

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 7 February 2018

Attendance list at end of document

The meeting started at 5.32pm and ended at 7.45pm

***151 Public Speaking**

There were two members of the public who wished to speak.

One speaker spoke at the appropriate agenda item, Minute 169 - Port Royal Scoping Exercise.

Mr Ed Dolphin spoke on Minute 169, Port Royal Scoping Exercise. Mr Dolphin requested that the Council transfer their asset in Port Royal to Sidmouth Town Council, to create a unified approach to developing the area.

***152 Minutes**

The minutes of the Cabinet meeting held on 3 January 2018 were confirmed and signed as a true record.

***153 Declarations**

Councillor Ian Thomas: Minute 175; personal interest – Director of Exeter Science Park Ltd

Councillor Phil Skinner: Minute 175; personal interest – Shareholder of Exeter Science Park Ltd

Councillor Steve Hall: Minute 171; personal interest – permit holder for Camperdown Terrace car park

Councillor Rob Longhurst: Minute 171; personal interest – user and renter of Pavilion car park Exmouth

Councillor Iain Chubb: Minute 175; personal interest – DCC councillor

Councillor Phil Twiss: Minute 175; personal interest – DCC councillor

Councillor Paul Diviani: Minute 175; personal interest – member of Heart of the South West LEP

Mark Williams, Chief Executive: Minute 166; personal interest – family member has run workshops at the THG

***154 Matters of urgency**

None

***155 Matters referred to the Cabinet**

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

*156 **Exclusion of the public**

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

*157 **Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 March 2018 to 30 June 2018.

There was one addition to the Forward Plan – Heart of the South West Productivity Strategy from the HotSW Joint Committee.

*158 **Notes of the Exmouth Regeneration Board held on 14 December 2017**

Members received the Minutes of the Exmouth Regeneration Board held on 14 December 2017.

*159 **Minutes of the STRATA Joint Executive Committee held on 5 January 2018**

Members received the Minutes of the STRATA Joint Executive Committee held on 5 January 2018.

*160 **Minutes of the Housing Review Board held on 11 January 2018**

Members received the Minutes of the Housing Review Board held on 11 January 2018.

RESOLVED (1) that the following recommendations be agreed:

Minute 36 Draft Housing Revenue Account budget 2018/19

Minute 37 Draft Housing Service Plan 2018/19

Minute 38 Responsive repairs and works to void properties contract extension and procurement process - the extension of the current responsive day to day repairs and void work to council housing stock contract for a further six months, with a revised end date of 31 January 2019.

Minute 40 Universal Credit update

2. the council should invest in supporting tenants in order to mitigate the effects of Universal Credit on their own wellbeing as well as the impact on the Housing Revenue Account.
3. that two members of staff from Housing Benefits support the Housing Service through the rollout, with staff capacity required to manage the change being reassessed later in the financial year.

Minute 41 Rental exchange scheme - entering into a new contract for the provision of free, independent credit checks for tenants.

Minute 43 Rent deposit and bond scheme - amendments to the rent deposit and bond scheme and allows bonds to become lifetime bonds rather than fixed term.

Minute 44 Hillcrest, Exmouth bungalow purchase –

2. the use of Right to Buy Receipts and Housing Revenue Account housing development fund to purchase the property.

Minute 45 Safeguarding adults leaflet - the safeguarding procedure set out in the report

RESOLVED (2) that the following recommendations be noted:

Minute 40 Universal Credit update

1. the report on the preparations for the further roll out of Universal Credit during 2018/19

RESOLVED (3) that the following recommendations be supported:

Minute 44 Hillcrest, Exmouth bungalow purchase –

1. the proposal to enter negotiations with Devon County Council to agree a value and purchase price for Hillcrest Bungalow, Exmouth, with a view to redeveloping the site in the future.

161 **Minutes of the Joint Overview and Scrutiny Committees held on 17 January 2018**

Members received the Minutes of the Joint Overview and Scrutiny Committees held on 17 January 2018.

