

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 6 June 2018

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.09pm

***1 Public Speaking**

There were no members of the public present.

Councillor Douglas Hull asked for an update on the question of standards of national house builders. The Chief Executive confirmed that the Council had written again to the Government and was waiting for a reply. The Chairman noted Councillor Hull's comments and assured him there would be an appropriate follow-up

***2 Minutes**

The minutes of the Cabinet meeting held on 2 May 2018 were confirmed and signed as a true record.

***3 Declarations**

None

***4 Matters of urgency**

None

***5 Matters referred to the Cabinet**

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

***6 Exclusion of the public**

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

***7 Forward Plan**

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

***8 Minutes of the Exmouth Regeneration Board held on 19 April 2018**

Members received the Minutes of the Exmouth Regeneration Board held on 19 April 2018.

***9 Minutes of the South East Devon Habitat Regulations Executive Committee held on 20 April 2018**

Members received the Minutes of the South East Devon Habitat Regulations Executive Committee held on 20 April 2018.

***10 Minutes of the New Homes Bonus Panel held on 14 May 2018**

Members received the Minutes of the New Homes Bonus Panel held on 14 May 2018.

11 Revenue and Capital Outturn report 2017/18

The Strategic Lead Finance presented his report. During 2017/18, monthly budget monitoring reports had informed members of budget variations and the anticipated year-

end financial position. The Council had maintained its net spending within overall approved budget levels.

The report outlined:

- The General Fund position – the 2017/18 budget was set as a balanced budget with no transfer to or from the General Fund Balance. The final outturn position was a underspend of £0.573m against a net budget of £14.142m;
- Housing Revenue Account – the 2017/18 budget was set to achieve a surplus of £0.522m, the outturn position gave a surplus for the year of £0.801m, the closing balance as at 31 March 2018 stood at £3.901m. The adopted minimum level for the HRA Balance was between £2.1m to £3.1m, based on £490 per property with headroom added of £1m. This left the HRA Balance £0.801m above the adopted range and it was recommended that the sum was transferred into the Future Housing Development Fund;
- Capital Budget – 2017/18 totalled net expenditure of £25,333m; the outturn position was lower at £17.021m, a variation of £8.312m. The majority of the underspend was from scheme slippage and a need to re-profile expenditure into 2018/19 or later years.

RESOLVED:

1. that the outturn position for 2017/18 be agreed, and

RECOMMENDED:

2. that the level of Reserves detailed in the report and the transfers/use as recommended, namely:
 - a. the transfer to reserves specific underspends in 2017/18 to be carried forward and spent in later years;
 - b. the transfer of £70,000 from an earmarked reserve in 2018/19 into a new Reserve “Economic and Partnership Initiative Fund”. Delegated authority of spend be given to the Chief Executive in consultation with the Leader and the Portfolio Holders for Finance and Economy, and
 - c. to transfer £801,000 from the Housing Revenue Account into the Future Housing Development Fund.

REASON:

To report the outturn position for the Council’s approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure.

***12 Monthly Performance reports – April 2018**

The report set out performance information for the 2017/18 financial year for April 2018 was supplied to allow Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were two indicators showing excellent performance:

- Days taken to process changes to Housing Benefit claims
- Working days lost due to sickness absence

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

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - Five appeal decisions were received this month, three of the appeals were allowed. However, this sample of decisions was considered to be too small to formulate any conclusions in respect of overall performance.

- Days taken to process new Housing Benefit claims - Performance always dips around annual billing due to the increased volume of work.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for April 2018 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.

- *13 **Leader's annual report on urgent executive decisions**
Under regulation 19 of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations, there is a requirement to submit a report containing details of each executive decision which was agreed as urgent under Regulation 11 (cases of special urgency) where less than 5 days' notice could be given.

RESOLVED:

That the annual report on urgent executive decisions be noted.

- *14 **Communities Together Fund**
The report informed Members that Devon County Council and East Devon District Council had worked together for six years running, to put £1.10 per elector into a fund that communities could apply for - £1 from Devon County Council and 10p per elector from the New Homes Bonus.

Previously the funding was given out by the Parishes Together Fund, which no longer existed. This year the money would be given out through the Communities Together Fund, which was a new and significantly different grants scheme. In East Devon for 2018/19 this amounted to £126,830. Currently, EDDC did not have a way of distributing the funding and were required to develop rules for the scheme in accordance with the formal principles of the Communities Together Fund received from Devon County Council.

