

EAST DEVON DISTRICT COUNCIL
Minutes of a meeting of the Cabinet
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 4 June 2014

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| Present: | Councillors: | |
| | Paul Diviani | Leader/Chairman |
| | Andrew Moulding | Deputy Leader/Portfolio Holder Strategic Development and Partnership |
| | Portfolio Holders: | |
| | Ray Bloxham | Corporate Business |
| | Iain Chubb | Environment |
| | David Cox | Finance |
| | Jill Elson | Sustainable Homes & Communities |
| | Ian Thomas | Economy |
| | Phil Twiss | Corporate Services |
| | Deputy Portfolio Holders | |
| | Stephanie Jones | Sustainable Homes & Communities |
| | Tom Wright | Environment |
| Also present: | Councillors: | |
| | Mike Allen | Sheila Kerridge |
| | David Atkins | Frances Newth |
| | Peter Bowden | John O'Leary |
| | Deborah Custance Baker | Helen Parr |
| | Alan Dent | Geoff Pook |
| | Christine Drew | Ken Potter |
| | Steve Gazzard | Pauline Stott |
| | Tony Howard | Peter Sullivan |
| | John Humphreys | Graham Troman |
| | Ben Ingham | Tim Wood |
| | | Eileen Wragg |
| Also present: | Officers: | |
| | Mark Williams, Chief Executive | |
| | Richard Cohen, Deputy Chief Executive | |
| | Denise Lyon, Deputy Chief Executive | |
| | Simon Davey, Head of Finance | |
| | John Golding, Head of Housing | |
| | Karen Jenkins, Corporate Organisational Development Manager | |
| | Rachel Pocock, Corporate Legal & Democratic Services Manager | |
| | Laurelie Gifford, Financial Services Manager | |
| | Steph Lewis, Assistant Democratic Services Officer | |
| | Steve Pratten, Relocation Manager | |
| | Claire Read, Accountant | |
| | Kenji Shermer, Urban Designer, Cranbrook | |
| | Darren Summerfield, New Community Projects Officer | |
| | Andy Wood, East of Exeter Projects Director | |
| | Diana Vernon, Democratic Services Manager | |

Apologies**Non Cabinet members**

Geoff Chamberlain
David Chapman
Maddy Chapman
Steve Hall

Peter Halse
Brenda Taylor
Mark Williamson

The meeting started at 5.30 pm and ended at 8.45 pm.

In compliance with The Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012, during consideration of items on the agenda, alternative options were considered by Members when making decisions.

***1 Public speaking time**

The Leader welcomed members of the public present. There were no public questions/statements at this part of the meeting.

***2 Leader announcement re remit of Portfolio Holders**

The Leader is responsible for allocating portfolios to members of the Cabinet. At Annual Council in May this year, responsibility for car parks was placed within a single portfolio. However for practical reasons the Leader advised that he had decided that responsibility for asset management of car parks including pricing, will now rest with the Economy Portfolio Holder. Car park operational issues will rest with the Environment Portfolio Holder. This reflects historical arrangements (pre May Annual Council 2014) in respect of car parks. The change will be reported through to the July full Council for information in line with the Council's Constitution requirements.

***3 Minutes**

The minutes of the meeting of the Cabinet held on 7 May 2014 were confirmed and signed as a true record.

***4 Declarations of interest**

| Councillor/ Officer | Minute number | Type of interest | Nature of interest |
|--------------------------------|--------------------------|-----------------------------|---|
| Cllr Jill Elson | 14 | Personal | Chairman of Community Transport Group and Governor of Exmouth Community College |
| Cllr Ray Bloxham | 16 | Personal | Cranbrook resident |
| Cllr David Cox | 23 | Personal | Seconded (non-voting) member of LED Leisure Management Ltd |
| Cllr Peter Sullivan | 23 | Personal | EDDC representative on LED Leisure Management Ltd |
| Cllr Tim Wood | 23 | Personal | EDDC representative on LED Leisure Management Ltd |

*4 **Declarations of interest (continued)**

| | | | |
|--|----|--------------------------|---|
| Richard Cohen, Denise Lyon, Simon Davey, John Golding, Karen Jenkins, Rachel Pocock | 25 | Disclosable Pecuniary | Senior Officers would be directly affected by the proposed restructure of the organisation. All listed Officers left the Chamber during discussion and voting on this item. |
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*5 **Exclusion of the public**

RESOLVED: that the classification given to the documents to be submitted to the Cabinet be confirmed; there were three items which officers recommended should be dealt with in Part B.

