

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 14 December 2016

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.00pm

- *93 **Public Speaking**
There were no members of the public present who wished to speak.
- *94 **Minutes**
The minutes of the Cabinet meeting held on 9 November 2016 were confirmed and signed as a true record.
- *95 **Declarations**
None
- *96 **Matter of urgency**
None
- *97 **Matters referred to the Cabinet**
There were no matters referred to the Cabinet by the Overview and Scrutiny Committees.
- *98 **Exclusion of the public**
There were no confidential items that officers recommended should be dealt with in this way.
- *99 **Forward Plan**
Members noted the contents of the forward plan for key decisions for the period 1 January 2017 to 30 April 2017.
- *100 **Notes of the Exmouth Regeneration Programme Board held on 15 September 2016**
Members received the notes from the Exmouth Regeneration Programme Board held on 15 September 2016.
- *101 **Minutes of the South East Devon Habitat Regulations Executive Committee held on 21 September 2016**
The minutes from the South East Devon Habitat Regulations Executive Committee had been referred to the meeting of Cabinet in October.
- *102 **Notes from the Asset Management Forum held on 3 November 2016**
Members received the notes of the Asset Management Forum held on 3 November 2016.

RESOLVED (1) that the following be noted

Minute 3 - The Energy Act 2011 – update on action plan

the report on the implications of the Energy Act 2011, subject to further consideration by Cabinet.

*103 **Minutes of the Scrutiny Committee held on 24 November 2016**

Members received and noted the minutes of the Scrutiny Committee held on 24 November 2016.

RESOLVED (1) that the following resolutions be supported:

Minute 28 - NEW Devon CCG Consultation "Your Future Care"

That a response from the Scrutiny Committee to the NEW Devon CCG "Your Future Care" consultation contained the following comments:

1. Asks that the New Devon CCG presents an outline of how care delivery integrates health, social, and mental care, as well as physiotherapy, and how it was provided to patients;
2. Considers that the comparison with Northern and Western Devon areas was unfair as the demographics were not the same as Eastern Devon;
3. The committee considered that the models proposed in the consultation would not meet the needs of the District because of the local issues of social isolation, and the support that carers need;
4. The NEW Devon CCG should review the expenditure on management and administration as a means to realise savings that could be used to provide care rather than divert funding from in-patient beds;
5. The committee considers that the evidence presented to date by the NEW Devon CCG is not sufficient to convince them that the new model of care would be successful;
6. The Committee did not accept Options A – D, but recommended that the NEW Devon CCG should retain the current level of in-patient beds in community hospitals in the Eastern Devon locality;
7. Should a decision be made to close in-patients beds, the Committee insist that this was not undertaken until the replacement model of care was recognised as safe and in place; subject to the provision of evidence that the model of care had resulted in no bed blocking at acute hospitals, non occupancy of beds in community hospitals, and full care in the community.

Minute 29 - NHS Property Services

The Chairman of the Scrutiny Committee write to NHS Property Services, expressing:

1. Disappointment at the lack of response to the request to attend;
2. A request for attendance at a future meeting;
3. Questions raised by the Scrutiny Committee at their meeting on the 24 November 2016;

and that this letter be copied to the Health and Wellbeing Scrutiny Committee of Devon County Council, the three local MPs and the Secretary of State.

Minute 31 - Quarterly monitoring of performance – second quarter 2016/17

1. The Service Lead for Planning consider if additional staffing resource should form part of the Draft Budget 2017/18 to help resolve the performance on determination of planning applications within 8 weeks;
2. The Asset Management Forum be asked to consider if additional staffing resource should form part of the Draft Budget 2017/18 to help deliver projects

RESOLVED (2) that the following be noted:

Minute 30 - Financial Plan 2017 – 2022

Minute 32 – Scrutiny Forward Plan

***104 Minutes of the Overview Committee held on 29 November 2016**

Members received and noted the minutes of the Overview Committee held on 29 November 2016.