Working within these parameters the application form and guidance notes had been drafted. These had been recommended for approval by the New Homes Bonus Panel; the EDDC panel that was responsible for the Communities Together Fund.

There followed a discussion over questions of eligibility to the fund.

RESOLVED:

1. that the Parishes Together Fund had ceased be noted;
2. that the Communities Together Fund application form and guidance notes be approved and adopted;
3. that delegated authority be granted to the Strategic Lead Organisational Development and Transformation, to agree detailed terms for the operation and management of the Communities Together Fund; and
4. that delegated authority be granted to the New Homes Bonus Panel to approve the allocation of grant payments to applicants in accordance with the rules of the scheme set out in the report.

REASON:

To ensure the Council could distribute funding; the majority provided by Devon County Council, to East Devon's communities through an approved grants process.

*15 **Sale of Local Authority garage sites**

Following an agreement in principle to the sale of rural EDDC garage blocks in Luppitt and Plymtree on 10 February 2016, EDDC officers instructed external agents to market the sale of the sites. The report provided details of the process leading up to agreement of Heads of Terms for the sales.

It was noted that the Asset Management Forum would from now on, be involved with the Property & Estates team to sign off any future disposals for non-dwelling assets.

RESOLVED:

1. that authorisation be given to sell the garage sites at Plymtree and Luppitt at the agreed sale prices detailed in 7.2.7 and 7.3.6 in the report; and
2. that delegated authority be granted to Senior Manager, Property and Estates along with Principal Solicitor to negotiate and agree detailed terms.

REASON:

Following an agreement in principle being agreed to the disposal of the garages sites, the report summarised the progress made towards that aim. The position now was to seek formal approval for the sale of the garages sites, subject to detailed terms being negotiated by the delegated officers.

16 **Homelessness in East Devon**

The Strategic Lead Housing, Health and Environment highlighted the challenges faced with rising levels of homelessness and securing temporary accommodation and long-term affordable housing for homeless households. An increase in homelessness consistent with national trends had been experienced and an extended set of statutory duties to tackle homelessness. Homelessness had always been a priority for the Council and had been managed through prevention, timely advice and assistance, early intervention, resulting relatively low numbers of homeless cases and minimal use of temporary accommodation.

There had been an increase in homeless approaches, more complex cases and a reduction in available accommodation, resulting in a build-up of homeless cases in temporary accommodation. This did not appear to be a seasonal or short-term variation and when the impact of the Homelessness Reduction Act 2017 and welfare benefits reductions had been factored in, there was a need to plan for a continuation of this trend.

Discussions included the following:

- the need to keep the whole capital receipt from the sale of council properties
- to establish a Think Tank for Housing
- the use of private properties through compulsory purchase

It was noted that the Chairman and the Portfolio Holder Sustainable Homes and Communities would liaise with the District's two Members of Parliament to discuss all housing issues concerning East Devon.

RESOLVED:

1. that the increase in homelessness and agree the responses proposed to increase the supply of temporary accommodation be noted, and
2. to request an update of the Homelessness Strategy in response to the changes made by the Homelessness reduction Act.

RECOMMENDED:

3. to approve the creation of a Temporary or Homeless Accommodation Officer post to support households in temporary accommodation and source new temporary accommodation for homeless households.

REASON:

To ensure the Council continued to meet its statutory responsibilities and provide a high quality service to meet the needs of homeless households. The report also alerted members to the homeless pressures being experienced by the Housing Service and the implications this was having on service delivery, budgets and staff workloads.

17 **Devon Wide Housing Assistance Policy**

The report from the Environmental Health Manager (Private Sector Housing), presented a revised Housing Assistance Policy under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 for consideration. The policy had been agreed across Devon for the delivery of the Better Care Fund.

RECOMMENDED:

that Cabinet recommended to Council the approval of the Devon Wide Housing Assistance Policy.