*6 **Forward plan**

Members noted the contents of the forward plan for decisions for the period 1 June to 30 September 2014.

*7 **Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committee or the Council.

*8 **Overview and Scrutiny Committee – 15 May 2014**

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 15 May 2014.

Councillor Tim Wood, Chairman, advised that at its meeting the Committee had debated arrangements for speaking by the public at Development Management and Planning Inspection Committees in detail and had made some modest amendments which he trusted would be accepted.

RESOLVED 1 that the following recommendation be approved

Minute 3 that, recognising the restrictions on funding available to district councils, and the difficulty in finding and providing open space provision, efforts are made to maximise opportunities for acquiring appropriate funding from developers, and as part of this process Ward Members should be kept informed at an early stage regarding s106 agreements, once legal negotiations are completed.

RESOLVED 2 that the following recommendations be referred to Council for consideration:

Minute 4 (1) that Council considers the following changes to the arrangements for speaking by the public for Development Management Committee and Planning Inspections Committee to be introduced following **next Council**, trialed for one year:

***8 Overview and Scrutiny Committee – 15 May 2014 (continued)**

- (a) Introduction of pre-registration of all public wishing to speak at Development Management Committee on planning applications so that the public (meaning those who have submitted written comment on an application prior to agenda publication) are required to register, with Democratic Services, their wish to speak on an item **3 or more** working days before the meeting.
- (b) We will welcome speakers but, due to time constraints the number of speakers is to be limited to:
- Parish/Town Council representative, **up to 2** objectors, **up to 2** supporters, applicant or agent, Ward Member(s) on minor applications
 - Parish/Town Council representative **up to 5** objectors, **up to 5** supporters, applicant or agent, Ward Member(s) on major applications

Speakers will be registered on a first come, first served basis. Registered speakers will be advised that their contact details, unless they tell Democratic Services otherwise, will be posted on the Council's website to allow others, who may have wished to speak, to contact them. Speaking by the public to remain limited to 3 minutes per contribution and 5 minutes for Ward Member(s).

- (c) Planning applications to be numerically ordered on the published agenda, with a revised order to be published by 12 noon the day before the meeting prioritising applications on which people have registered to speak (all items where there are registered speakers to be taken before items where there are no registered public wishing to speak. Where there are registered speakers for major applications these be taken first.)
- (d) Non-committee members be allowed to speak on Part A non-planning applications, limited to 3 minutes per contribution.

*8 **Overview and Scrutiny Committee – 15 May 2014 (continued)**

- (e) A maximum of two speakers from the public (to register 3 **or more** working days in advance of the meeting) to be permitted on non-planning application items on which DMC is making a decision (this does not include items where a recommendation will be made to Council, items for information or items responding to government guidance). To be made clear on the agenda the items on which the public can register to speak.
- (f) In respect of planning applications, to hear from adjacent Ward Members or other non-committee members if there is time and subject to Chairman's discretion.
- (g) Development Management Committee (special meetings for non-planning application items)
Speaking arrangements appropriate to the meeting continue to be put in place for special meetings at the discretion of the Chairman in consultation with Democratic Services, Legal Services and the Development Manager.

Minute 4

- (2) that the following changes be made to future Development Management Committee agendas and meeting management:
 - (a) No meeting on one day should exceed 2 sessions each of up to 3 hours in length. Where more time is likely to be needed, the business to be split into two meetings.
 - (b) Meetings to be timetabled to include breaks and to list items as 'not before' a set time/ scheduled break to avoid unnecessary waiting for members of the public.
 - (c) A new timing clock be sourced which allows changeable time limits and a bell/buzzer to sound at the end of the allotted time to alert the speaker that their time is up.
 - (d) Guidance on speaking arrangements for members of the public, including an overview of planning considerations which can and cannot be taken into account by the Committee to be shown on the projector screen 20 minutes before the meeting starts.