RESOLVED (1) that the following recommendations be supported:

Minute 18 - Street markets and trading consultation

1. The Licensing and Enforcement Committee authorise public consultation (in accordance with the legislative requirements) on a proposal to:
 - a. Rescind all the Council's previous resolutions to designate streets as 'Prohibited Streets' within the District, and
 - b. Resolve to designate all 'streets' in East Devon as 'Consent Streets' as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 save for certain streets in Sidmouth (as listed) which shall be 'Prohibited Streets' except during Folk Week.
2. The Licensing and Enforcement Committee receive a further report which considers the representations made during the public consultation exercise and which makes further recommendations as to the approach to be adopted by the Council to street trading. Should this approach be to resolve to make additional consent streets, then the report shall also detail for the Committee to consider the likely resource implications, fees to be charged for consent, the Street Trading policy proposed to be adopted and standard conditions to be imposed on any consent granted.

***105 Proposed changes to the working age Council Tax Reduction Scheme 1 April 2017**

The Service Lead, Revenues and Benefits presented the proposed changes to the working age Council Tax Reduction Scheme (known as Council Tax Support) from 1 April 2017 and the updated Council Tax Discretionary Discount and Exceptional Hardship Fund Policy.

The recommendations set out in the report were those of the Finance Think Tank, which recommended adopting changes to the Council Tax Support Scheme from 1 April 2017.

RESOLVED:

1. that the following changes to the Council Tax Support Scheme be adopted from 1 April 2017:
 - a. Removal of the family premium for all new claims or break in claims made after 1 April 2017, or where this premium would apply for the first time to existing claims.
 - b. Reduce backdating from 6 months to 1 month.
 - c. Introduce a Minimum Income Floor for self-employed.
 - d. Additional temporary absence rules for absence from Great Britain for 4 weeks or more.
 - e. Removal of the Employment and Support Allowance (ESA) Work Related Activity Component for all new ESA claims.

- f. To limit the number of dependent children additions within the calculation for CTS to a maximum of two.*
- g. To remove the entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carers Element) to look after them.
- h. Remove the additional earnings disregard for Universal Credit claims only and apply the standard disregards to all applicants that are in employment, regardless of hours.

* Members of the Finance Think Tank recommend deferring the implementation of proposal 1f above to 1 April 2018 if this policy is introduced to Housing Benefit legislation from a date after 1 April 2017.

2. To adopt the updated Council Tax Discretionary Discount and Exceptional Hardship Fund Policy.

REASON:

1. to align the Council Tax Reduction scheme for working age with changes to national benefits and to remove some of the unintended consequences of the changes, and
2. the Council Tax Discretionary Discount and Exceptional Hardship Fund Policy (appendix 3 to the report) had been updated to specify additional financial assistance was available to customers affected by the introduction of the proposals.

106 **Relocation report update**

The Deputy Chief Executive updated Members and sought agreement to the opportunity to accelerate the refurbishment of Exmouth Town Hall and relocate staff and services to that location. The report recognised the risks as well as the benefits to such a move. The acceleration of the Town Hall had been under consideration by the Relocation Executive Group for a while not least because of the time taken in respect of the Knowle planning application. The Town Hall was an asset that lent itself to offering essential services to the residents of the district's largest town and outlying areas.

Discussions included the following:

- the need for out-source space in Exmouth offering a good frontline service
- the strategic demand and operational necessity for this refurbishment
- staff at the Knowle could start to move in by the end of 2017
- could areas of the Knowle be 'moth-balled' once vacated to save costs and therefore impact potential capital implications?
- the increase in costs could have been better anticipated
- no certainty of the sale of the Knowle
- decouple Exmouth Town Hall from the move to Honiton
- original works costings were on an estimated basis, once the building was unoccupied more thorough surveys had been undertaken, which revealed all essential work needed which could not have been identified from the initial surveys
- the work would had to been done whether the move to the Town Hall went ahead anyway; to reinstate to modern standards
- allows for services to offer support to the people of Exmouth and surrounding areas effectively
- the need to think of different ways of working; especially government work hubs, was the way the whole country was going
- gives Exmouth a real presence

RECOMMENDED:

1. that the refurbishment of Exmouth Town Hall was an important project in its own right, and recommends to Council that this should go ahead at a cost of £1,669,000
2. that a future report will update the relocation project cost and betterment using independent modelling to obtain Members' endorsement of the decision in March 2015 to sell the Knowle, and the commitment to go ahead with a new HQ construction in Honiton be noted.

