

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 7 October 2015

Attendance list at end of document

The meeting started at 5.30pm and ended at 6.55pm. The meeting was chaired by the Deputy Leader, Andrew Moulding – although present at the meeting, the Leader, Paul Diviani was indisposed due to a dental procedure.

***90 Public Speaking**

Roy Pickering of Exmouth Quay Residents Association spoke on behalf of the Exmouth Quay Residents' Association about anti-social behaviour on the River Exe. He referred to agenda item 14 which included a proposal for a fit-for-purpose Harbour Patrol Boat on the River Exe. He welcomed this proposal and believed it to be essential for the good management of the Exe and a valued back-up for enforcing the local byelaws. Mr Pickering emphasised that relevant and enforceable byelaws needed to be in place. He referred to tensions between water users and local residents, which had been recently exacerbated with the closure of Belshers slipway. He believed that monitoring of the situation was important but was not enough, there needed to be some way of enforcing the byelaws and for these to be reviewed and extended as necessary to address the problem. In addition, the creation of new launch areas would help to dissipate the current concentration of water-users.

The Chairman assured Mr Pickering that his comments would be taken into account during the debate at the relevant agenda item (14).

***91 Minutes**

The minutes of the Cabinet meeting held on 9 September 2015 were confirmed and signed as a true record.

***92 Declarations**

Cllr Geoff Pook – Min no. 94
Type of interest – Disclosable Pecuniary
Reason: Rents Beer beach hut

Cllr Iain Chubb – Min no. 103
Type of interest – Personal
Reason: Boat owner

Cllr Pauline Stott – Min no. 103
Type of interest – Personal
Reason: Son is crewmember of Exmouth Lifeboat.

Cllrs Tom Wright, Steve Hall and Alan Dent – Min no. 105
Type of interest – Personal
Reason – members of Budleigh Salterton Town Council

***93 Exclusion of the public**

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

94 Matters of urgency*Asset Management – Tenanted Non-Residential Property Review: Beach Huts & Chalets**

Cabinet agreed for this item to be considered as a matter of urgency so that the proposals in respect of East Devon District Council's beach huts and chalets could be progressed.

Cabinet had discussed proposals in respect of its beach huts and chalets at its meeting on 7 January 2015. Those in relation to the beach huts at Seaton and Budleigh Salterton had been referred back to the Asset Management Forum (AMF) for further consideration. The consultation in respect of all beach huts and chalets was subsequently opened to the public. Following discussion and in light of the feedback from the public consultation and from the Scrutiny Committee, the original proposals had been amended and were included within the report now being considered.

In presenting the report, the Chief Executive referred to 3 key issues which had come to the fore as a result of the public consultation, namely:

- Beach huts and chalets were a much prized facility; there was general recognition that this had to be paid for realistically;
- There was local pride in ownership - this should be for local people in the main;
- One size would not fit all – some potential solutions should be debated at local level.

The proposals had been considered in detail at the September meeting of the Scrutiny Committee; Councillor Moulding invited the Chairman of that Committee to address Cabinet. Councillor Roger Giles expressed his thanks to the members of his Committee and others present, including the Democratic Services Officer, for their contribution. He said that the general view was that there had been insufficient consultation and that this should have been undertaken at the start of the process. Councillor Giles emphasised that the debate was not just about financial issues but had included wider considerations including the environment and local character. The Committee had recognised that there was no 'one size fits all' solution and involvement in the town and parish councils in the decision-making was very important. Councillor Giles advised that the detailed recommendations from the Scrutiny Committee had been supported unanimously. He questioned the use of the term 'significant' in recommendation 3 of the Cabinet report.

Councillor Moulding assured the Scrutiny Committee that their recommendations would be fully taken into account by Cabinet. Councillor Philip Skinner, Economy Portfolio Holder presented the report, giving the background to the recommendations printed. He advised that the value of the beach hut and chalets needed to be maximised but that there was still debate to be had on how this would be achieved - there was a lack of support for the original proposal for an auction/sealed bid process. He said that each local community with beach huts had their own concerns and suggestions and wanted a say in their future management.

During the debate, the following points were raised:

- There was support for the word 'significant' being removed from recommendation 3.
- The beach huts and chalets added local amenity and ambience to beaches.
- There needed to be meaningful negotiations with all local councils who would need all of the relevant information on which to make their decision.

