

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 13 July 2016

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.16pm

***19 Public Speaking**

Members of the public present wishing to speak did so at item 12 – West Hill Boundary Review.

***20 Minutes**

The Chairman called upon all present to stand for a moment's silence to pay their respects to their colleague Councillor David Chapman.

The minutes of the Cabinet meeting held on 8 June 2016 were confirmed and signed as a true record.

***21 Declarations**

Councillor Jill Elson – Minute 27

Interest: Personal

Reason: Chairman Exmouth Community College

Councillor Philip Skinner – Minute 27

Interest: Personal

Reason: Chairman Exmouth Regeneration Programme Board

***22 Matters referred to the Cabinet**

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

***23 Exclusion of the public**

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

***24 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 August 2016 to 30 November 2016.

25 Minutes of the Housing Review Board held on 16 June 2016

Members received minutes of the Housing Review Board held on 16 June 2016. The Chairman of the Housing Review Board updated members on one house recently purchased by the Council in Exmouth and on two more in Sidmouth. Councillor Stott stressed the need, especially to Sidmouth members, that three more houses needed to be purchased in Sidmouth by September 2016 in order not to have to repay Right to Buy receipts (with interest) to the Government. The market value of properties being sought was in the region of £150k.

RESOLVED (1) that the following be noted:

Minute 2 - Appointment of Vice Chairman

Minute 6 - Community Development update

Minute 7 – Forward Plan

Minute 8 - Update on unused land at Millwey Rise and Foxhill, Axminster

Minute 9 - Storm damage and water penetration update

Minute 10 - Condensation awareness update

1. that the contents of the report be noted in relation to condensation, thermal efficiency and fuel poverty and how the Council was addressing those issues.

Minute 11 - Handy person scheme review

Minute 14 - Use of Right to Buy receipts

Minute 16 - Housing senior management structure

Minute 17 - Housing and Planning Act 2016

Minute 18 - Reduction in social housing rents and income management CIH charter for housing

RESOLVED (2) that the following decision be supported:

Minute 19 - Housing Revenue Account Business Plan Task and Finish Forum

that the membership of the Housing Revenue Account Business Plan Task and Finish Forum be confirmed as Councillors Megan Armstrong, Ian Hall and Pauline Stott, tenant representatives Angela Bea, Mike Berridge, Joyce Ebborn and Pat Rous, and independent community representative Christine Drew.

RESOLVED (3) that the following recommendations be agreed:

Minute 10 - Condensation awareness update

2. that where it was deemed appropriate, the installation of ventilation for tumble driers in certain properties be approved.

Minute 12 - Handy Person scheme future options

that the Handy Person service be continued, with delegated powers given to the Strategic Lead - Housing, Health and Environment, the Portfolio Holder for Sustainable Homes and Communities and the Property and Asset Manager to decide on the best way forward with the service along the lines of the various scenarios outlined in the report.

Minute 13 - Gas servicing contract 2016-2020

that authority be given to the Strategic Lead – Housing, Health and Environment and the Property and Asset Manager in consultation with the Portfolio Holder for Sustainable Homes and Communities, to award the contact to the winning tender as determined through the joint procurement exercise currently underway with Mid Devon District Council.

RECOMMENDED that the following be referred to Council for determination:

Minute 15 - HRA Outturn report 2015/16

1. that the HRA outturn position for 2015/16 be agreed
2. that £1 million be transferred into the HRA Business Plan Volatility Reserve

26 **Minutes of the Recycling and Refuse Partnership Board held on 22 June 2016**

Members received minutes of the Recycling and Refuse Partnership Board held on 22 June 2016.

RESOLVED (1) that the following be noted:

Minute 1 – Appointment of Vice Chairman for the meeting

Minute 10 – Key performance indicators

Minute 11 - Mobilisation planning, working groups and sub groups, and timeline

Minute 13 - New recycling and waste contract – what has changed?

RESOLVED (2) that the following decisions be supported:

Minute 9 - Improved recycling sack

that the improved sack design for use with the new service roll out be approved.