REASON:

In September 2015 the relocation update report to Cabinet identified that, with the encouragement of the Relocation Executive Group, officers had been considering accelerating ETH refurbishment and this opportunity had become increasingly attractive. The planning process for Knowle had taken significantly longer than was originally envisaged and had been subject to a refusal by Development Management Committee on 6 December 2016. In the meantime, ETH had emptied and services originally offered in a single space for the residents of the town dissipated. The refusal of a planning application for the Knowle site did not need to be a cause for delay of the refurbishment of Exmouth Town Hall. The Council had the opportunity to optimise the available services from ETH and the full occupation of the building at the earliest opportunity. This could be done by accelerating ETH refurbishment from the Council's continued commitment to sell the Knowle site and commit to a Honiton HQ new build. If the refurbishment of ETH was accelerated then work could be completed and the building fully occupied as early as November 2017.

***107 Local Code of Corporate Governance**

The Strategic Lead - Governance and Licensing presented the Council's Code of Corporate Governance, which set out the overarching approach to the corporate governance arrangements, and was overdue for review. Following changes to relevant guidance there had been revisions to the Code. The revised Code had been presented to the Audit and Governance Committee on 17 November 2016 which recommended to Cabinet that the revised Code be adopted.

RESOLVED:

that the revised Local Code of Corporate Governance be adopted.

REASON:

The Code of Corporate Governance provided the overarching framework for corporate governance to ensure that the Council did the right things, in the right way for the right people in a timely, inclusive, open, honest and accountable manner. Having previously been adopted in January 2012, it had been necessary to revise the Code to reflect the new local authority specific CIPFA / SOLACE guidance.

***108 Treasury Management Performance 2016/17 – 1 April to 30 Sept 2016**

The report detailed the overall position and performance of the Council's investment portfolio for the first six months of 2016/17.

RESOLVED:

that having reviewed the investment values and performance for the period to 30 September 2016 the report 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.

109 **EDDC Cultural Plan 2017- 2022**

The Service Lead, Countryside & Leisure set out the need to adopt the refreshed Cultural Plan for East Devon District Council, which was last reviewed in 2012. The report identified the benefits that could be derived from adopting a Cultural Plan that helped set the ambitions for the Council and its management, of its cultural programmes and assets over the next five years.

Discussions included the following:

- the Plan made a positive difference to communities
- culture influences much of the work across the Council
- provides parks, gardens and play areas for residents and tourists
- this was not a financial plan
- improves physical and mental wellbeing
- protects woodlands and educates
- promotes areas and social interaction
- businesses benefit from the economy created
- could some provisions be provided by local associations or private business as the Council had a limited budget?
- not to underestimate the impact of health and wellbeing – a massive subject
- the public needed to know that this was a discretionary funded area by the Council

RECOMMENDED:

that the Cultural Plan which set the vision and ambitions for the Council's future engagement with cultural activities within the district, be adopted.

REASON:

to provide the Council with a framework for delivering cultural activities, to help steer future cultural projects and programmes without increasing the current financial support to its cultural assets.

*110 **Monthly Performance reports – October 2016**

The report set out performance information for October 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. Percentage of planning appeal decisions allowed against the authority's decision to refuse
2. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
3. Working days lost due to sickness absence

There were no performance indicators showing as concern.

RESOLVED:

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

***111 Proposed Exeter Travel to Work area Board (TTWA)**

The Chief Executive asked members to give support for the establishment of formal joint governance arrangements for economic development and strategic planning and infrastructure project management and delivery for the Exeter TTWA to ensure that this functional economic area was recognised regionally and nationally.