- Beach huts located in areas of high demand with waiting lists, could have higher charges than others, with consideration being given to providing more. This would require a business-like approach that could be supported with statistical evidence.
- The beach huts in Exmouth were brick built and therefore special arrangements needed to be put in place. Also 37 of the Exmouth huts would be lost as a result of the regeneration project. Currently 10 huts were made available to visitors through the local tourism office - this was a highly valued resource that needed to be kept in mind.
- The public needed to be made aware that the Council had to look at every asset on its 'books' to achieve best value. It had to maximise its returns based on true market values.
- Beach huts and chalets would not be gifted to local councils; any transfer of an income-bearing asset would need negotiation to achieve a proper rate.
- Local councils were currently preparing their 2016/17 budgets.
- Beach hut owners were currently in a state of confusion and uncertainty; they needed to know the Council's intentions.

In summing up, the Chairman said that the recommendations were a way of setting out a process. They reflected the consultation undertaken so far, including the recommendations of the Scrutiny Committee.

RESOLVED:

1. that the report on the beach huts service consultation be noted;
2. that market rents be achieved by means other than auction or sealed bids as a mechanism to establish open market charges on existing beach huts;
3. that the standard hire charges be increased for 2016/17 with the aim of achieving open market rates in the future;
4. that the relevant Town and Parish Councils be invited to a series of consultation meetings, to establish how the service can best be managed for the benefit of all local communities.
5. that the Searchlight Enplacement structure at Seaton be offered for sale on a freehold only basis;
6. that the previous resolutions (2 & 3 to replace the existing huts at Sidmouth Jacobs Ladder and assess an additional site) made by Cabinet on 7 January 2015 in relation to the service provided at Sidmouth be reversed (so that the existing huts are maintained as part of the Council's on-going maintenance programme with no assessment being made in respect of a potential additional site between the Esplanade and Chit Rocks);
7. that the necessary arrangements be made to publish the Beach Huts Service waiting lists and list of current licensees;
8. that sites only be offered at Budleigh Salterton and Seaton from 1 April 2016 on a year-to-year licence, but should EDDC retain the individual management of these beach huts and chalets in 2016, they would be offered to leasees on a 5-year lease;
9. that the Council communicate with all beach hut holders as soon as the position going forward has been agreed.

REASON:

To respond to feedback following public consultation whilst aiming to maximise the value of Council assets through commercial thinking, best value for money and community benefit. The earlier proposal to go down an open market route to establish market charges on the existing sites had generated public dissatisfaction. There had been interest from some local councils in taking over the running of the beach hut service and therefore providing an opportunity to open discussions in this respect was useful.

(Councillor Ian Thomas abstained from voting on the amended recommendations.)

***95 Matters referred to the Cabinet**

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

***96 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 October 2015 to 31 January 2016.

***97 Minutes of the Joint Strata Executive Committee 1 September 2015**

Members received and noted the minutes of the meeting of the Joint Strata Executive Committee held on 1 September 2015.

RESOLVED (1) that the following be noted:

Minute 15 - The minutes of the meeting held on 10 June 2015

Minute 16 - Progress report on Strata Implementation Plan

Minute 17 – Internet Speed Delay

Strata would endeavour to install the new broadband connection to Teignbridge District Council Offices by 11 September 2015.

***98 Minutes of the Housing Review Board held on 10 September 2015**

Members received and noted the minutes of the Housing Review Board held on 10 September 2015. Councillor Pauline Stott, Chairman, referred to the rent reduction implications (Minute 23) and the impact that this would have on the Council's Housing Revenue Account Business Plan. (The Government had announced a 1% reduction in rents per annum for four years as part of the budget to help achieve savings required on the welfare budget).

The Leader confirmed that representation was being made to the Government through the District Council Network. The Portfolio Holder – Sustainable Homes and Communities advised that a deputation from this Council and Mid Devon District Council together with the local MPs was meeting Housing Ministers next week to discuss this and associated issues.

Concern was expressed in respect of the recommendation at Minute 33 for an extension in Exmouth. Some members of the Board had understood recommendation 1 to mean that the family would be re-housed. The Portfolio Holder – Sustainable Homes and Communities confirmed that in line with this Council's policy, the family was suitably housed - in technical housing terms - but that as there were complications with the case, a report from Devon County Council social services was awaited. This would influence any further action required.