RECOMMENDED (1) that the following be taken into account during the budget setting process (agenda item 16 refers)

Minute 4 Draft service plans, Revenue Budget and Capital Budget for 2018/19

RECOMMENDED by the Overview Committee:

1. that the Council increases the Council Tax for 2018/19 by £5 per year;
2. that the draft Revenue Budget be recommended to Council, subject to the inclusion of:
 - a. Car Parks apprentice at ongoing cost, £20, 480 in 2018/19 for reason of succession planning;
 - b. New trailer for countryside service at one-off cost of £7000;
 - c. Grant to Action East Devon at £20,000 each year for 2018/19 and 2019/2020;
3. that the bid for grant for Clyst Honiton Parish Council extending the current funding to support the employment of a Parish Clerk be referred to the Budget Working Party for consideration, in that the Overview Committee is in support of the proposal but needs further work to establish realistic costs;
4. that the remaining additional bids as set out in Appendix 2 of the report not listed above be afforded effort to seek out and obtain other funding, recognising that these items could come forward for inclusion during the year if circumstances dictated that the priority had increased to an urgent need;
5. that the draft Capital Budget be recommended to Council;
6. that the Service Plans be recommended to Council, with the Overview Committee noting the recommendation made by the Scrutiny Committee in respect of the public toilet review.

RECOMMENDED by the Scrutiny Committee:

1. that the Council increases the Council Tax for 2018/19 by £5 per year;
2. that the draft Revenue Budget be recommended to Council, subject to the inclusion of:
 - a. New trailer for countryside service at one-off cost of £7000;
 - b. Grant to Action East Devon at £20,000 each year for 2018/19 and 2019/2020

3. that the bid for grant for Clyst Honiton Parish Council extending the current funding to support the employment of a Parish Clerk be referred to the Budget Working Party for consideration, in that the Overview Committee is in support of the proposal but needs further work to establish realistic costs;
4. that the remaining additional bids as set out in Appendix 2 of the report not listed above be afforded effort to seek out and obtain other funding, recognising that these items could come forward for inclusion during the year if circumstances dictated that the priority had increased to an urgent need;
5. that the draft Capital Budget be recommended to Council;
6. that the Service Plans be recommended to Council, with the Scrutiny Committee specifically noting the review of public toilet provision in the service plan for Streetscene. The committee wish to ensure that the importance of public toilet provision is recognised and secured.

***162 Minutes of the Community Fund Panel held on 18 January 2018**

Members received the Minutes of the Community Fund Panel held on 18 January 2018.

**RESOLVED (1) that the following recommendations be agreed:
Minute 10 Consideration of applications received**

1. Woodbury Village Hall – new disabled access, ramp and porch with electric doors and alterations to interior to provide wider doors. £5000. The Panel were concerned that the application was incomplete in that the application for £25,000 funding had not been confirmed as being successful and further information was required. They deferred the application for demonstration of match funding to give delegated authority to the Chairman in consultation with the Engagement and Funding Officer to approve, subject to other members being notified by email.
2. Newton Poppleford Pavilion – Extension and kitchen refurbishment to be housed in the extension. £5000

***163 Minutes of the Standards Committee held on 23 January 2018**

Members received the Minutes of the Standards Committee held on 23 January 2018.

***164 Minutes of the South East Devon Habitat Regulations Executive Committee held on 24 January 2018**

Members received and noted the Minutes of the South East Devon Habitat Regulations Executive Committee held on 24 January 2018.

165 Programme of meetings 2018/19

The Cabinet considered the proposed timetable of meetings for the next Council year. There was a discussion to whether the Overview Committee should meet more than four times a year. In answer to this, the Chairman of the Overview Committee stated that more meetings were planned to be programmed in.

RECOMMENDED:

that the draft meetings timetable be referred for approval to the annual meeting of the Council.

RESOLVED:

that the 2018 Annual Council meeting be held on Wednesday 16 May.

REASON:

To meet the legal requirement to hold an annual meeting and also such other meetings as necessary for the conduct of the Council's business in accordance with its constitution.