*8 **Overview and Scrutiny Committee – 15 May 2014 (continued)**

- (e) The guidance on speaking by the public be included on agendas with a list of the key planning considerations that can be taken into account by the Committee together with those that cannot.
- (f) **Where appropriate, planning officers should introduce the application by stating that they have nothing to add to the report.**
- (g) The guide to the Development Management and Planning Inspections Committees and the relevant web-site pages to be updated to reflect the recommendations, if agreed, above.

9 **Independent Remuneration Panel – 13 May 2014**

Members received and noted the recommendations of the Independent Remuneration Panel from a meeting held on 1 May 2014. The recommendations would be referred to Council for consideration.

Councillor Ken Potter who had been invited to the meeting of the Panel to discuss his role as Member Champion asked for an omission in the minutes to be noted - at the meeting Councillor Potter had also talked about EDDC's support for the Fairer Funding Campaign.

RECOMMENDED that no change be made to the Member Basic Allowance for 2014/15.

*10a **East Devon Recycling and Refuse Partnership Board**

Members considered the minutes of a meeting of the Partnership Board held on 29 April 2014.

Councillor Iain Chubb, Environment Portfolio Holder and Chairman of the Partnership Board highlighted the Board's recommendations in respect of cardboard recycling options; a further report would be referred to the July meeting of Cabinet. He also advised that the Board had supported the Citizen App and encouraged Members to promote its use.

In reply to a question, Councillor Chubb advised that the introduction of bigger bins (Big Belly Bins) in Exmouth was progressing – some modifications were being made so that they would be able to withstand salt air.

ITN called them the "Brainiest Bins in the UK"

Click here... <http://vimeo.com/49175535>

Have you seen us on BBC Newsround?

Click here... <http://www.bbc.co.uk/newsround/17671518>

*10a **East Devon Recycling and Refuse Partnership Board (continued)**

RESOLVED

that the following recommendations be approved

- (1) that a contribution of £5,000 be given to Devon County Council toward the cost of research and a business plan into the Devon Integrated Waste project, with a caveat that this be withdrawn if other district councils do not offer the same contribution,
- (2)
 - (a) that a report be taken to Cabinet detailing the options available for card collections,
 - (b) that the Waste and Recycling Manager discuss with Devon County Council grants available to help fund card collections and increase recycling rates in the district.
- (3) that it be agreed that waste and recycling collections do not take place on 27 December and that the conclusion of the 'catch up' period be completed on 17 January 2015 and that SITA make every effort to ensure that any overtime cost are kept to acceptable levels.

*10b **Presentation – Exeter Energy from Waste (EFW)**

The Leader invited Wendy Barratt, County Waste Manager to give a presentation on Exeter Energy from Waste as this plant had started taking East Devon's waste.

The presentation outlined the drivers for developing the new facility, these included the European directive (with targets) to divert biodegradable waste from landfill, the increasing cost of use of landfill, environmental reasons and the political will to reduce 'waste' miles. The new plant was based in Marsh Barton and served Exeter and the surrounding area. The County Waste Manager explained the plant's processes and efficiencies, emphasising the pollution controls in place.

Issues raised following the presentation included:

- EDDC's commitment to the District Heating initiative
- The need to achieve savings in disposal of waste so that the Council could be in a position to include cardboard in its recycling options. Savings had yet to be quantified but would include reduction in wear and tear on vehicles and miles travelled. The gate fee at the plant was comparable with the cost of landfill but the plant's power generation helped to off-set these costs. Currently the ash residue was sent to landfill but the aim was to recycle this waste for road aggregate.
- There was a cost benefit in recycling cardboard rather than sending it to the energy from waste plant.
- The plant would not accept separately collected clinical waste which was currently transported to Cornwall. This position was being reviewed.

