

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 6 March 2019**

#### **Attendance list at end of document**

The meeting started at 5.35 pm and ended at 7.58 pm

#### **162 Public speaking**

There were two members of the public wishing to speak.

Mr Nick Hookway spoke on Minute 166, Queen's Drive Watersports Centre Development. He spoke on the lateness of the report and whether planning permission was needed for the new beach access as well as what consultation had been in place. He also asked about why the dates had been changed and that there were concerns over the track record of Grenadier. Finally he questioned the nature of the relationship between the Council and Grenadier with Grenadier having won their CIL appeal.

In response the Deputy Chief Executive confirmed that most of the points were picked up in the report. He noted that there had been extensive public consultation in relation to Grenadier's proposals, including the need for a beach access ramp. The council had worked closely with Grenadier for a number of years and considered them to be good partner. The issue of CIL was between Grenadier and the local planning authority and did not affect the relationship between the Council as landowner and Grenadier.

Councillor Kevin Blakey, Chairman of Cranbrook Town Council spoke on Minute 173, Future High Streets Fund. He spoke of the merits to Cranbrook being the town put forward as the worthwhile bidder for this possible future funding for regeneration of its high street. The funding would get future commercial space underway and would be a blueprint for regeneration of high streets within East Devon.

#### **163 Minutes of the previous meeting**

The minutes of the Cabinet meeting held on 6 February 2019 were confirmed and signed as a true record.

#### **164 Declarations of interest**

Cllr Ian Thomas, Minute 178; personal interest – Chairman of the Enterprise Zone Board  
Cllr Iain Chubb, Minute 172; personal interest – Lives in Axminster  
Cllr Pauline Stott, Minute 165; personal interest – Director of the Watersports Centre  
Cllr Paul Diviani, Minute 172; personal interest - Chairman of Axminster Regeneration Board, Member of LEP, attended regular meetings with Cranbrook Town Council  
Cllr Andrew Moulding, Minute 172; personal interest – Member of Axminster Regeneration Board

#### **165 Queen's Drive Watersports Centre Development**

To advise of the latest position on the development of the Watersports Centre on Exmouth seafront and seek approval of the terms of variation to the completed Development Agreement and delivery timescale negotiated between the Council and Grenadier Estates. The timing of this late report was necessitated by the negotiation

process between the council and Grenadier Estates; having reached a satisfactory conclusion as late as Monday 4 March 2019.

Since the publication of the report an amendment to the longstop date for delivery of the ramp had been changed from 2 years to 3 years from the date that the lease was completed. This was to mirror the timing of the delivery of the Watersports Centre.

Discussions included:

- This was great for Exmouth with the possibility of the Watersports Centre being used as a national centre.
- Late reports were not conducive with the Code of Corporate Governance in allowing time for councillors to make informed decisions
- The improved timeline for completion by the summer 2020 was welcomed
- What opportunity would there be for all councillors to discuss?
- Who was responsible for the upkeep the beach access?
- This was a long awaited watersports centre for Exmouth
- Visitor spend would increase with these new facilities and attractions
- Great to have Edge Watersports and Michael Caines included
- Kite surfers want to surf off Exmouth beach rather than at North Devon
- The Edge Watersports centre being a pillar of excellence
- With this new project being brought forward this would allow more income to Exmouth.

Councillor Pauline Stott thanked Councillor Phil Skinner and officers for their hard work and dedication in getting to this stage.

**RESOLVED:**

1. Cabinet authorises the revisions to the agreement as detailed in the report together with related consequential and minor amendments.
2. Cabinet authorises the Deputy Chief executive to complete the revisions to the Development Agreement contemporaneously with Grenadier confirming discharge of the conditions precedent.

**REASON:**

So the Council and Grenadier Estates can conclude all outstanding matters and enable the Watersports Centre site development to begin in summer 2019 with a view to completion within 12 months following the council's completion of the new road and car park in June 2019.

166 **Confidential/exempt item(s)**

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

167 **Forward Plan**

Members agreed the contents of the forward plan for key decisions for the period 1 April 2019 to 31 July 2019.

168 **Minutes of the Community Fund Panel held on 5 February 2019**

Members received and noted the Minutes of the Community Fund Panel held on 5 February 2019.

169 **Minutes of the Standards Committee held on 22 January 2019**

Members received and noted the Minutes of the Standards Committee held on 22 January 2019.

170 **Minutes of the Scrutiny committee held on 7 February 2019**

Members received the Minutes of the Scrutiny committee held on 7 February 2019.