RESOLVED (1) that the following decision be noted:

Minute 22 – Forward Plan

Minute 27 - Draft annual report to tenants 2014/15

Minute 25 (1) – Fire safety update

The ongoing progress in relation to fire safety measures and improvement works taking place across the housing stock.

Minute 26 – Shared house, Exmouth

The information report.

Minute 27 – Draft Annual report to tenants 2014/15

Minute 28 - Homes and Communities Agency Regulatory Standards

The contents of the advice on regulating standards in social housing.

Minute 29 - Financial monitoring report

The variances identified as part of the HRA revenue and capital monitoring process up to month four.

Minute 30 - Performance digest – for first quarter of 2015/16

RESOLVED (2) that the following recommendations be agreed:

Minute 23 - Summer budget – rent reduction implications

1. that the implications of the Summer Budget on the Council's Housing Revenue Account Business Plan and initial responses to the proposals be endorsed;
2. that a letter be sent to the Housing Minister and the Chancellor from the Housing Review Board strongly objecting to the rent reduction proposals;
3. that the Strategic Lead, Housing, Health and Environment be invited to attend any meetings arranged with Government ministers.

Minute 24 - Gas servicing contract extension

that the existing gas-servicing contract be extended until 31 March 2016.

Minute 25 (2&3) – Fire safety update

2. that a 5 year programme of works in relation to fire safety with an agreed annual budget of £250,000 be approved.
3. that fire stopping works on all void properties (where appropriate) be approved.

Minute 26 – Shared house, Exmouth

that additional Right to Buy receipts be used to fund the project if required.

Minute 31 - Grounds maintenance task and finish forum final report

1. that the grounds maintenance service provided by Streetscene be recognised as good value for money;
2. that the amount paid to Streetscene Services from the Housing Revenue Account for grounds maintenance remain unchanged;
3. that the Estate Management Service Review Group remit be extended to ensure tenant involvement in the grounds maintenance service;
4. that the current system should continue with regard to not charging future freeholders/leaseholders of right to buy properties for a grounds maintenance service.
5. that an update report on garden licences be brought to a future meeting of the Housing Review Board.

Minute 33 - Extension request, Exmouth

1. that it be agreed that the household detailed in the report be suitably housed;
2. that, in accordance with the Council's Adaptations Policy, a statement of need be requested and obtained from a Devon County Council Occupational Therapist in order to consider the provision of any alterations that are needed, and a financial contribution if the work required exceeds £30,000,
3. that the offer of sound-proofing to the relevant area of the property be endorsed.

*99 **Minutes of the Scrutiny Committee held on 17 September 2015**

Members received and noted the minutes of the Scrutiny Committee held on 17 September 2015. The recommendations in respect of Beach Huts (Minute 21) had been considered at Minute 94 above. The Committee Chairman, Councillor Roger Giles advised that the Committee had given detailed consideration to the performance monitoring report (Minute 22). Councillor Giles asked to ensure that the Committee had the most up-to-date information available and for this to be provided in Plain English without unnecessary jargon or acronyms.

RESOLVED (1) that the following be noted:

Minute 22 – Performance Monitoring for first quarter 2015/16

Minute 23 - Election funding financial statement.

Minute 24 - Scrutiny Forward Plan

RESOLVED (2) that the following decision be approved:

Minute 21 – Beach Huts

1. that the decision by Cabinet that all beach hut tenants be responsible for their own National Non Domestic Rates payments where applicable be endorsed;
2. that the Scrutiny Committee receives a progress report on the beach huts and sites proposals by March 2016.

RESOLVED (3) that the following recommendations were taken into account by Cabinet - see Minute 94 above:

Minute 21- Beach Huts

1. consider the requirements of all the community in line with equalities legislation in considering any proposals relating to beach huts;
2. check the validity of waiting lists for beach huts and sites, and that their management be reviewed;
3. confirm to tenants of beach huts and sites that the current arrangements remain in place for 2016;
4. review the hire charges for beach huts and sites on an annual basis;
5. review the decision to establish the £19k sinking fund per annum;
6. consider the difference between town and parish locations be given bearing in mind equality and best value requirements;
7. consider further discussions with town and parish councils on the options of undertaking the management of beach huts;
8. consider increasing the number of sites available and review more diverse letting arrangements;
9. In bringing forward any proposals, consider the wider environment and economic issues.

