

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 6 April 2016

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.59pm

***203 Public Speaking**

Jeremy Woodward spoke on agenda item 11 – Relocation and Transformation update. Mr Woodward questioned the costs involved with relocation, whether the expenditure was still going to be cost-neutral and value for money for the residents of East Devon. In response, the Deputy Chief Executive confirmed the selling price for the Knowle by Pegasus Life was in line with Professional Standards (the 'Red Book') which contained mandatory rules, best practice guidance and related commentary for undertaking asset valuations. The Deputy Chief Executive advised the budget for relocation remained the same.

Nick Freer on behalf of East Devon New Community Partners (EDNCp) spoke on agenda item 16 – Whimble Neighbourhood Plan Designation. Mr Freer stated the EDNCp's firm view that Option B of those presented to members was the only appropriate basis upon which to choose a Neighbourhood Plan Area for Whimble for reasons set out in the report. Additional reasons included:

- the advice in the NPPG that qualifying bodies should plan positively to support local development, shaping and directing development in their areas that is outside the strategic elements of the Local Plan
- consistency of decision making with the approach in Broadclyst and Clyst Honiton Neighbourhood Plans
- to avoid residents of Cranbrook having a Plan which they have not produced
- avoiding ineffective use of resources given the progression of the strategic expansion of Cranbrook through the Local Plan and Cranbrook DPD/Masterplan.

The Whimble Neighbourhood Plan Area should exclude the Cranbrook eastern expansion allocation. In addition, EDNCp requested that the two fields between the Local Plan allocation and railway line should also be excluded from the Neighbourhood Plan Area. They were the only fields here, which were not Green Wedge, were part of the present expansion application, and inextricably linked to the planning of the allocated land – including, a possible location for a second station. Their role and future should be determined on a consistent and comprehensive basis as part of the Cranbrook DPD/Masterplan rather than in a separate Neighbourhood Plan exercise.

Richard Betts on behalf of Whimble Parish Council and Neighbourhood Plan Group spoke on agenda item 16 – Whimble Neighbourhood Plan Designation. Mr Betts supported Option A and confirmed part of this process was not to disenfranchise local communities. He was concerned of the delays on production of the Cranbrook Masterplan as this created a risk to Whimble and Cranbrook. Whimble was not the enemy of Cranbrook, both were diverse in area and should therefore work together to embrace this diversity.

Kevin Blakely Chairman of Cranbrook Town Council spoke on agenda item 16 – Whimble Neighbourhood Plan Designation. Mr Blakely stated Cranbrook Town Council objected to the Whimble Neighbourhood Plan area. He mentioned the development of strategic sites and the difference in nature and character of the two communities. He

called for a consistent approach and urged the Council for a smaller Neighbourhood Plan area.

Councillor Graham Godbeer wished to pass on his grateful thanks from the people of Seaton and East Devon, for the visionary facility of the recently opened Seaton Jurassic.

***204 Minutes**

The minutes of the Cabinet meeting held on 9 March 2016 were confirmed and signed as a true record.

***205 Declarations**

Councillor Pauline Stott – Minute 212

Interest: Personal

Reason: Daughter owns a beach hut

***206 Matters of urgency**

The [minutes](#) of the Overview Committee held on 22 March 2016 were tabled. The minutes had not been included on the agenda due to the timing of the meeting. However, the Leader agreed that they should be dealt with as a matter of urgency in order for Cabinet to be informed about the Committee's consideration of local flood management, business engagement and the Local Government Boundary Committee for England Electoral Review Programme.

RESOLVED (1) that the following be noted:

Minute 33 – Local Flood Risk Management Strategy and Coastal Protection

The Committee had noted and supported the report and the following:

- 1a. The loss of lengthsman had been keenly felt.
- b. The Environment Agency had been far more proactive leading to vital and successful small works, such as that at Lympstone
- c. The issue of non sustainable development not meeting thresholds that require improved protection;
- d. The need for a flood resistance action plan is recognised and must be better supported.

Minute 34 - Local Government Boundary Committee for England Electoral Review Programme 2015 - 2019 – the Review timetable

Stage	Date
Council size meeting	20 September 2016
Warding patterns consultation	27 September – 5 December 2016
Draft recommendations published	7 February 2017
Draft recommendations consultation	7 February – 3 April 2017
Final recommendations published	6 June 2017
Order laid	July 2017
Implementation	Elections 2019

Minute 35 (1) - Business engagement update - the updates on progress made within the report by the Economic Development Manager.

Minute 36 - Draft Annual Report

the annual report of the Overview Committee – to be included within the agenda for the annual meeting of Council.

RESOLVED (2) that the following decisions be supported

Minute 34 - Local Government Boundary Committee for England Electoral Review Programme 2015 - 2019

1. that the Committee consider an updated copy of the draft submission to the Boundary Committee when further investigation has been undertaken regarding the electorate projection figures.
2. that the draft submission include an option based on a smaller number of councillors reflecting changes elsewhere.