The Leader thanked the County Waste Manager for her informative and interesting presentation.

***11 Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations**

RESOLVED that the Leader's annual 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 – was noted.

REASON To comply with legislation.

***12 Revenue and Capital Outturn report 2013/14 – key decision**

Members considered the report of the Head of Finance giving the budget outturn position at year end, comparing this position with budgets set for the financial year 2013/14 in respect of the General Fund, Housing Revenue Account and the Capital Programme. This information was set out in the Outturn Book provided to all Councillors in advance of the meeting.

The report included the main variations against budget (report paragraph 2.3) which had led to overall savings and which would be paid into balances. The report similarly showed overall savings in the Housing Revenue Account. An amendment was reported by the Head of Finance to the figures shown in the report (3.1) with the surplus against budget increasing by a further £126,000 to £419,000 as the HRA was no longer required to make a capital contribution; this was now to be met from a capital receipt. Part of the surplus would be transferred to a Debt Repayment Volatility Reserve which provided a cushion for repayment of the self financing loans.

The Head of Finance drew Members' attention to the Capital Budget underspend (4.1), largely as a result of scheme slippage. The Capital Reserve would be used to fund the Capital Programme in 2015/16, and future years and looked healthy at this stage, but Members were given the health warning - that further projects would come forward to call upon this Reserve.

Financial monitoring reports had kept members informed during the year so that they were aware of any budget variations and projected financial outturn position at year end. Members noted that predetermined balance and reserve levels had been maintained above the adopted minimum levels. Members were asked to consider future policy for holding these sums.

- RESOLVED**
- (1) that the outturn position for 2013/14 be agreed;
 - (2) that the level of Reserves detailed in the report and the transfers recommended be agreed; namely
 - The transfer of £0.397m from the General Fund into the Transformation Reserve.
 - The Transfer of £1.190m from the Housing Revenue Account into the Debt Repayment Volatility Reserve (HRA Reserve).
 - The Transfers to other earmarked reserves for specific projects where funding contributions have been made in advance of spend and monies are held at year end to fund this work in future years. The Outturn Book contains full details of these transfers in 2013/14.

*12 **Revenue and Capital Outturn report 2013/14 – continued**

- REASON**
- (1) To note the Outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. This final position will flow through to the Council's Statement of Accounts
 - (2) To note the variations from the budgets identified within the report and consider the final position.
 - (3) To reflect on the reserves and balances held by the Council and determine if these are the right reserves at the right levels going forward.

*13 **2013/14 Annual Treasury Management Review – key decision**

Members considered the report of the Head of Finance setting out the overall performance of the Council's Treasury Management Strategy during 2013/14.

Members' attention was drawn to the performance of investment (external and internal) activities in respect of the General Fund and Housing Revenue Account. The variances in General Fund (Report paragraph 2.1) and in the Housing Revenue Account (2.2) were not significant and were largely due to interest rates not increasing to predicted levels during the year. The report also set out information on borrowing.

RESOLVED that the investment return for 2013/14 be noted.

REASONS The Council is required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management in Public Services published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce an annual review of its treasury management activities and performance.

*14 **Honiton Beehive Centre – key decision**

Cllr John Zarczynski, Deputy Mayor of Honiton, thanked EDDC on behalf of the Town Council for its financial contribution to the Honiton Community Centre project. He set out how funding had been used and relevant timings. The Centre was now open. Overall feedback was positive and any problems identified were being addressed. The Town Council had now received a request from the Directors of the Company, set up to manage the Centre, to allow them to seek charitable status in order to access additional funding. The Council was still considering this request. EDDC was currently considering the future use of the New Street building and Cllr Zarczynski asked Cabinet to allow the Town Council to wait for a decision on the future of the building before progressing repair work. Cllr Zarczynski ended by praising the new facility and the way that the Town and District Councils had worked together for the benefit of the local Community.

A letter from Jill McNally had been circulated to Cabinet members in advance of the meeting. The letter set out concerns in respect of the use of the facility as an arts centre, hire costs and management of the building. The Cabinet was urged to clarify the finance and management of the project to lay current rumours to rest.