***100 Minutes of the Overview Committee held on 22 September 2015**

Members received and noted the minutes of the Overview Committee held on 22 September 2015.

RESOLVED (1) that the following decision be approved:

Minute 11 - Local Government Boundary Committee for England Electoral Review Programme (LGBCE) 2015-2019

1. that the contents of the report and the comments made at the meeting be noted and incorporated into the survey;
2. that a survey be undertaken of members' views and the results be reported together with an initial discussion proposal relating to Council size.

Minute 13 – Overview Forward Plan

That the forward plan include:

17 November 2015: Council Plan and Economic Development.

13 January 2016: Draft service plans and budget 2016/17 jointly with Scrutiny Committee.

26 January 2016: Discussion on planning policy and how this should be dealt with within the Council, possibly through a separate planning policy committee.

Also Coastal Flooding and the Exmouth Beach Management Plan.

22 March 2016: Sustainability.

RESOLVED (2) that the following recommendations be approved:

Minute 12 - Economic Development

1. that the top three agreed aims and outcomes for economic development in East Devon be:
 - a) To establish a robust, representative and transparent process of business engagement,
 - b) To improve the Council's knowledge of local business needs across all sectors and provide a clear process for businesses to feedback into EDDC,
 - c) To consider rural economic issues as a counterbalance to the Growth Point and urban related initiatives.
2. that a report be prepared to assess an effective and transparent engagement strategy with the EDDC business community.

***101 Notes of the Seaton Regeneration Programme Board 10 September 2015**

Members received and noted the Seaton Regeneration Programme Board meeting of the 10 September 2015.

***102 Notes of the Exmouth Regeneration Programme Board 15 September 2015**

Members received and noted the Exmouth Regeneration Programme Board meeting of the 15 September 2015.

In response to an issue raised about the loss of some individual local businesses, Cabinet was advised by the Chairman that the area was being regenerated for the wider benefit of Exmouth . There was significant inward investment as a result – including the £4M Water

sports centre. In addition to water sport facilities, the Centre would include a training area, retail, restaurant/cafe, public realm and outdoor theatre space and cycle hub. The facility could only be delivered with adequate and appropriate access arrangements in place, including the realignment of the road (being discussed with Devon County Council). Changes along the seafront were inevitable but the Chief Executive gave assurance that the Council respected its legal relationship with its seafront tenants and was undertaking legal processes appropriately. There had been inaccurate reporting in the press; Councillors should refer to the Council's press releases on its website for accurate information.

103 **Addressing Anti-social Behaviour linked with Personal Water Craft (PWC) in the Exe estuary**

The report sought Cabinet approval to identify monies and match fund a contribution of up to £15,000 towards a new fit for purpose Harbour Patrol Boat on the River Exe.

There had been issues of user conflict over the years and consideration was being to how best to address this. Byelaws were in place but were in need of review – it was suggested that public space protection orders could be more effective in certain cases but either option would need systems in place to enforce them. Members were reminded of the existing partnership arrangements with Teignbridge District Council and Exeter City Council. There was also the potential to add developer contributions made for habitat mitigation. It was suggested that a more holistic approach, relevant to all partners, would be most effective in addressing the problems in the Exe estuary and as the best way to conserve and protect this valued asset.

During the debate the following issues were raised:

- Antisocial behaviour in the Exe estuary was a long-standing problem.
- A faster boat would be most effective.
- What craft should be used to negotiate the estuary and marshlands?
- Who would pilot the boat? Exmouth Lifeboat volunteers?
- The three partner authorities working together was a welcome approach.
- Shelly beach was not covered by byelaws; all local byelaws should be reviewed as they needed to be relevant and up-to-date.
- A beach manager would help enforce the byelaws/public space protection orders and could impose fines/penalties.
- Future provision of additional slipways for various vessel types and dependent on the state of the tide would dissipate the concentration of water users at one slipway.
- The Beach Safety Officer was leading work on developing a beach plan.

