current housing delivery rates.

Discussions included the following:

- Facilities could get further funding through grant aid
- The design of the town centre and facilities were critical and must be got right
- Members wished to see some ideas of the layout through plans and models etc
- Was there a priority over the order in which the facilities were built to reflect the aspirations of the residents?
- The importance of making Cranbrook an attractive place to live

RESOLVED:

1. that Cabinet endorse the Chief Executive in consultation with the Leader, the Deputy Chief Executive – Development, Regeneration and Partnership, the Strategic Lead, Finance and the Strategic Lead, Legal, Licensing and Democratic Services negotiating terms with the New Community Partners, Homes and Communities Agency and Devon County Council regarding management and repayment arrangements of funding associated with a loan from the HCA's Local Infrastructure Fund.
2. that a further report detailing the terms of the proposed financial contribution for approval be submitted

REASON:

To support the accelerated delivery of key facilities in the town centre of Cranbrook.

***15 Cranbrook Team Resources**

The Service Lead, Planning Strategy and Development Management presented the report that set out the issues facing the future development of Cranbrook and the associated implications in terms of resources and team structure. It recommended the creation of a Team Leader post to manage the team and provide additional planning officer capacity to deal with the high levels of workload that the new community was generating. Cranbrook was vital to the delivery of the Local Plan and maintaining a 5-year housing land supply and so providing timely decisions on issues at Cranbrook was very important. The proposed extra resource would help to ensure that this happened. The need for the team to engage with the community and to work within the town where possible was acknowledged and opportunities for the team to have a greater presence in the town would be explored.

RESOLVED:

that the recruitment of a Team Manager post for the Cranbrook Team be agreed

REASON:

To ensure that sufficient resource is in place to ensure the good planning of the Cranbrook new community.

***16 Exemption from Contract Standing Orders – Stockland Neighbourhood Plan**

Exemption to standing orders had been applied in order to appoint an independent examiner to examine the Stockland Neighbourhood Plan. In order to secure a quick examination and to accord with the wishes of the plan producers it was seen as desirable to secure the services of Nigel McGurk. Mr McGurk had established a track record in Neighbourhood Plan examination work and had undertaken a previous Neighbourhood Plan examination for East Devon District Council at Lypstone. Early adoption of the Neighbourhood Plan would help to establish a positive planning policy framework for the parish, to inform determination of planning applications in Stockland.

RESOLVED:

that the exemption to Contract Standing Orders be agreed

REASON:

To ensure that an independent examiner was in place and appointed.

***17 Access to information 2015/16**

This report provided information about requests received under the Freedom of Information Act (and Environmental Information Regulations) between 1 April 2015 and 31 March 2016. The report also looked at steps taken during the last 12 months to improve the accessibility of information. 588 requests had been dealt with under the Freedom of Information Act (Environmental Information Regulations) during the year 2015/16. This figure had risen from 486 in 2014/15.

RESOLVED:

that the number and type of requests received under the Freedom of Information Act and the steps being taken to improve access to information be noted

REASON:

To continue to improve the way requests for information were dealt with

***18 Fixed penalty notice for fly tipping**

The Service Lead, Environmental Health and Car Parks informed Members that on 9 May 2016 The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 inserted a new Section 33ZA of the Environmental Protection Act 1990. Authorised Council Officers could now serve a fixed penalty notice on a person who they had reason to believe had committed a waste deposit offence. East Devon was an Area of Outstanding Natural Beauty with the draw of the Jurassic Coast and set high standards to keep it an outstanding place. The critical message to fly-tippers was ‘you are not welcome here’.

The power would typically be used by Officers to deal with small, medium and large fly-tipping offences that were being committed by householders or small scale “man and a van” operations. The investigation of very large-scale commercial fly tips would remain the responsibility of the Environment Agency.

Discussions included the following:

- offer an incentive for any information given that identified offenders

RESOLVED:

that the following be agreed:

1. the use of fixed penalty notice enforcement for fly tipping offences,
2. the amount of the fixed penalty payable in respect of offences committed in East Devon be set at £400,
3. that the Council should accept a reduced amount of £200 if payment is received within 10 days of service of the notice.

REASON:

To enable Officers from both the Environmental Health and Streetscene teams to issue fixed penalty notices to any person who had committed a fly tipping offence.

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
Phil Twiss	Corporate Services
Ian Thomas	Finance

Cabinet apologies:

Philip Skinner	Portfolio Holder Economy
Geoff Pook	
Eileen Wragg	

Non-Cabinet apologies:

Matt Booth
David Chapman

Maddy Chapman
Simon Grundy
Ian Hall
Steve Hall

Officer apologies:
Richard Cohen

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
David Barratt
Colin Brown
Paul Carter
Alan Dent
John Dyson
John Humpreys
Ben Ingham
Geoff Jung
Cherry Nicholas
Helen Parr
Pauline Stott
Brenda Taylor
Mark Williamson

Also present:

Officers:

Mark Williams, 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
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Ed Freeman, Service Lead - Planning Strategy and Development Management
Libby Jarrett, Service Lead – Revenues and Benefits
Andrew Wood, East of Exeter Projects Director
Janet Wallace, Principal Environmental Health Officer
Amanda Coombes, Democratic Services Officer

Chairman Date.....