**RESOLVED that the following recommendation be agreed:**

**Minute 45 East Devon Public Health Strategic Plan 2019/23**

1. Would like to thank the Public Health Project Officer for the excellent work being undertaken and supported by colleagues across the Council, and to endorse the East Devon Public Health Strategic Plan 2019-23,
2. Seeks to support the intention in the Plan to cover all areas of East Devon district
3. Encourages improvements to communications with Town and Parish Councils in disseminating public health messages, including increasing the use of social media
4. Requests that the MECC training programme is offered to all EDDC Councillors to help disseminate key messages about Health and Wellbeing in local communities
5. Encourages greater use of Social Prescribing and healthier lifestyles, via Leisure East Devon (LED) and community led initiatives.

**RESOLVED: that the following recommendation not be accepted:**

**Minute 50 Scrutinising the Portfolio Holder decision regarding a Discretionary Home Stay Grant repayment**

1. In all future cases the Legal Services Team should be involved
2. In considering future applications, more and fuller information must be provided to the Portfolio Holder
3. Having examined this case, the Scrutiny Committee are concerned that the call-in period is too short and would ask Cabinet to consider recommending to Council that the constitution be amended to extend the call in period from 5 days to 10 days
4. An appeal panel to be set up for post decision appeals.

It was noted that;

1. Legal Service should be commenting on all Portfolio Holder reports already
2. It was the duty of the Portfolio Holder to determine whether they have sufficient information to make a decision
3. No requirement to extend the time limit for call-ins to 10 days.

171 **Minutes of the STRATA Joint Executive Committee held on 28 January 2019**

Members received and noted the minutes of the STRATA Joint Executive Committee held on 28 January 2019.

172 **Future High Street Fund**

The Deputy Chief Executive advised members of the detail regarding the government's Future High Streets (FHS) funding opportunity and asked for an agreement to an approach to submitting into the Expression of Interest stage; the deadline for which was 22 March 2019.

Discussions included:

- Axminster had a Regeneration Committee that were keen to move forward. With 850 new homes being built the population would increase by 26%
- The need for commercial town centre buildings with resident accommodation above to improve the economy of the town centre
- The North–South relief road was great for the environment and public safety but could have an impact of public footfall in the town centre
- Could both submissions for Cranbrook and Axminster be sent?
- Cranbrook deserved future high street funding as was a 'future town' with a young person demographic
- Axminster residents had longer journeys to larger shops such as in Taunton and Exeter
- We should nurture a town on the outskirts of East Devon
- Each town would need to be ready to get the scheme off the ground with the right people and ideas in place
- Axminster was an older town needing regeneration. Businesses were pulling out and the old town centre required investment
- Cranbrook was not to end up a dormitory town, it need a kick start to the development of its high street
- 2 very different towns. Cranbrook had resources in place to deliver the town centre as well as the Enterprise Zone. The spirit of the Future High Streets funds was to existing high streets. Axminster had all the right measures for growth; this funding would make it more attractive and would act as a case study for across the district.
- The council had a responsibility to see high streets succeeding
- Many residents in Cranbrook were on lower incomes and traveling outside to shop and use high street facilities was expensive.
- The guidelines specifically state one proposal only, it would be too risky to submit two.

**RESOLVED:**

1. that the advice from officers regarding Cranbrook and Axminster be noted,
2. Cabinet agrees to submit a FHS Expression of Interest in relation to Axminster,
3. that delegated authority be granted to the Deputy CEO in consultation with the Portfolio Holder for Economy to prepare and submit the Expression of Interest.

**REASON:**

To agree an approach to submitting into the Expression of Interest stage by the deadline on 22 March 2019.

173 **Monthly Performance reports - January 2019**

The report set out performance information for the 2018/19 financial year for January 2019 and was supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There was one indicator showing excellent performance:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse.

There were two performance indicators showing as concern for the month of January:

- **Days taken to process new Housing Benefit claims** - Officers were currently working through a transition period to Universal Credit which is impacting on performance.
- **Working days lost due to sickness absence** - It was anticipated that EDDC would be above the target for absence for 18/19. As previously reported, there had been a significant increase this year in employees who have been absent for two months or more as a result of surgery and serious health issues for 2 or months. These cases were all proactively managed and started to see levels reduce towards the end of 2018.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for the 2018/19 financial year for January 2019, be noted.

**REASON:**

The performance report 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.