RECOMMENDED:

1. that a supplementary estimate of between and £10,000 and £15,000 be approved to contribute to the purchase of a suitable craft to carry out enforcement of byelaws on the water in the Exe estuary;
2. that annual running costs be identified separately and incorporated into the annual budget setting process.

REASON:

To better resource and enforce the estuary byelaws and ensure that water users are safe and protected from inconsiderate use of powered craft within the estuary and the 10-knot speed limit is properly enforced.

This would benefit the Exe Estuary as an area that is safe to use as an important leisure resource within the district and encourage water users to come to Exmouth. This would also maintain the estuary as an important international wildlife site.

***104 Branscombe Public Conveniences**

The report sought approval for the Council to surrender its lease of land in Branscombe car park – the land had been used to build public conveniences. The proposal was to surrender the lease back to the landowner who would continue to provide and refurbish the public toilet facility for the next six years.

RESOLVED:

1. that the surrender of the lease on land at Branscombe beach car park on which the council built public conveniences be endorsed;
2. that the payment of a £25,000 dowry on surrender of the Council's lease to ensure public toilet provision into the future be approved;
3. that it be noted that the toilets would be refurbished and provided in the current building for the next six years. After that they would be provided from other suitable locations on the Branscombe car park site.

REASON:

To alleviate the impact on the local community and visitors of the council's decision to close the facilities.

***105 Shelter adjacent the Longboat cafe, Budleigh Salterton**

The report sought authority to vary the resolutions made by Cabinet on 2 May 2012, which were:

1. that a 99 year sub-lease be granted for the rear store behind the shelter adjacent to the Longboat Cafe on terms to be agreed by the Head of Economy in consultation with the Portfolio Holder – Economy, subject to Landlord's consent;
2. that subject to (1) above, a sub-lease of the public shelter adjacent to the Longboat Cafe be granted to Budleigh Salterton Town Council for a term of 125 years at a peppercorn rent, subject to Landlord's consent.

The three Budleigh Salterton Ward Members welcomed and supported the proposal.

RESOLVED:

1. that a six year sub-lease be agreed for the store behind the shelter adjacent to the Longboat Cafe for an annual rent of £750 pa, on such terms as may be agreed by the Deputy Chief Executive;
2. that a sub-lease be granted for the remainder of the public shelter to Budleigh Salterton Town Council for a term of 125 years at a peppercorn rent (as resolved on 2 May 2012), continue

REASON:

The Council would retain its current interest in the Lease to the cafe and discharge the ownership and maintenance of the Shelter to the Town Council.

***106 Monthly Performance reports – August 2015**

The Chief Executive gave an update report setting out performance information for August 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were four indicators that were showing excellent performance:

1. Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
2. Percentage of non-domestic rates collected
3. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
4. Creditor days – percentage of invoices paid in 10 working days

There was one performance indicator showing as concern:

1. Working days lost due to sickness absence – absence was being carefully monitored.

The Portfolio Holder – Sustainable Homes and Communities congratulated members of the Housing Benefit and Council Tax Benefit teams. She also acknowledged the Council's support of local businesses.

RESOLVED:

that the progress and proposed improvement action for performance measures for August 2015 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.

Attendance list

Present:

Andrew Moulding	Deputy Leader/Strategic Development and Partnership (Deputy Leader in the Chair)
Paul Diviani	Leader

Portfolio Holders:

Tom Wright	Corporate Business
Iain Chubb	Environment
Jill Elson	Sustainable Homes and Communities
Phil Twiss	Corporate Services
Philip Skinner	Economy
Ian Thomas	Portfolio Holder Finance

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Cabinet apologies:

Mike Allen
Matt Booth
David Chapman
Simon Grundy
Ben Ingham
Mark Williamson

Also present:

Councillors:

Megan Armstrong
Brian Bailey
David Barratt
Peter Bowden
Colin Brown
Peter Burrows
Maddy Chapman
Alan Dent
Peter Faithfull
Cathy Gardner
Roger Giles
Pat Graham
Ian Hall
Steve Hall
Marcus Hartnell
Douglas Hull
Geoff Jung
Bill Nash
Cherry Nicholas
John O’Leary
Helen Parr
Marianne Rixson
Pauline Stott
Brenda Taylor

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Donna Best, Principal Estates Surveyor
Diana Vernon, Democratic Services Manager

Chairman Date.....