REASON:

The Housing Assistance Policy set out the forms of financial assistance that may be available subject to available funding. The policy concentrated on disabled adaptations and assisting elderly and vulnerable people to repair their own homes. The policy therefore substantially updated the Housing Assistance part of the presently being refreshed East Devon District Council Private Sector Housing Renewal Plan, which was adopted in 2012. At that time the policy was adopted on a local basis only it operated without the strategic, policy framework and funding landscape now in place with integration under the Better Care Fund.

*18 **Exeter Airport Instrument Landing Systems (ILS) Exemption from Standing Orders**

The East of Exeter Projects Director sought approval for an Exemption from Standing Orders to allow the procurement of an upgraded ILS system to proceed.

RESOLVED:

that the use of an Exemption from Standing Orders to enable the procurement of an upgraded Instrument Landing System to proceed, be noted.

REASON:

Cabinet received a paper on the Enterprise Zone in April 2018 detailing proposed investments that would help to enable and bring forward new commercial development and job creation. The lack of operational headroom in the current ILS system at the Airport was a major barrier to nearby commercial development coming forward. The proposed upgrading of the system had been the subject of a detailed project appraisal.

This demonstrated that it represented very good value for money and will play a key role in helping to unlock future business rate income. The funding of the upgrade would be recouped from nearby development as this comes forward. The total cost was expected to be circa £1.3m and this would be finalised through the procurement process.

Further dialogue with the Airport had confirmed that there were two main suppliers to the UK market with pre-existing CAA regulatory approval. Whilst there would be a competitive tendering exercise it was proposed that this would only be with the two main suppliers. An Exemption from Standing Orders was sought to support this process which would be undertaken by the Airport themselves.

***19 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).

20 Suez additional contract resources request

The report set out Suez's request and reasons for additional resources. During the early stages of the mobilisation for the new recycling and waste collection service, there had been some issues with missed collections and missed dog bins collections. This was due to the resources that had been included in Suez's contract bid, based on the tonnage figures from the Feniton & Exmouth Colony collection trial in 2015. The resources did not seem to be sufficient to cope with the actual tonnages the new service was collecting.

RECOMMENDED:

1. that Cabinet recommend to Council the funding of the additional capital requirements, totalling circa £767k be approved.

RESOLVED:

2. to make the agreement contingent on Suez agreeing not to seek the unrealised revenue overspend when we negotiate tipping point 2;
3. that delegated authority be granted to Strategic Lead Finance to agree final sum +/- £20k and to the Strategic Lead (Governance and Licensing) to make such contractual amendments as are necessary to give effect to the resolution;
4. that revenue savings and efficiency trials (bring site removal, paper sack trial and Metal Matters campaign) be approved; and
5. that prior to progressing any of the above recommendations a forensic accountant be engaged to review Suez's budget working papers which underpin their additional resources request.

REASON:

To ensure the continued success of the new recycling and waste collection system and to maintain high standards of service and recycling quality.

Attendance list

Present:

Portfolio Holders:

Ian Thomas	Leader
Dean Barrow	Finance
Iain Chubb	Transformation
Alan Dent	Corporate Services
Jill Elson	Sustainable Homes and Communities
Marcus Hartnell	Deputy Portfolio Holder Environment
Geoff Pook	Asset Management
Tom Wright	Environment (Acting Vice Chair)

Cabinet apologies:

Phil Skinner	Deputy Leader / Economy
Paul Diviani	Strategic Development

Non-Cabinet apologies:

Ian Hall
Simon Grundy
Matt Booth
David Key
Brenda Taylor
John O'Leary

Also present (for some or all of the meeting)

Councillors:

Brian Bailey
Bruce de Saram
Tim Dumper
Geoff Jung
Andrew Moulding
Mike Howe
Mike Allen
Helen Parr
Mark Williamson
Eileen Wragg
Steve Hall
Pauline Stott
David Barratt
Peter Faithfull
Peter Burrows
Graham Godbeer
Steve Gazzard
Maddy Chapman
Eleanor Rylance
Roger Giles
Douglas Hull
Rob Longhurst
Bill Nash
Cherry Nicholas

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
- Karen Jenkins, Strategic Lead – Organisational Development and Transformation
- Henry Gordon Lennox, Strategic Lead Governance and Licensing
- Andy Wood, East of Exeter Projects Director
- Andrew Hancock, Service Lead – StreetScene
- Anita Williams, Principal Solicitor
- Amanda Coombes, Democratic Services Officer

Chairman Date.....