Discussions included the following:

- too many Boards – keep it simple
- not getting delivery from these Boards
- the need to look into workforce skills required in the future

The Portfolio Holder Finance wished for his objection to be noted.

RESOLVED:

that in principle the setting up of a Greater Exeter Growth and Development Board together with the local authorities covering the Exeter Travel to Work area, namely Devon County Council, East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council be agreed. A further report on the implementation of the proposed Board to be brought back to Cabinet in due course.

REASON:

the proposed Board was intended to be an effective vehicle for areas of cross boundary working and strategic projects that promoted the interests of the area, that couldn't otherwise be pursued by any of the constituent members acting by themselves. There was a strong case that the growing economic, housing and infrastructure pressures and indeed opportunities facing the sub region, definable by the geography of the four District authorities, required a change to the informal voluntary partnerships. These partnerships had served the area well to date but would not provide the most effective approach going forward. This would also be the vehicle to simplify and reduce duplication in current areas of cross boundary working.

***112 Consultation on draft proposals to introduce new Public Space Protection Orders incorporating existing Dog Controls**

The Principal Environmental Health Officer asked Members to approve a consultation process to be undertaken, to introduce two Public Space Protection Orders (PSPOs) to incorporate existing dog control orders. These would include a number of amendments to the existing regime suggested by officers and Town and Parish councils, as well as a requirement not to feed seagulls on the town beaches and promenades. The facility to introduce PSPOs was included within the Anti-Social Behaviour Crime and Policing Act 2014.

The Portfolio Holder Environment thanked Janet and her team for all their hard work.

RESOLVED:

that a consultation be carried out on the introduction of two new PSPOs as required by the provisions within the Anti-Social Behaviour Crime and Policing Act 2014.

REASON:

In order to meet the requirements to carry out a consultation before introducing a PSPO.

*113 **Appointment of Inspector to examine the East Budleigh with Bicton Neighbourhood Plan**

The report advised that exemption to standing orders had been applied to appoint an independent examiner to examine the East Budleigh with Bicton Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers, it was seen as desirable to secure the services of Nigel McGurk who has established a track record in Neighbourhood Plan examination work. Mr McGurk had undertaken previous Neighbourhood Plan examinations for East Devon District Council at Lympstone, Stockland and Bishops Clyst. Early adoption of the Neighbourhood Plan would help with establishing a positive planning policy framework for the parish to inform determination of planning applications in the parish.

RESOLVED:

To note the exemption to Contract Standing Order to enable the appointment of Nigel McGurk to undertake the Examination of the East Budleigh with Bicton Neighbourhood Plan.

REASON:

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

Attendance list

Present:

Paul Diviani	Leader
Andrew Moulding	Deputy Leader/Strategic Development and Partnership (Cllr Moulding left the meeting after agenda item 14 had been heard)

Portfolio Holders:

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:

Tom Wright	Portfolio Holder Corporate Business
Eileen Wragg	

Non-Cabinet apologies:

Alan Dent
Pat Graham
Steve Hall
Mike Howe
Cherry Nicholas
Brenda Taylor

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
David Barratt
Peter Bowden
Colin Brown
Jenny Brown
Paul Carter
Peter Faithfull
Cathy Gardner
Steve Gazzard
Roger Giles
Simon Grundy
Ian Hall
Marcus Hartnell
Ben Ingham
Geoff Jung
Rob Longhurst
Dawn Manley
John O'Leary
Helen Parr
Marianne Rixson
Pauline Stott
Mark Williamson

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead – Housing, Health & Environment
Henry Gordon Lennox - Strategic Lead - Governance and Licensing
Karen Jenkins, Strategic Lead - Organisational Development and Transformation
Libby Jarrett, Service Lead - Revenues and Benefits
Charlie Plowden, Service Lead – Countryside & Leisure
Steve Pratten, Relocation Manager
Janet Wallace, Principal Environmental Health Officer,
Jules Waddington, Project & Facilities Manager
Amanda Coombes, Democratic Services Officer

Chairman Date.....