*14 **Honiton Beehive Centre – continued**

The report of Richard Cohen, Deputy Chief Executive updated Cabinet on progress of the Honiton Beehive Centre and how EDDC's investment and other funding had been used. EDDC would continue to monitor the Centre and its usage. Members recognised the need for the Centre to have a sound and appropriate system of management.

Members discussed the advantages and disadvantages of the proposal to seek charitable status/community interest organisation for the facility. The Chairman of the Overview and Scrutiny Committee was recommended to invite representatives from the Beehive and Town Council to a future meeting to discuss its achievements and future plans.

In addition to the development of the Centre, EDDC and Honiton Town Council had agreed the deed of transfer for the Dowell Street site and a surrender agreement for New Street – the Town Council now occupied the Beehive having vacated New Street. Discussions were currently taking place between EDDC and HTC in respect of the return of the New Street premises to EDDC.

The report listed the facilities at the Beehive Centre which was now open for business.

- RESOLVED**
- (1) that the progress of the project to completion and operation be noted;
 - (2) that the hard work of District and Town in the delivery of the project be acknowledged;
 - (3) that updates from Honiton Town Council in future regarding the effective use, operation and management of the Centre be sought;
 - (4) that the surrender of lease on the former Honiton Town Council offices in New Street be secured, with it being noted that officers will be considering the future of the premises.

REASON To confirm that EDDC funds have been appropriately spent, reflect on the successful completion of the Beehive Centre development and monitor its usage and operation into the future.

*15 **Office relocation update**

Richard Cohen, Deputy Chief Executive, presented his report which updated Members on progress on the EDDC Relocation project. The timeline for the project had been extended due to a Town and Village Green application in respect of the Knowle grounds. A tendering exercise had been carried out to market the Knowle and Manstone but this would not be progressed until the outcome of the Town and Village Green application was known. In addition the Council had lodged objections to a Right of Way Order for 2 routes through the Knowle grounds. Despite these delays, progress was being made including negotiations which were continuing regarding Skypark.

*15 **Office relocation update (continued)**

The report also included updates on the Heathpark Supermarket proposal and Business Space review. The budget for project management and development to date was set out within the report together with projected requirements for the remainder of 2014/15.

Members were reminded that the purpose of relocating the main office was to facilitate a transformation of the Council and its service delivery. Specific projects which would help achieve this were the mobile device policy rollout and Open for Business web channel.

Comments made during the debate included:

- The considered and careful approach was welcomed. The way in which the Knowle was to be marketed was vital to achieve best return.
- Further clarification was needed on how local communities would be served by the Council. The Council was currently drawing up proposals to firm up what service provision would be available for customers across the district following relocation. There would be public consultation on any proposals – particularly including disabled users, community groups and business. The arrangements in Exmouth had yet to be agreed but Members were aware that Devon County Council had given notice to vacate the Town Hall in September.
- The Council was aiming to transform its service delivery – modernising its approach, achieving efficiencies and improvements. The plans would include ‘smarter’ and mobile working opportunities. The actual physical location of the offices was not the most important consideration.
- Members were reminded that the Council’s sheltered housing included community centres that could be used for small meetings.
- The Business Space review would help to identify opportunities across the district.

- RESOLVED**
- (1) that progress since Feb 2014 Cabinet and Council meetings including extended timeframe of future decision making be noted;
 - (2) that delegated authority be given to the Deputy Chief Executive in consultation with the Relocation Executive Group to:
 - (a) Formally commission Savills as agent and take forward marketing of Knowle and Manstone Depots as soon as advisable,
 - (b) Commission specialist expertise as required to advise on the detail of appropriate procurement , value for money and legal matters in relation to Skypark.
 - (3) that it be noted that exchange of conditional contracts for the sale of the Heathpark site is expected very shortly;

*15 **Office relocation update (continued)**

- (4) that the next phase of project funding be approved - a further £203,882 is projected to be required for the remainder of 2014/15 bringing total project development cost to £705,568;
- (5) that a report be referred to Cabinet later in the year seeking approval of any final decisions regarding the Skypark move.