RESOLVED (3) that the following recommendations be approved:

Minute 12 - Communications strategy

1. that officers seek clarification from SUEZ regarding the reasons for and rationale behind delaying the start date of phase 1 from February to March 2017.

RECOMMENDED that the following recommendations be referred to Council for determination:

Minute 7 - Partnership Charter

that the Partnership Charter be agreed to enable the Recycling and Refuse Partnership Board to become a true partnership, working together co-operatively.

Minute 8 - Schedule 2 property collections

1. that weekly recycling and three weekly residual collections for schedule 2 properties be approved, to mirror the residential collection service and encourage recycling .
2. that any customers who require a more frequent collection be directed to SUEZ's commercial and industrial collection department or another suitable waste contractor.

Minute 12 - Draft Communications Strategy

the draft communications strategy be approved.

27 **Minutes of the Overview Committee held on 28 June 2016**

Members received the minute of the Overview Committee held on 28 June 2016

RESOLVED (1) that the following recommendations be taken into account during consideration of item 13 of this agenda:

Minute 5 – Local Government Boundary Committee for England Electoral Review Programme 2015 - 2019

1. that the appropriate number of Councillors for the District of East Devon to be recommended to the LGBCE was 60 and that the justification for this was:
 - a. The need to ensure an appropriate work/life balance for new Councillors;
 - b. The need for enough members to ensure effective scrutiny and properly represent the full diversity of the district;
 - c. The role of the district councillor was seen to be a more active and demanding role as a consequence of developments in ICT and social media together with an increased interest in local democracy, planning and general societal changes;
 - d. Increased role of councillors resulting from changes in devolution and the funding of services;
 - e. The need to reflect the growth in population in East Devon both at Cranbrook and generally.

2. that a revised and updated draft submission based on that attached to the report be approved for the purposes of submission to the LGBCE;
3. that the Chief Executive, in consultation with the Group Leaders, be given delegated authority to make any recommended changes by the LGBCE to the draft submission following its consideration by the LGBCE.

Minute 6 – Heart of the South West Formal Devolution Bid

1. that the Leader's current approach to devolution be endorsed and that agreement be given to signing up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area;
2. that it be noted that giving this endorsement does not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority. This would be subject to future debate and agreement by the Council and subject to negotiations with Government.

RESOLVED (2) that the following be noted:

Minute 8 – Overview forward plan

RECOMMENDED that the following be referred to Council for determination:

Minute 7 – Communications Plan 2016/20

***28 Notes of the Exmouth Regeneration Programme Board held on 30 June 2016**

Members received the notes of the Exmouth Regeneration Programme Board held on 30 June 2016. Discussions included the following:

- why was the Board receiving funding from the Coastal Community Fund? The Deputy Chief Executive explained there was an opportunity to receive external funding which in turn was in the best interests of the district's council tax payers.
- the Exmouth Rugby Club needed to relocate in order to support the view of the Rugby Football Union that the town required four pitches.
- The Harbour Cafe tenancy had been extended as there was little point leaving the building empty until the site was needed for redevelopment works.
- An offer had been made to Stagecoach for the use of the estuary car park for the provision of overnight bus parking.

29 West Hill Boundary Review

The Chairman invited Members of the public to speak on this item.

Michael Potter explained that he was born in West Hill and had spent most of his working life there, working as a farmer and grocer. In the 1980s the village applied for Parish status to no avail. Now with a population of over 2000, residents were trying again. The village was being encouraged to accept a smaller boundary and if this was to enhance the chances to receive parish status so be it.

Dr Margaret Hall, Chairman West Hill Parish Council Campaign Group said West Hill was the largest village in the district with no parish council. Option B was accepted as a compromise and it made sense to have a parish council in place before the Boundary

Commission makes any decisions. The group look forward to working positively with all its parish neighbours.

Glyn Dobson said it had been a long campaign with over 600 responses. He would be sorry to see West Hill leave Ottery St Mary Town Council but respected the views of West Hill residents.