Minute 35 (2) - Business engagement update

that Councillor Mike Allen be invited to present his report entitled 'East Devon Economic Development Policy in Rural Areas' to a meeting of the Joint Economy and Regeneration Think Tank on 21 April;

Minute 37 - Overview forward plan

that the forward plan include:

28 June 2016 – Policy review on provision of affordable homes and Local Government Boundary Committee for England Electoral Review.
11 January 2017 – Draft budgets and service plans 2017/18.

***207 Matters referred to the Cabinet**

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

***208 Exclusion of the public**

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

***209 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 May 2016 to 31 August 2016.

***210 Minutes of the Housing Review Board held on 10 March 2016**

Members received and noted the minutes of the Housing Review Board held on 10 March 2016.

RESOLVED (1) that the following be noted:

Minute 68 – Forward Plan update

Minute 71 (1) Tenant Scrutiny Panel recommendations that were already being achieved and those that have been incorporated into the resident involvement work plans.

Minute 72 – Annual report to the Housing Review Board

Minute 74 – Home Safeguard annual report 2014/15

Minute 76 - Selling off the stock – information papers

Minute 77 - Estate Management Service Review Group report

RESOLVED (2) that the following recommendations be agreed:

Minute 69 – Rent setting for 2016/17 – that the increase in rents in respect of supported accommodation be approved as per the Government's announcement.

Minute 70 – Gas servicing contract

1. that an extension until 1 October 2016 to the existing gas servicing contract be approved;
2. that proposals to tender the contract jointly with Mid Devon District Council in line with European procurement regulations be approved;
3. that the use of Fusion 21 and their procurement framework for the boiler upgrade programme be approved.

Minute 71 – Response to Tenant Scrutiny Panel on tenant participation

2. that the Housing Project and Information and Analysis Officers be engaged to measure the social and monetary value created by resident involvement, and to show how involvement has influenced and benefitted the business as well as tenants generally;
3. that the OpenHousing management system be used to gather tenant profiling information into the future;
4. that the tenant representative write a short report for inclusion on the next housing Review Board agenda on tenant participation and representation.

Minute 73 - New void performance calculation

that the new void calculation be adopted.

Minute 75 - Strategy and options for spending Right to Buy receipts

1. that the proposed options for spending right to Buy receipts to secure additional suitable affordable housing in the district, be approved;
2. that delegated authority be given to the Portfolio Holder Sustainable Homes and Communities, Chair of the Housing Review Board and the Strategic Lead – Housing, Health and Environment to approve a programme of individual property purchases to meet the short term Right to Buy spending deadline.

RECOMMENDED (1) that the following be referred to Annual Council for determination:

Minute 72 – Annual report to the Housing Review Board

that the remit of the Housing Review Board be updated when the Constitution is updated at the Annual Meeting of the Council.

***211 Minutes of the STRATA Joint Scrutiny held on 17 March 2016**

Members received and noted of minutes of the STRATA Joint Scrutiny held on 17 March 2016

RESOLVED (1) that the following be noted:

Minute 7 – Question from members regarding computer equipment

Minute 8 - Strata Budget Monitoring Quarter 3 2015/16

Minute 9 - Strata Budget 2016/17

The three Councils had agreed a total revenue budget transfer for 2016/17 of £5,900,990 including the £15,000 for support services and all existing staffing, supplies and services.

Minute 10 - Strata Implementation Progress March 2016

Minute 11- Strata Board Work Plan

Minute 12 - Performance Management of the Chief Operating Officer and that a 'two tier' approach would be used.

Minute 15 - Staff Engagement Survey - noting the actions approved by the Board.

Minute 16 - Security Status Overview – noting the actions approved by the Board.

RESOLVED (2) that the following be approved

Minute 11(2) Strata Board Work Plan – the Committee's request for the Teignbridge Strata Director to report to the next Scrutiny Committee meeting on mechanisms for increasing the transparency of Board business.

Minute 13 - Family Friendly Policies – the Strata Joint Scrutiny Committee supported the action of the Board in agreeing the policies, in principle, so that they could be discussed and agreed with Unison at the next Staff Joint Forum.

***212 Minutes of the Scrutiny Committee held on 17 March 2016**

Members received and noted Minutes of the Scrutiny Committee held on 17 March 2016.

RESOLVED (1) that the following be noted:

Minute 59 – Scrutiny Forward Plan

RESOLVED (2) that the following recommendations be noted:

Minute 57 - Beach hut update

1. the number of people on individual waiting lists for beach huts and beach hut sites as at 10 March 2016 be published;
2. that good practice is to include any recommendations from committees who have considered the matter prior to a Cabinet decision, in the report to Cabinet;
3. that there must be early involvement of relevant Ward Members and Parish or Town Councils in issues concerning them, particularly with regard to what may be contentious issues;
4. that officers explore any potential to expand on beach hut provision where demand is high, bearing in mind the usual constraints of environmental factors and planning considerations.