REASON To continue progress on key elements of delivering the Council's relocation plans.

*16 **Achieving the vision for Cranbrook**

Richard Cohen, Deputy Chief Executive introduced the up-date report on Cranbrook, emphasising the importance of building a community. The New Community Projects Officer and Urban Designer gave a presentation on progress in delivering key infrastructure and main themes including Garden City principles/ideals. The focus was on how the Council's vision for the new community could best be achieved. Proposals would include consultation with the new Cranbrook community residents. Members noted the proposal for a new partnership group to act as guardian for the vision and to provide strategic direction, including how to establish a sustainable local economy.

Members were advised that the major application for the expansion of Cranbrook beyond 3,500 homes was expected later in the year and were asked to approve a master planning exercise which would focus on all future phases of development including the town centre and expansion areas. Discussion included:

- Change in expectations of what people want from a viable town centre;
- Garden city principles were welcomed and had key similarities with the Council's strategic vision;
- Consideration should be given to providing a bridge between 'home-based' businesses and taking on a commercial unit. An indoor market was suggested. Use of business mentors and support from the Prince's Trust were possible options.
- The community needed an information focus where they could find out what was happening in their town and where they could feed in their views and information;
- It was recognised that the involvement of the community in shaping Cranbrook would be vital to the success of the town
- The co-ordination of the efforts of all involved and leadership was key.
- Broadclyst Parish Council supported the new community and the recommendations within the report.
- It was vital to achieve a sustainable housing balance. Emphasis needed to be on local housing for local people. Providing a community structure would save Cranbrook from being a dormitory town of Exeter. Members had a key role to play in helping achieve a quality development.

On behalf of the Cabinet, the Leader gave wholehearted support to the work of the Cranbrook project team.

*16

Achieving the vision for Cranbrook (continued)**RESOLVED**

that to achieve the vision for Cranbrook, the following steps be approved:

- (1) hold workshops to revise the Cranbrook Vision, in light of government promotion of Garden Cities' principles;
- (2) support the preparation of a Development Brief for the remainder of the outline permission, and an Area Action Plan covering all future phases of Cranbrook, including the extension areas, informed by an Enquiry by Design master planning process based around the reviewed vision;
- (3) organise and manage internal resources to support the achievement of the vision along with any budgetary considerations;
- (4) endorse the establishment of a new partnership group specifically responsible for achieving the vision for Cranbrook, delegating the responsibility for finalising the detail of this to the Deputy Chief Executive;
- (5) agree the assessment of a number of mechanisms to support the delivery of the vision for Cranbrook, which could include direct investment and will be the subject of a future report to Cabinet;
- (6) Cabinet refers this report and its recommendations to the Development Management Committee for consideration;
- (7) discuss this report and its recommendations with the East Devon New Community Partners and agree next steps.

REASON

To support the delivery of the vision for Cranbrook.

*17

Affordable housing – restricted staircasing for non-grant funded shared ownership units in Designated Protected Areas

The Head of Housing presented the report of the Housing Development and Enabling Officer seeking approval to lift the Designated Protected Area (DPA) status on a number of developments in the west of the district on land that is being developed for housing. Members noted that DPA status has the effect of restricting 'staircasing' on shared ownership properties which prevents their outright sale. Members were informed that a limited number of lenders were prepared to provide mortgage funding where a DPA restriction was in place. The proposal would help to address this lender resistance.

*17 **Affordable housing – restricted staircasing for non-grant funded shared ownership units in Designated Protected Areas (continued)**

- RESOLVED**
- (1) that approval be given to lift DPA status (for non grant funded schemes) which currently exists on the identified development sites in the West of the District, but that the S106 agreement secures that any staircasing receipts be recycled for the provision of affordable housing in the District;
 - (2) that delegated authority be given to the Head of Housing (in consultation with Portfolio Holder) to approve the lifting of the DPA status (for non grant funded shared ownership unit schemes) elsewhere in the District where it can be shown (through Housing Needs evidence) that there is a surplus of shared ownership units, or that they can be easily replaced provided that in any case where a waiver is given the S106 agreement secures that any staircasing receipts be recycled for the provision of affordable housing in the District.