174 **Homelessness and Rough Sleeping Strategy 2019 - 2023**

The Housing Needs and Strategy Manager presented the Homelessness and Rough Sleeping Strategy 2019 – 2023 for approval and adoption as required by the Homelessness Act 2002. The previous strategy had been reviewed alongside the current homelessness data and new responsibilities for action to prevent homelessness introduced by the Homelessness Reduction Act 2017. This placed a statutory duty on local authorities to assist individuals and households who were homeless. The definition of being threatened with homelessness has been extended from 28 days to 56 days.

**RECOMMENDED:**

1. to Council to formally adopt the Homeless and Rough Sleeping Strategy 2019-2023,

**RESOLVED:**

2. That delegated authority is given to the Strategic Lead – Housing Health & Environment in consultation with the Portfolio Holder for Homes and Communities to make any minor amendments to the Strategy prior to its publication, and

3. that the Council writes directly to government about the additional costs being incurred by local authorities through the Homelessness reduction Act 2017 and the trend of increased homelessness.

**REASON:**

The Homelessness Act 2002 placed a statutory obligation on local authorities to undertake a review of homelessness in their area and develop and publish a strategy to prevent homelessness based on the findings of the review.

175 **Poverty, homelessness, human rights and health & wellbeing in East Devon - scoping report**

In December a motion was put to full Council - "Following the findings of both the UK Equalities and Human Rights Commission and the UN Special Rapporteur on the impact of benefits changes and other spending cuts on people living in the UK, this Council will receive a report on the potential impacts on residents in East Devon and the need for further support from this Council, for example in supporting the roll-out of Universal Credit, homelessness prevention or for local food banks."

The report attempted to scope the subject and suggest themes for further investigation to provide a locally meaningful analysis of poverty and interventions that could influence/action to alleviate the impact of poverty on individuals and communities. It was recognised that the implications highlighted were as a result of national social welfare policy decisions where the council had limited influence. The report also proposed that the council work with Devon County Council who were also investigating the issues and share the same concerns.

In the discussion it was noted the need to involve local groups and charities who work directly with the homeless.

**RESOLVED:**

that the themes for a localised investigation and analysis of poverty and related social welfare issues, working with Devon County Council, and report back on the findings, be agreed.

**REASON:**

To consider the impacts of poverty and related welfare issues locally following changes to national policy relating to welfare reform and homelessness, and the actions taken to alleviate the effects of poverty on individuals and communities in East Devon.

176 **Payhembury Neighbourhood Plan Examiner's Report**

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

Councillor Phil Skinner, through the Chair, wished his congratulations be passed on to the Neighbourhood Planning team.

**RESOLVED:**

1. that the Examiner's recommendations on the Payhembury Neighbourhood Plan (the Plan) be agreed,

2. that a 'referendum version' of the Plan (incorporating the Examiner's modifications) proceed to referendum and a decision notice to this effect be published, and
3. that the Neighbourhood Plan Steering Group be congratulated on their hard work.

**REASON:**

The legislation requires a decision notice to be produced at this stage in the process. The Plan is the product of extensive local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which are accepted by the Parish Council.

177 **Financial Monitoring Report 2018/19 - Month 10 January 2019**

The Strategic Lead Finance gave a summary of the Council's overall financial position for 2018/19 at the end of month 10 (31 January 2019).

Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance was being maintained at or above the adopted level.

**RESOLVED:**

1. that the variances identified as part of the Revenue and Capital Monitoring process up to Month 10 be acknowledged, and
2. that a request to use £34,000 of the Transformation Fund to replace 95 Streetscene frontline staff mobile phones, be agreed.

**REASON:**

The report updates Members on the overall financial position of the Authority at set periods and includes recommendations where corrective action is required for the remainder of the financial year.

178 **Exeter and East Devon Enterprise Zone Update**

The Enterprise Zone Programme Manager updated Members on the financial position of the Enterprise Zone to support the proposed revenue programme and capital investment.

**RESOLVED:**

that the progress with the operation of the Enterprise Zone designation be noted.

**REASON:**

Cabinet last received a paper on the financial position of the EZ in April 2018. During the intervening period work had focused on gaining approval for projects that support the delivery of the EZ, in terms of overcoming identified barriers and catalytic investments that could increase the pace of delivery for new commercial space and jobs.

179 **Long Lane Enhancement**

The Projects Director provided an update on progress with the design of an enhancement scheme for Long Lane. This set out an options analysis in terms of how to proceed and sought approval to borrow up to £3m against future ring-fenced income to deliver the enhancement scheme. Members considered the options analysis of how to move forward.

