

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 6 September 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.21pm

***42 Public Speaking**

Nick Hookway spoke on agenda item 5, Queen's Drive, Exmouth Update and Action. Mr Hookway felt that there was no strategy vision for Exmouth. He stated that Exmouth thrives because of its seafront and that nowhere else compared to it. He thought that the facilities on the seafront were inappropriate and felt the Council was not considering the needs and wishes of the residents; whom he said did not support the Council's plans.

Mrs Daphne Currier spoke on agenda item 5, Queen's Drive, Exmouth Update and Action. Mrs Currier asked if the funding for moving the road was being paid for through the selling of the Parkland site. She had concerns over the development plans to include the height of buildings and overdevelopment. She felt residents' concerns had been dismissed and that the Council had not been democratic in its engagement with the public; to whom she stated had tried very hard to get their points of views across.

Lyn Alexander spoke on agenda item 5, Queen's Drive, Exmouth Update and Action. Ms Alexander said that Exmouth would benefit from town centre regeneration rather than a watersports centre. She asked if LED was meeting all the residents' needs and was concerned that once tourism was lost it may never be regained. She claimed Exeter University were looking at the effect that natural spaces had in connection with good health. She questioned whether coastal erosion might affect developments on the seafront.

***43 Minutes**

The minutes of the Cabinet meeting held on 13 July 2017 were confirmed and signed as a true record.

***44 Declarations**

Cllr Roger Giles, Minute 71. Personal interest – knows the father of the leaseholder

***45 Matters of urgency**

A confidential report on Queen's Drive, Exmouth advised members on progress regarding Queen's Drive regeneration and sought urgent approval for a change to terms offered on a site tenancy.

***46 Matters referred to the Cabinet**

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

***47 Exclusion of the public**

There was one item that officers recommended should be dealt with in this way.

***48 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 October 2017 to 31 January 2018.

*49 **Notes from the Exmouth Regeneration Board held on 13 July 2017**
Members received the Notes from the Exmouth Regeneration Board held on 13 July 2017.

*50 **Notes of the New Homes Bonus Panel held on 19 July 2017**
Members received the Minutes of the New Homes Bonus Panel held on 19 July 2017.

RESOLVED (1) that the following recommendations be approved:
Minute 5 Kilmington Parish Council Drainage project £766.70

*53 **Minutes of the Scrutiny Committee held on 20 July 2017**
Members received the Minutes of the Scrutiny Committee held on 20 July 2017.

RESOLVED (1) that the following recommendation approved:
Minute 11 Citizens Advice East Devon

1. Cabinet request an investigation into a longer term arrangement for grant funding, in order to give more security to the CAED, such as a three year agreement with the inflation increase as per previous grant awards; and
2. the Council was kept informed of the progress of review of the CAED, and actively involved as a stakeholder.

*54 **Minutes of the Overview committee held on 25 July 2017**
Members received the Minutes of the Overview committee held on 25 July 2017.

RESOLVED (1) that the following recommendation be agreed:
Minute 24 Local Government Boundary Committee for England Electoral Review

1. A clear map showing boundary overlays be accessible from the Council's website;
2. The Council will endeavour to provide an application on the East Devon App that showed information on address entry on the change of boundary;
3. There should be a press release to town and parish clerks on the boundaries for both County and District in early 2019; and
4. The Council will endeavor to ensure information on the responsibilities of each level of local government is provided in a clear and easily accessible format on the Council website.

*55 **Minutes of the South East Devon Habitat Regulations Executive Committee held on 27 July 2017**
Members received and noted the Minutes of the South East Devon Habitat Regulations Executive Committee held on 27 July 2017.

*56 **Notes of the Community Fund Panel held on 8 August 2017**
Members received the Notes of the Community Fund Panel held on 8 August 2017.

RESOLVED (1) that the following recommendation approved:
Minute 5 Consideration of applications received

1. Brampford Speke Village Hall – new entrance gates to the village hall grounds, new fencing and a handrail. £1,772
2. Newton Poppleford Pavilion – replace kitchen and make bigger. £5,000.
The Panel were concerned that the application was incomplete and further information was required. They deferred the application for demonstration of match funding, receipt of the correct number of quotes and demonstration that the scheme met the correct criteria for the scheme and gave delegated authority to the Chairman in consultation with the Engagement and Funding Officer to approve, subject to other members being notified by email.

***57 Notes of the Asset Management Forum held on 10 August 2017**

Members received the Notes of the Asset Management Forum held on 10 August 2017.

***58 Monthly Performance reports – June and July 2017**

The report set out performance information for the 2017/18 financial year for June and July 2017. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

June

There were three indicators that showed excellent performance:

- Percentage of Non-domestic Rates Collected
- Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- Working days lost due to sickness absence

There was one performance indicator showing as concern:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - Seven appeal decisions were received during June, five of which were dismissed. This equates to 28.6% appeals allowed over the month which has resulted in an improvement to the cumulative figure for the year.

July

There was one indicator showing excellent performance:

- Percentage of Non-domestic Rates Collected

There was one performance indicator showing as concern.