REASON to help ensure that purchasers are found for all the shared ownership homes and lenders will offer mortgages on such affordable housing.

*18 **Community Land Trust start up loans for affordable housing**

The Head of Housing presented the report of the Housing Development and Enabling Officer on a proposal to provide a 'start up' loan facility for newly forming or established Community Land Trusts (CLTs) wanting to provide affordable housing in East Devon. Members were advised that the proposal was for a loan of up to £5,000 per CLT to be made available from the Council to qualifying CLTs to cover the initial start up costs such as legal fees, surveys and other related costs incurred by new CLTs or further in-depth site investigations, employing architects or preparing offers for established CLTs.

- RESOLVED**
- (1) that the Community Land Trust start up loan application form be agreed;
 - (2) that the Head of Housing be given authority to approve individual loans when they have been assessed as suitable by the Housing Development and Enabling Officer;
 - (3) that the Head of Finance be given authority, at his discretion, to 'write off' any loans, where the CLT fails to deliver the affordable housing for whatever reason.

REASON To encourage local groups to come together to form a Community Land Trust and deliver affordable housing.

*19 **Proposed designation of Yarcombe, Newton Poppleford and Monkton Neighbourhood Areas**

Members gave consideration to the report of the Senior Planning Officer on proposals received to designate the above parishes as Neighbourhood Areas. Members noted that the requisite six week consultation period had been carried out and that no objections had been received.

RESOLVED that the following parishes be approved as individual designated Neighbourhood Areas:

- Yarcombe
- Newton Poppleford
- Monkton

REASON The legal requirements for the applications for designation as Neighbourhood Areas had been properly made and advertised and the areas applied for were appropriate.

*20 **Monitoring of formal complaints 2013/14**

The Corporate Organisational Development Manager presented the report of the Information and Complaints Officer which provided information on formal complaints dealt with during 2013/14 together with complaints referred to the Council by the Local Government Ombudsman. Members also noted the number of compliments logged during the year.

The Corporate Manager explained the Council's internal two-stage complaint process and how lessons were learnt from complaints made.

In response to an issue raised, the Chief Executive advised that the planning team would be advised to consider complaints made more impartially (rather than defensively) and to recognise that approved plans could include inaccuracies that generated complaints.

RESOLVED that the nature of complaints dealt with and learning points arising be noted.

REASONS To continue to improve the way that the Council handles complaints and to learn from them.

*21 **Freedom of Information Act requests 2013/14**

The Corporate Organisational Development Manager presented the report of the Information and Complaints Officer which provided information on requests received under the Freedom of Information Act (and Environmental Information Regulations) during 2013/14. The report identified subject matter and origin of requests. There had been a rise in the number of requests and a growing number had been received from commercial organisations. Five cases had been decided by the Information Commissioner's Office during the year.

The Chief Executive read out communication received from Mr Todd referring to a specific complaint made to the Information Commissioner's Office. Mr Todd advised that in a letter from the ICO, the Council had been criticised for the handling of this request as less than satisfactory in a number of respects.

*21 **Freedom of Information Act requests 2013/14 (continued)**

The Chief Executive advised that the report included all complaints where a decision notice had been issued (and published) by the ICO. In the case of Mr Todd's complaint, the matter had been resolved informally and therefore no decision notice had been issued. The report was slightly misleading in referring to cases 'considered' by the ICO and should have more accurately said 'decided'. There had not been an intention to mislead and future reports would use the term 'decided'.

The Chief Executive re-iterated the Council's practice of learning from complaints to achieve improvements, legal requirements in respect of the Act and Council policy regarding persistent complaints.

RESOLVED that the number and types of requests received under the Freedom of Information Act be noted.

REASONS To continue to improve the way that the Council deals with requests for information.

*22 **Performance management report April 2014**

The Cabinet considered the report of the Corporate Organisational Development Manager setting out performance information for the 2014/15 financial year for April 2014.