166 **Revenue and Capital Estimates 2018/19**

The Strategic Lead, Finance informed Cabinet of the adopted draft Revenue and Capital Estimates for 2018/19 at its meeting on 3 January 2018. A joint meeting of the Overview and Scrutiny Committees reviewed those budgets on 17 January and the Housing Review Board considered the Housing Revenue Account budgets on 11 January.

Proposals from those meetings were detailed in the report and the minutes of those meetings were contained on this agenda. It was for Cabinet to consider those comments and recommendations and to make final recommendations to Council.

As part of the Prudential Code for Capital Finance in Local Authorities the Council was required to set prudential indicators as part of its budget setting process, these indicators were detailed in the Treasury Management Strategy 2018/19 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy.

Discussions included the following:

- The need to look at the budget for Arts and Culture as a whole, when considering other budgetary requirements within the Council.
- THG had a large outreach programme and was not just about Arts and Culture.

RECOMMENDED:

That Cabinet recommends to Council:

1. the Net Revenue General Fund Budget, including 3 special items listed in paragraph 2.4.2 of the report totaling £47,480 be approved. This gives a Net Budget of £14.571m requiring £0.187m to be used from the General Fund Balance,
2. a Council Tax increase is approved of £5 a year giving a Band D council tax of £136.78 a year for 2018/19,
3. the Housing Revenue Account Estimates with a net surplus of £1.413m be approved,
4. the Net Capital Budget totalling £12.204m for 2018/19 be approved.

REASON:

There was a requirement for the Council to set a balanced budget for both the General Fund and Housing Revenue Account and to levy a Council Tax for 2018/19.

167 **Treasury Management Strategy 2018/19 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy**

The Strategic Lead, Finance presented the report stating the Chartered Institute of Public Finance and Accountancy (CIPFA) produce a Code of Practice for treasury management for Public Services. One of the main recommendations of this code was the requirement for an annual Treasury Management Strategy to be formally adopted by the Council. There was also a requirement to set prudential indicators relating to all treasury activities that the authority would undertake in the forthcoming financial year.

RECOMMENDED:

That Council approve and adopt:

1. the Treasury Management Strategy including the Prudential Indicators for 2018/19;
2. the Minimum Revenue Provision Policy Statement;
3. the addition to the Investment Strategy of Alternative Investment Instruments (e.g. Property Funds)
4. the updated list of counterparties.

REASON:

The Council was required to formally adopt a Treasury Management Strategy and set prudential indicators before the beginning of the financial year.

168 **Financial Monitoring Report 2017/18 - Month 9, December 2017**

The report gave a summary of the Council's overall financial position for 2017/18 at the end of month nine (31 December 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:

1. the variances identified as part of the Revenue and Capital Monitoring process up to Month 9 be acknowledged,

RECOMMENDED:

2. Supplementary Estimate of £21,000 for staffing resource required to facilitate roll out of the digital mailroom be agreed.

REASON:

The report updated Members 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.

*169 **Port Royal Scoping Exercise**

The Deputy Chief Executive provided an update to members on the outcome of the Scoping Exercise that was undertaken in 2017 in relation to the Port Royal Site. It described the activities that were taken as part of the Scoping Exercise including the research of relevant issues undertaken by the external advisors, the public consultation exercise and the findings of their work and recommendations for the next stage. The report made recommendations to members for a way forward that would lead to a positive outcome that can realistically be delivered.

Cllr Jeff Turner from Sidmouth Town Council spoke on this item. Cllr Turner stated he had previously been the Chairman of the Port Royal Study Phase and expressed his gratitude to being allowed to work together with the Council. He said this was a good working model for future cooperation for developing Sidmouth. The Town Council's main interest was to see the Port Royal Club flourish and with joint cooperation work to improve the facilities and lease period. The Council (EDDC) should maintain the public toilets at Port Royal as well as the Port Royal Club and lifeboat station and where possible enhance the facilities. Any future developer should support the social and economic benefits to the area. They should be encouraged to take into consideration Sidmouth's historic buildings to the sea and designs should be aspirational to encourage

community, heritage and cultural benefits. A mixed-use development would be preferable.