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - One appeal decision received this month, which was dismissed.

The Portfolio Holder Finance congratulated Simon Davey and his team for being the top authority in Devon, Somerset and Cornwall for council tax collection and low arrears.

The Portfolio Holder Environment highlighted the hard work of the CSC team during the new recycling scheme across the District.

RESOLVED:

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

***59 Chardstock and Yacombe and Marsh Neighbourhood Plans to be 'made'**

The Chardstock Neighbourhood Plan and the Yacombe and Marsh 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 Chardstock Neighbourhood Plan was 'made' so it formed part of the development plan,
2. that the Yacombe and Marsh Neighbourhood Plan was 'made' so it formed part of the development plan; and
3. that the Neighbourhood Plan groups be congratulated for their hard work and advised that once 'made' the Neighbourhood Plans would carry full weight in the planning decision making process.

REASON:

the Chardstock Neighbourhood Plan and the Yacombe and Marsh Neighbourhood Plan received a majority 'yes' vote in their respective referendums as required by the regulations and there was no substantive reason not to 'make' the two Plans.

***60 Dunkeswell Neighbourhood Plan Examiners Report**

The report provided feedback and set out proposed changes following the examination of the Dunkeswell Neighbourhood Plan.

RESOLVED:

1. that the examiners recommendations on the Dunkeswell Neighbourhood Plan be endorsed,
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the examiners modifications) should proceed to referendum and a decision notice to this effect be published, be agreed; and
3. that the Neighbourhood Plan group be congratulated on their hard work.

REASON:

the legislation required a decision notice to be produced at this stage in the process. The Neighbourhood Plan was the product of extensive local consultation and had been recommended to proceed to referendum by the Examiner subject to modifications, which, in most part, were accepted by the Parish Council.

***61 Uplyme Neighbourhood Plan Examiners Report**

The report provided feedback and set out proposed changes following the examination of the Uplyme Neighbourhood Plan.

RESOLVED:

1. that the examiners recommendations on the Uplyme Neighbourhood Plan be endorsed,

2. that a 'referendum version' of the Neighbourhood Plan (incorporating the examiners modifications) should proceed to referendum and a decision notice to this effect be published, be agreed; and
3. that the Neighbourhood Plan group be congratulated on their hard work.

REASON:

the legislation required a decision notice to be produced at this stage in the process. The Neighbourhood Plan was the product of extensive local consultation and had been recommended to proceed to referendum by the Examiner subject to modifications, which, in most part, were accepted by the Parish Council.

*62 **Acquisition of former Reservoir, Holyford Woods, Colyton**

The Service Lead, Countryside and Leisure stated that the report set out whether to accept the offer of a reservoir known locally as 'Top Pool' or 'Lambs Pool' as part of the Holyford Wood Local Nature Reserve. He reiterated that the uncertainties and expense made this acquisition high risk.

RESOLVED:

that the offer of the reservoir be declined.

REASON:

the recommendation to decline the offer was due to the ongoing management and maintenance liabilities of the reservoir.

*63 **Disclosure and Barring Service Checks**

The Strategic Lead, Governance and Licensing and Monitoring Officer presented this report informing Members to consider whether it was necessary and appropriate for all Councillors to be subject to a Disclosure and Barring Service check in respect of the performance of their duties.

Discussions included the following:

- CBS checks did not necessarily protect individuals – training in safeguarding issues was more important
- It was most likely a public expectation and/or perception that councillors would be CBS checked
- Councillors should volunteer for scrutiny and safeguarding purposes
- The Council should lead by example
- This would give the public confidence in their elected Members
- The Council owed it to the public

RESOLVED:

1. that the Council does not require councillors to have a basic criminal records check for the reasons detailed in the report but encourages them to do so voluntarily in the context of safeguarding vulnerable adults and children,
2. that all Council Members receive or attend appropriate training in respect of our responsibilities in relation to protecting and safeguarding as detailed in related policies, and
3. that delegated authority to implement a mandatory approach to checking newly elected councillors on their election declaration through a basic criminal records check be given to the Monitoring Officer if such an approach is determined to be lawful.

REASON:

given the nature of Member's roles and other safeguards that exist and with the potential risks in terms of data protection and human rights, there was no basis to be applying a blanket approach to requiring and then disclosing any sort of DBS checks in relation to the Council's safeguarding and protecting role. However, given that there were responsibilities there was a basis for requiring Members to have training. There appears to be a justifiable rationale for having a check for Members following election in light of the declarations given as part of the election process.

***64 Temporary Accommodation Policy**

The report set out to ensure a policy to how temporary accommodation be procured and responsibilities would be met, in order to provide temporary accommodation to eligible people who were homeless or threatened with homelessness.

RESOLVED:

that the policy be agreed.

REASON:

it was good practice to have a temporary accommodation policy in place.