At its meeting in July 2015, Council had agreed that a Community Governance Review be undertaken. This arose out of a request from the 'West Hill Parish Council Campaign'. Following publication of the Terms of Reference and the first phase of consultation, Council subsequently agreed that the Review should proceed to a second stage and draft proposals were formally published. The second statutory period of consultation expired on 16 June 2016 and the report recommended alternative decisions for the Cabinet/Council to consider.

The Portfolio Holder Corporate Services stated that he thought it odd that West Hill did not have a parish council and there was mostly widespread support from the village. He thought the consultation comments were very useful and the proposed new boundary had taken into account residents' comments.

RECOMMENDED:

1. that having regard to all the representations received and the relevant statutory criteria:
 - a new parish council be established for the area known as 'West Hill'
 - the boundary be as set out in Appendix B to the report
 - the new parish council be known as 'West Hill Parish Council'
 - the membership will comprise of 7 councillors
 - no warding provisions be incorporated in the parish council
 - there will be consequential changes to the remaining wards of Ottery St Mary Town Council
 - these recommendations to be duly published and the appropriate Order made with delegated authority to the Chief Executive to incorporate all necessary provisions into the Order.

2. that it be noted the Parish Council will come into formal legal effect on the 1 April 2017 and the first elections will be held in May 2017.

REASON:

In accordance with the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007. The rationale for undertaking this review arose from a 379 signature petition which claimed that: 'West Hill is a separate, thriving community with its own sense of identity and strong desire to manage its own affairs. West Hill required its own parish council comprising residents entirely from West Hill who are best placed to make decisions affecting the village.'

30 Local Government Boundary Committee for England (LGBCE) Electoral Review Programme 2015-2019

The Chief Executive asked members to consider and recommend to Council a future number of Councillors for the district of East Devon (currently 59) and to approve the draft submission to be sent to the LGBCE. He asked members to reflect on their own experiences as councillors and reminded members that the Commission was interested

in the quality of argument and evidence to what number they saw best going forward. Discussions included the following:

- difficulty in calculating numbers in more rural areas
- reductions need to be made in more populated areas
- look into officer numbers as well as councillors
- Cranbrook area increasing dramatically over the coming years
- many services have now come down from County to District
- the need to strengthen the powers of town and parish councils leaving the District Council dealing with more strategic matters.
- the Government needed to deal with devolution first
- see what the results of the Boundary review are
- need to attract young people to become councillors
- the complexity of issues for councillors was increasing
- communication was increasing due to ease of access by email
- the LGA was looking for leaner, more focused councils
- over the years ICT had reduced the workload considerably
- workloads had increased as constituents are more aware of what councillors represent, as well as membership of other forums and panels

The recommendations of the Overview Committee were taken into account during the discussion.

RECOMMENDED:

1. that consideration is given to 60 being the appropriate number of Councillors for the District of East Devon to be recommended to the LGBCE on the basis of;
 - a. The need to ensure an appropriate work/life balance for new Councillors;
 - b. The need for enough members to ensure effective scrutiny and properly represent the full diversity of the district;
 - c. The role of the district councillor was seen to be a more active and demanding role as a consequence of developments in ICT and social media together with an increased interest in local democracy, planning and general societal changes;
 - d. Increased role of councillors resulting from changes in devolution and the funding of services;
 - e. The need to reflect the growth in population in East Devon both at Cranbrook and generally.
2. that the draft submission attached to the report be approved (subject to appropriate amendments to reflect 60 Councillors) for the purposes of submission to the LGBCE
3. that the Chief Executive, in consultation with the Group Leaders, be given delegated authority to make any recommended changes to the draft submission following its consideration by the LGBCE.

REASON:

To comply with the timetable and requirements of the LGBCE

31 Heart of the South West Formal Devolution Bid

The Chief Executive presented this report to seek approval to sign up 'in principle' to the pursuit of a Devolution Deal and the creation of a Combined Authority for the Heart of the South West sub-region to administer the powers devolved through the Deal. An 'in principle' agreement from all of the authorities, partners and MPs involved in the Heart of the South West devolution process would open up negotiations with Treasury to work towards a deal.