Cllr Turner concluded that the Town Council supported the recommendations from officers. The Town Council would focus on improvements and raising standards to the fishermen sheds and fish shop area. He asked that the marketing of the Drill Hall not start until 1 March 2018 to allow for the draft Sid Valley Neighbourhood Plan be taken into consideration.

Discussions included the following:

- it would be helpful if the Council could publish clear criteria for any future purchaser
- Sid Valley Neighbourhood Planning Team would make available their summary of community feelings
- this was the best that could be done at this stage.

The Deputy Chief Executive thanked the leading community groups and assured that the Council would look at a mixed criteria when considering purchase offers. The marketing period was for six months in order for commercial and non-commercial interests to come forward.

RESOLVED:

1. that the detailed research undertaken in the Scoping Exercise that provided a comprehensive and thorough analysis, including financial viability assessment of the complex issues related to future development within the Study Area be noted.
2. that the analysis in the report and in particular the following elements:
 - a. the risk of flood especially related to land outside of the area allocated within the Local Plan,
 - b. the lack of financial viability of development if on-site or off-sited affordable homes were included, and
 - c. the existing covenant impacting upon parts of the potential development site be noted.
3. that the following actions:
 - a. not to seek a comprehensive mixed use development of this site, and
 - b. to take to market the vacant Drill Hall site with a view to securing an appropriate development proposition and capital receipt for the benefit of taxpayers of East Devon, be agreed.
4. that the marketing exercise be carried out in such a way as to allow commercial and non-commercial bids to come forward, be agreed.

REASON:

To reflect the findings and analysis of the Scoping Exercise and seek a deliverable way forward toward the renewal of Port Royal within a meaningful timescale.

***170 Local Government Boundary Commission review outcomes**

The Chief Executive updated Members following the implementation of the Boundary Commission's review.

RESOLVED:

1. the changes that had been made to the Ward boundaries and number of Councillors which would apply to the District Council and Town and Parish elections in May 2019, and
2. that the Returning Officer would carry out a Polling Stations Review as a consequence of the amendments and in preparation for the 2019 elections, be noted.

REASON:

To ensure Members were aware of the changes which would affect and be operative for the 2019 elections.

***171 Consultation on a review of car parking charges**

The report requested members to consider changes to car park tariffs and parking permits, in advance of a public consultation exercise, to enable the car parks team to better manage supply and demand, and to align charges across the district more closely. The standard car parking tariff had remained static for eight years, and no change to this charge was being proposed.

Discussions included the following:

- increased charges from £40 to £134 were too high. Charges must cover the cost of running the car parks only
- increase costs by just a small amount for existing residents permits and as residents leave and move on new occupants could pay the new higher rates
- DCC should be in communication with the Council to find a way forward and link with improved on street parking provision
- increased charges would deter shoppers
- Sidmouth Town Council may wish to look into the Temple Street proposal to increase reserved parking as the public use these spaces when attending council meetings
- Concern about the cost and take up of the new business users proposal
- The Pavilion car park Exmouth should be included in the consultation exercise.

RESOLVED:

that consultation takes place with customers, residents and representatives of local businesses on the following:

1. revised car park tariff for Underhill car park, Lympstone,
2. revised car park tariff for Canaan Way car park, Ottery St Mary,
3. revised car park tariff for Church Street car park, Sidford,
4. revised car park tariff for Coombe Lane car park, Axminster,
5. revised car park tariff for Dolphin Street car park, Colyton,
6. discontinuing residents' parking permits for Dolphin Street car park, Colyton,
7. discontinuing residents' parking permits for Underhill car park, Lympstone,
8. discontinuing residents' parking permits for Camperdown Terrace car park, Exmouth,
9. replacing town/area permits with a separate permit for each town or village,
10. replacing economy and all East Devon permits with resident-all car parks and business permits,
11. converting eight short stay parking bays, and
12. that delegated authority be granted to the Chief Executive in consultation with relevant Portfolio Holders to look into whether the Pavilion car park Exmouth should be included in the consultation.