The following indicators showed excellent performance.

- percentage of planning appeal decisions where the planning inspector has agreed with the Council's decision
- percentage of Council Tax collected
- days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- percentage of invoices paid within 30 days
- percentage of invoices paid within 10 working days (new indicator for 2014/15)

One Performance Indicator showed concern – working days/shifts lost to the local authority due to sickness absence. Members noticed the reasons included in the report and positive action being taken.

Although further information was included in the linked appendices, the Overview and Scrutiny Committee Chairman suggested that the covering reports could include targets and a comparison with last year's performance. It was also suggested that some of the service reports could include more detail.

The Portfolio Holder for Sustainable Homes and Communities congratulated the Housing Rental team on their performance.

RESOLVED that the progress and proposed improvement action for performance measures for the 2014/15 financial year for April 2014 be noted.

***22 Performance management report April 2014 (continued)**

REASON The performance monitoring report highlights progress using a monthly snapshot report; SPAR reports on monthly indicators and systems thinking measures in key service areas including Streetscene, Housing, Development Management and Revenues and Benefits.

***23 Thelma Hulbert Gallery Trust status**

Members considered the report of Denise Lyon, Deputy Chief Executive and Monitoring Officer providing an update to Cabinet on progressing Trust status for the Thelma Hulbert Gallery. Talks had taken place with LED Leisure Trust and potential synergies which would benefit both organisations had been identified. The LED Leisure Trust Chief Executive was taking a similar report to his Board. Negotiations with the Trust would include some protection should the Gallery Business Plan not be achieved.

Comments on this item included the following:

- Trust status was the best way forward for Gallery and would help to maintain the quality of its exhibitions;
- There would be a body of professional support available to the Gallery from the Trust;
- The Audit and Governance Committee would consider a further report in September to ensure that the auditor's recommendations on the Gallery were being actioned.
- LED Leisure Trust would view the proposal with appropriate caution.

RESOLVED that a transfer of the Thelma Hulbert Gallery to the LED Leisure Trust be agreed in principle, with the transfer taking place subject to

- successful grant applications which mean the Gallery can still function with a reduced financial support package from the Council,
- satisfactory detailed transfer arrangements being agreed between the Council and LED, with delegated authority being given to the Chief Executive, in conjunction with the Portfolio Holder - Environment to approve them, and subject to further legal, financial and valuation advice as required.

REASON At its March 2014 meeting, the Cabinet agreed that Trust status was appropriate for the Thelma Hulbert Gallery. Since then, the Deputy Chief Executive has been in conversation with the LED Leisure Trust which identified the potential synergies between the Gallery and the Leisure Trust. There is a good strategic fit for the Gallery with the Trust's ambition to support and embrace the local wider cultural offer in addition to the traditional pay and play services. Trusts elsewhere in the country are very successful at this - the strategic vision for the Trust, together with the combined skills of the Trustees and the Chief Executive, could well enable similar success in this area.

*24 **Exclusion of the public**

RESOLVED 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).

25 **Budget constraints and impact on organisational design and structure – key decision**

Members considered the report of the Chief Executive on proposed proactive steps to pre-empt possible future budget issues. The content had been considered in detail by the Budget Working Party – the minutes from this meeting on 19 May 2014 were attached to the report and indicated support for the proposals now referred to Cabinet. The report would be referred to the Overview and Scrutiny Committee the following week and the Committee’s comments would be considered by Cabinet at its July meeting. The recommendations would then be referred to Council for decision (23 July 2014).

The proposed management restructure would achieve a flatter and leaner structure with 4 strategic leads assisting the Chief Executive and clearer accountability for service delivery being supported by its service leads. The savings that would be achieved from the restructure were included within the report.

RECOMMENDED that the proposed management structure be agreed and that delegated authority be given to the Chief Executive in consultation with the Leader to fully implement the proposals (this delegation to include the conclusion of consultations, any minor changes and consequential revisions).

REASON This proposal is designed to present a clear management structure which addresses current gaps and recognises the broader remits that staff have already taken on.

Chairman Date