***65 Driving at Work Policy**

The Service Lead, Environment Health and Car Parks presented the report. The Council's policy for staff and Members who drive on council business, providing controls and guidance for people driving as part of council duties required consideration and approval. There were 59 Members and 186 staff all of whom drive over 1000 business miles a year and another 69 who cover fewer business miles but were still driving on Council business. The policy made explicit the systems and procedures expected to ensure driver safety was considered as part of the work throughout the organisation.

RESOLVED:

that the policy be agreed.

REASON:

more than a quarter of all road traffic incidents involve somebody who was driving as part of their work according to the Department of Transport. In 2015 there were 186,000 people killed and injured on the road, and accidents would often require significant time and resource to deal with afterwards.

The Council was a major employer and was legally required to comply with the Health and Safety at Work etc. Act 1974. There was an expectation that work-related road safety was integrated into the arrangements for managing occupational safety and health. It should be clear what arrangements had been made for complying with the law and specify who was responsible for implementing these arrangements.

***66 Financial Monitoring report; Month 4, July 2017**

The Strategic Lead, Finance presented a summary of the Council's overall financial position for 2017/18 at the end of month four (31 July 2017). Current monitoring indicated that the General Fund Balance was being maintained at or above the adopted level. The Housing Revenue Account Balance would be maintained at or above the adopted level.

RESOLVED:

that the variances identified as part of the Revenue and Capital Monitoring process up to month four be acknowledged and agreed.

REASON:

the report updated on the overall financial position of the Authority following the end of each month and included recommendations where corrective action was required for the remainder of the financial year.

***67 Footprint Ecology - Exemption from Standing Orders**

Exemption to standing orders had been applied to enable the appointment of Footprint Ecology to undertake a Habitat Regulations Assessment of the Greater Exeter Strategic Plan.

RESOLVED:

that the use of the exemption to contract standing orders be noted.

REASON:

to enable the appointment of Footprint Ecology on behalf of the five local authorities collaborating in production of the Greater Exeter Strategic Plan.

***68 Manor Pavilion Car Park**

To report the outcome of the public consultation exercise carried out alongside the statutory consultation relating to the proposed arrangements for managing 21 spaces as a public pay and display car park.

RESOLVED:

1. that the outcome of the public consultation exercise be noted, and
2. that the earlier decision made by Cabinet on 5 April 2017 Cabinet resolving that “public pay and display parking in Sidmouth’s Manor Pavilion car park be offered”, be confirmed and agreed.

REASON:

section 122 of the Road Traffic Regulation Act 1984 sets out the duties of all local authorities in respect of a range of traffic related functions including the provision of off-street parking. The needs of the community as a whole based on responses to the public consultation exercise had been reconsidered and were reflected in the recommendations.

The proposals would not interfere with the security of or access to any other premises and 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.

***69 Ombudsman complaints 2016/17**

The report provided information on complaints referred to the Local Government Ombudsman during 2016/17.

RESOLVED:

that the number of complaints dealt with and their outcomes be noted.

REASON:

to continue to improve and learn from the way complaints were handled.

70 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).

***71 Queen's Drive, Exmouth Update and Action**

A report from the Deputy Chief Executive updated on progress regarding Queen's Drive regeneration and sought urgent approval to offer an extended tenancy agreement to one site.

RESOLVED:

1. it was noted that the council had re-acquired the former fun park site and the extended license arrangement of the former tenant had been completed, and
2. that the Council offer a further extended lease arrangement to the tenant of the Harbour View café pending future re-acquisition to enable redevelopment of the site, incorporating the terms detailed in the report but with delegated authority given to the Deputy Chief Executive to negotiate and agree Heads of Terms and complete the relevant documentation.

REASON:

The former fun park site had returned to council ownership in line with both legal and planning expectations. The council had been deriving no rent from the site by agreement with the former tenant for over a year. The offer of an extended arrangement to enable the café to continue trading is a reflection of council, especially local Exmouth members' willingness to allow continued trading and a further opportunity for the café business to plan for its future.

Attendance list**Present:**

Paul Diviani Leader

Portfolio Holders:

Phil Twiss	Deputy Leader/Strategic Planning and Developments
Ian Thomas	Finance
Tom Wright	Environment
Marcus Hartnell	Deputy Portfolio Holder Environment
Iain Chubb	Corporate Services
Jill Elson	Sustainable Homes and Communities
Phil Skinner	Economy

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Non-Cabinet apologies:

Simon Grundy
Alan Dent
David Barratt
Ian Hall

John O’Leary
Stuart Hughes
Steve Gazzard
Geoff Jung

Officer apologies:

Karen Jenkins, Strategic Lead – Organisational Development and Transformation

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
Bruce de Saram
Dean Barrow
Steve Hall
Mike Howe
John Humphreys
Graham Godbeer
Douglas Hull
Ben Ingham
Cherry Nicholas
Mark Williamson
Roger Giles
John Dyson
Colin Brown
Brenda Taylor
Maddy Chapman
Cathy Gardner
Eleanor Rylance

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
Anita Williams, Principal Solicitor (& Deputy Monitoring Officer)
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Charlie Plowden, Service Lead – Countryside and Leisure
Amanda Coombes, Democratic Services Officer

Chairman Date.....