Discussions included the following:

- the need for public consultation before going too far in the process
- the need for more concrete facts and information
- what were the costs before the Council had passed the 'in principle' stage
- reassurances that the Council could walk away from the devolution deal at any time
- a possible power struggle between County and District

RECOMMENDED:

that Cabinet recommend Council to:

1. Endorse the Leader's current approach to devolution and agree to sign up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area;
2. Note that giving this endorsement does not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority. This would be subject to future debate and agreement by the Council and subject to negotiations with Government.

REASON:

These recommendations seek to gain authority to pursue solutions that help the Council maximise the potential opportunities of devolution. They do not commit the Council to a formal devolution deal, only to the principle of a combined authority to open up negotiations with Government.

32 **Sidmouth and East Beach Management Plan**

To agree an increase in budget for the Sidmouth and East Beach Management Plan

RECOMMENDED:

that EDDC make provision of £54,000 in the current financial year for completion of the Sidmouth and East Beach Management Plan

REASON:

To complete the Sidmouth and East Beach Management Plan, so that EDDC has an integrated, justifiable and sustainable option for beach management across Sidmouth and East Beach to:

- Maintain the 1990's Sidmouth Coastal Defense Scheme Standard of Service (protection against flooding and erosion).
- Reduce the rate of beach and cliff erosion to the east of the River Sid (East Beach)

*33 **Monthly Performance reports – May 2016**

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

There were two indicators that are showing excellent performance:

1. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
2. Working days lost due to sickness absence

There was one performance indicator showing as concern, namely: the percentage of planning appeal decisions allowed against the authority's decision to refuse - The dip in performance was due to the period covering a very small sample of appeals at the start of the yearly reporting period. At the time of reporting, 6 appeals - 3 allowed and 3 dismissed – had resulted in 50% performance. The figures from the 1 April to the start of July were now running at 73.3% -11 appeals dismissed and 4 allowed.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2016/17 financial year for May 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.

***34 Exemption to Standing Orders - purchase of recycling sacks for new recycling service**

Exemption to standing orders had been applied in order to implement the new improved recycling service roll out in early 2017. Additional recycling sacks to contain the new materials were required. A 70L test sack in the service trial areas was used and feedback from the residents was to improve the design.

RESOLVED:

that the exemption to Contract Standing Orders be noted.

REASON:

to endorse the purchase of sacks which best meets the requirements of the service, using an exemption to ensure delivery before the new service roll out.

35 East Devon Local Development Scheme

This report detailed the proposed revised Local Development Scheme for East Devon. The Local Development Scheme set out details and timetable for future planning policy production in East Devon

RECOMENDED:

that the East Devon Local Development Scheme be adopted from 28 July 2016

REASON:

to ensure that the Council had an up to date plan for future planning policy production.

Attendance list

Present:

Andrew Moulding Deputy Leader/Strategic Development and Partnership (in the Chair)

Portfolio Holders:

Tom Wright	Corporate Business
Iain Chubb	Environment
Jill Elson	Sustainable Homes and Communities
Phil Twiss	Corporate Services
Ian Thomas	Finance
Philip Skinner	Economy

Cabinet Members without Portfolio:

Geoff Pook

Cabinet apologies:

Paul Diviani Leader

Eileen Wragg

Non-Cabinet apologies:

Maddy Chapman

Alan Dent

Steve Gazzard

Roger Giles

Ian Hall

Marcus Hartnell

John Humpreys

Mark Williamson

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong

Brian Bailey

Matt Booth

Colin Brown

Paul Carter

John Dyson

Peter Faithfull

Cathy Gardener

Simon Grundy

Steve Hall

Geoff Jung

Rob Longhurst

Dawn Manley

Cherry Nicholas

Helen Parr

Val Ranger

Marianne Rixson

Pauline Stott

Also present:

Officers:

Mark Williams, Chief Executive

Richard Cohen, Deputy Chief Executive

Simon Davey, Strategic Lead – Finance

John Golding, Strategic Lead Housing, Health and Environment

Henry Gordon Lennox, Strategic Lead - Legal, Licensing and Democratic Services

Karen Jenkins, Strategic Lead - Organisational Development and Transformation

Amanda Coombes, Democratic Services Officer

Chairman

Date.....