Minute 58 - Scope for Dunkeswell and Chardstock Built-up Area Boundary (BUAB)

1. in similar cases where there is an argument against officer advice, the onus is on councillors to produce evidence to support their motion;
2. the Chairmen and Vice Chairman be offered training and support to help ensure robust decision making which is based on evidence occurs at meetings;
3. the Chairmen seek to ensure the committee or council are aware of who public speakers are, and if represent a body or organisation, before that individual addresses the meeting.

RESOLVED (3) that the following decision be noted:

Minute 57 Beach hut update

That the Committee receive a further explanation of the breakdown of associated service charges for beach huts and beach hut sites.

***213 Relocation and Transformation update**

The Deputy Chief Executive advised on progress of the relocation plans. Now that the Council had moved from options consideration and was focused on the agreed twin site approach, the project was moving quickly. With the signing of a conditional contract with Pegasus Life and the commissioning of the design team, relocation had progressed

significantly. Staff were keen to see progress and this had become a more engaged process, as the design team moved through the phases of design from concept to detailed design. The Council was working to the Royal Institute of British Architecture approved design code process to manage the project.

Officer and Executive Groups met monthly and there were regular meetings with the Design Team. SMT was also engaged on matters such as ICT, document management, team locations, operational issues, facilities and other corporate direction. The consultation process with residents had further informed the service provision around the move to the twin sites.

The Deputy Chief Executive and officers would continue to work with tenants to minimise uncertainties and come up with a fair arrangement around new leases and licence agreements.

Discussions included the following:

- Where had the sale of the Knowle been advertised?
The Deputy Chief Executive confirmed the agent Savills had advertised through journals, their development sector contacts as well as local newspapers.
- Was the £7m received for the Knowle value for money for East Devon residents?
- Was there an overage clause in the contract to claim back money from excessive profits from the developers?

The Deputy Chief Executive confirmed that the capital receipt offered for the Knowle was in line with the professional 'Red Book' valuation of the site. He confirmed that there was an overage clause within the Council's conditional contract with the developer.

- The need for actual measurements to be included in the plans for Exmouth Town Hall and Heathpark rather than 2D images.
- A missed opportunity not to have a franchised cafe at Heathpark
- Issues of the size of meeting rooms at Exmouth Town Hall
- Exmouth Town Council needed flexibility when booking the Chamber
- Other organisations based at Exmouth Town Hall were finding relocating to temporary premises an issue.
- New ICT was being implemented over the next few months to pave the way for the move from the Knowle.

The Deputy Chief Executive reassured members that he and officers were in close contact with Exmouth Town Council and town hall tenants, in order to address the detail of new leases, space arrangements and other matters relating to the impact of refurbishment and future use of the building.

Councillor Eileen Wragg congratulated all officers involved for their considerable work in this project.

RESOLVED:

Knowle Site

1. that it be noted that Pegasus Life Ltd, following public consultation exercises, will be submitting its application for development of the Knowle site. The projected likely date of consideration of the application is July 2016.
2. that Sidmouth Town Council's positive response to the Deputy Chief Executive's formal proposal to transfer the remaining Knowle Park to Town Council ownership, together with a commuted sum and negotiations continue, be noted

Honiton Heathpark

3. that preparations underway by the design team to submit a planning application for new build Council offices at Heathpark, with a view to Planning Committee consideration in September 2016, be noted
4. that the new HQ design moving from concept to detailed design of space allocations for desks, meeting spaces, storage, reception area, Chamber, member area, services and external works, be noted
5. that construction planned to commence in November 2016 for a period of up to 12 months, followed by Client Fit Out Works with occupation of the new HQ targeted for February 2018, be noted
6. that the Deputy Chief Executive again meeting with businesses and staff at the East Devon Business Centre to discuss and advise on project progress, be noted

Exmouth Town Hall

7. that the Deputy Chief Executive and design team meeting with tenants of Exmouth Town Hall to discuss their needs, concerns and expectations regarding the refurbishment of the building and its impact on their operations including any disruption or temporary displacement, be noted
8. that the Council's issue of Section 25 notices to end the tenancies of Town Hall tenants to be followed by negotiation of new tenancies, be noted
9. that refurbishment planned to commence in Autumn 2016 and last between 8-10 months, followed by Client Fit Out Works, be noted.