**RESOLVED:**

- that the progress with the design of a scheme to upgrade Long Lane be noted,
- that subject to confirmation of the final scheme design and the quantum of developer contributions being secured through a funding agreement, endorse Option 1 as the preferred way forward,
- that a contribution of up to £5k towards the legal fees of those delivering the FAB project to progress the funding agreement prior to the final investment decision stage being reached be agreed,
- that an investment of £5k to help provide match funding for a bid to DfT's Cycle Rail fund be supported, and
- that delegated approval be granted to the Chief Executive in consultation with the Leader and Strategic Leads for Finance and Governance & Licensing, to agree the terms of and complete the funding agreement and any other necessary legal documentation to achieve the above recommendations.

**RECOMMENDED:**

that Council agree the borrowing of up to £3m against ring-fenced business rate income to implement the scheme and enter in to a funding agreement with Devon County Council to deliver this.

**REASON:**

Cabinet received a paper on the Enterprise Zone in April 2018. This sought approval for the principle of borrowing up to £8m against ring-fenced business rate income, with detailed approval for investing up to £3.4m for four specific projects. During the intervening period work had focused on the delivery of the approved projects, along with supporting the development of other opportunities. This had focused on overcoming barriers to delivery and bringing forward catalytic investments.

The substandard nature of Long Lane and subsequent limitations to the capacity of the current highway network were a direct barrier to the delivery of Airpark, one of the four Enterprise Zone sites. The proposed enhancement would overcome this barrier and also secure a number of wider benefits including supporting enhanced public transport connectivity and the future growth of the Airport.

180 **Simplified Planning in the Enterprise Zone**

The report put forward the recommended approach for the introduction of a simplified planning regime for the Enterprise Zone (EZ) sites.

**RESOLVED:**

1. that the recruitment of a dedicated post to progress Local Development Orders for each of the EZ sites and,
2. the approval of Option 1, starting with the Airpark and Science Park sites, as the best way forward, be agreed.

**REASON:**

Simplified planning was part of the overall EZ offer to businesses. A dedicated officer would be able to progress the introduction of site specific Local Development Orders at pace thereby helping to encourage future investment.

181 **Sidmouth Drill Hall update**

The report provided an update on the outcome of the marketing exercise and selection process for the Drill Hall site in Sidmouth, as well as make a recommendation for the selection of the preferred developer.

**RESOLVED:**

1. that the selection of Offer 2 as preferred bidder for the site be agreed, and
2. that delegated authority be granted to the Deputy CEO in conjunction with the Strategic Lead Governance and Licensing to enter into negotiations with the approved bidder:
  - (a) for the disposal of the Drill Hall site, and
  - (b) to explore the disposal of the neighbouring toilet block site for incorporation into the new restaurant offer on the basis that a replacement public toilet facility was provided .

**REASON:**

To meet the council's commitment to the redevelopment and renewal of the Drill Hall site on Sidmouth's seafront. To enable officers to enter into further negotiations with the preferred bidder leading to the necessary contract documentation being drawn up, for the long leasehold interest to be granted to them.

**Attendance List**

**Present:**

**Portfolio Holders**

I Thomas  
I Chubb

A Dent  
P Diviani

J Elson  
M Hartnell

G Pook  
T Wright

**Cabinet apologies:**

P Skinner  
D Barrow

**Also present (for some or all the meeting)**

Bruce de Saram  
Pauline Stott  
Paul Carter  
Ben Ingham  
Stuart Hughes  
David Barratt

Steve Hall  
Andrew Moulding  
Cathy Gardner  
Roger Giles  
Susie Bond  
John Dyson  
Graham Godbeer  
Maddy Chapman  
Peter Faithfull  
Megan Armstrong  
Steve Gazzard  
Brian Bailey  
Tim Dumper  
Eleanor Rylance

**Also present:**

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
John Golding, Strategic Lead Housing, Health and Environment  
Henry Gordon Lennox, Strategic Lead Governance and Licensing  
Karen Jenkins, Strategic Lead Organisational Development and Transformation  
Andy Wood, Projects Director  
Anita Williams, Principal Solicitor  
Alison Hayward, Senior Manager - Regeneration & Economic Development  
Naomi Harnett, Enterprise Zone Programme Manager  
Andrew Mitchell, Housing Needs & Strategy Manager  
Amy Gilbert-Jeans, Acting Service Lead Housing  
Amanda Coombes, Democratic Services Officer

Chairman .....

Date: .....