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 Council has always been careful to balance the needs of its residents alongside the demand for parking from visitors and to consider the impact of any changes on our local businesses.

These proposals would not interfere with the security of (or access to) any other premises and it was believed that they would not be prejudicial to the amenity of the relevant localities. In all other material respects they were consistent with other relevant factors including the desire to support town centre economies.

***172 Charging for Food Hygiene Rating Scheme Revisits**

The Service Lead Environmental Health and Car Parks presented the report that asked members to consider the recent change in policy that would allow the Environmental Health Service to charge businesses the costs of carrying out revisits, for the purpose of rescoring for the Food Hygiene Rating Scheme.

RESOLVED:

that following the change in the Food Standards Agency charging policy, the Environmental Health Service introduce a cost recovery fee of £140 for a Food Hygiene Rating Scheme re-rating inspection requested by a Food Business Operator with effect from 1 April 2018.

REASON:

In partnership with the Food Standards Agency, the Environmental Health Service participate in the delivery of the national Food Hygiene Rating Scheme (FHRS). The scheme, which had been in place in East Devon since 2011, assisted consumers in making informed choices about where to eat and encouraged businesses to improve hygiene standards.

Businesses are rated between 0 (urgent improvement necessary) and 5 (very good). Those with a food hygiene rating of 4 or below can request a re-rating inspection. There was currently no charge for this visit but there were costs, in terms of officer and administration time which were currently absorbed by the service.

Following a trial of charging for requested FHRS re-rating inspections with some local authorities in England using existing powers in the Localism Act 2011, the Food Standards Agency had now confirmed a change in policy allowing use of these powers by local authorities in England to introduce fees on a cost recovery basis only for re-rating inspections.

***173 Monthly Performance reports – December 2017**

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

There were three indicator showing 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 - Four appeals were decided during December; two were dismissed and two allowed. One of the dismissed appeals was in respect of an enforcement appeal which is not subject of the performance indicator.

RESOLVED:

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

174 **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).

175 **Exeter Science Park funding request**

Cabinet considered the case for additional investment proposed by the board of ESPL and the risk involved.

RECOMMENDED:

That Cabinet recommends to Council:

1. that the request for additional funding from the Board of Directors of Exeter Science Park Limited (ESPL) of £600,114; this would raise EDDC's shareholding in ESPL, be agreed and
2. that delegated authority be given to the Chief Executive in consultation with the Strategic Leads for Finance and Governance and Licensing to take forward decisions of Council in regard to ESPL and fellow shareholders.

REASON:

For consideration to the current status regarding the Science Park and decide whether or not to further invest in ESPL and under what terms to agree further investment.

Attendance list

Present:

Portfolio Holders:

Paul Diviani	Leader
Phil Twiss	Deputy Leader/Strategic Planning and Developments (in the Chair)
Tom Wright	Environment
Iain Chubb	Corporate Services
Phil Skinner	Economy
Marcus Hartnell	Deputy Portfolio Holder Environment
Ian Thomas	Finance

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Cabinet apologies:

Jill Elson Sustainable Homes and Communities

Non-Cabinet apologies:

Bill Nash
Simon Grundy
Alan Dent
John Dyson
Ian Hall
Bruce de Saram
John O'Leary
Brenda Taylor
Darryl Nicholas
John O'Leary

Also present (for some or all of the meeting)

Councillors:

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Colin Brown
Cathy Gardner
Marianne Rixson
Matt Booth
Susie Bond
Steve Hall
Pauline Stott
Geoff Jung
Peter Faithfull
Paul Carter
Rob Longhurst
Ben Ingham
Andrew Moulding
Graham Godbeer
Steve Gazzard
Mark Williamson
Maddy Chapman
Cherry Nicholas
Eleanor Rylance
Roger Giles

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
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Alison Hayward, Senior Manager – Regeneration and Economic Development
Tabitha Whitcombe, Democratic Services Officer
Amanda Coombes, Democratic Services Officer

Chairman Date.....