Other

10. that the use of £47,040 of transformation funds for the additional scope required within the Electronic Document Management System be approved
11. that the Council's appointment of Interserve to provide the Pre Construction Advisory role through a two stage competitive tender process based upon the CFSW Framework, be noted. As part of the second stage tender process, Interserve will be asked to provide their firm fixed price tender for the Project Works later this Year. If in the event the received tender is not acceptable a further tendering process will be carried out.
12. that the ongoing detailed engagement with staff and tenants regarding space allocation, twin site facilities, team locations, internal design, fit out and operational requirements, be noted.
13. that further presentations and discussion with Members on new offices design and layout will be arranged as the project moves forward
14. that SMT's decision to locate Housing Services in the main office headquarters as well as availability of other front facing provision (Benefits, Environmental Health, Planning) on the basis of the findings of the Service Delivery and Office Relocation Survey with residents (attached at Appendix 3), be noted
15. that the successful recruitment of a Relocation Facilities Manager post to prepare and oversee the physical relocation of staff and resources, be noted.

REASON:

To advise Cabinet on project progress and seek agreement to take forward the previous commitment of Council to deliver relocation from Knowle to Honiton and Exmouth offices.

***214 Devolution update**

The Chief Executive updated members on progress of the Devolution Prospectus.

Discussions included the following:

- this was the path for improvement and gaining better services
- for business growth and to attract new businesses connectivity was essential
- simplified processes; brings decision making back to local level
- would add an extra layer of council work and bureaucracy
- dissatisfied with the present social and economical situation, this was a chance to make things better for the people of East Devon
- major regional issues could be influenced e.g. transport and health, solving problems
- Plymouth and Exeter were large cities – would rural areas get the same choices?
- allowed for the exploring of issues and was a definite way forward for the District.

RESOLVED:

that the update report be noted and that Cabinet and the Audit & Governance Committee be provided with details (when available) of the proposed briefing meetings.

REASON:

This was an ongoing process. It was proposed to hold briefing sessions for members of the 19 local authorities and nominations were sought.

***215 Cranbrook Community Questionnaire results**

The Community and Engagement Officer and New Community Projects Officer presented to Members the results of the Cranbrook Community Questionnaire 2015, which was undertaken jointly between Organisational Development at EDDC and the Cranbrook Community Development Worker at EDVSA. This was the third annual questionnaire.

RESOLVED:

that the results of the Cranbrook Community Questionnaire 2015 be noted.

REASON:

The consultation has been designed to help inform decisions regarding Cranbrook. The first Cranbrook Community Questionnaire was carried out in 2013 and provided vital feedback to help evaluate and plan.

***216 Cranbrook: Healthy New Towns programme**

To advise that Cranbrook was one of ten developments selected nationally by NHS England for the Healthy New Towns programme.

RESOLVED:

that the inclusion of Cranbrook in the Healthy New Towns programme be noted

REASON:

So that Members were informed of the programme and respond to queries accordingly.

***217 Monthly Performance reports – February 2016**

The report set out performance information for February 2016. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were three indicators that are showing excellent performance:

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

There were no performance indicators showing as concern. The absence indicator that had been showing concern had shown improvement over the last two months.

RESOLVED:

that the progress and proposed improvement action for performance measures for February 2016 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.

***218 Whimble Neighbourhood Area Designation**

The report defined and designated the Neighbourhood Area for the parish of Whimble. The report did not recommend a specific area for designation; it highlighted three potential options with relevant issues.

The Service Lead, Planning Strategy and Development Management stated the issue was whether the Eastern Cranbrook Expansion Area should be part of the Whimble Neighbourhood Plan area or not. There would be wider implications for CIL, (Community Infrastructure Levy) - where the monies collected from this would go, as well as which community would have overall control of the area. He confirmed that everyone involved was keen to work together to deliver Cranbrook wherever the boundary was drawn however there was a danger that policies brought forward by Whimble may not be relevant to Cranbrook Expansion Area.

Councillor Peter Bowden, Ward Member for Whimble stated there was concern within Whimble Parish over this matter. He confirmed this was not a matter of control but the future development of a large area of East Devon. Whimble Parish Council had already stated they did not wish to keep any funding that would come from CIL that was intended for Cranbrook. This was about the ability to meet the housing need with many voices helping to shape the future of both areas.

Discussions included the following:

- concern for Whimble; where does Cranbrook stop? Keep to the natural boundary
- from a practical point of view any new development should be in Cranbrook.
- Whimble's voice would be drowned out
- Cranbrook's Expansion Area was encroaching into another parish's area. There was a need to protect Whimble Parish Council; they were there first.
- this was about allocating a Neighbourhood Plan Area

RESOLVED:

1. that the advice contained in the report to designate an appropriate Neighbourhood Area for the Whimple Neighbourhood Plan be noted.
2. that Cabinet identified Option B for the chosen Neighbourhood Area and that these reasons are formally recorded in the decision documentation.

REASON:

To enable Whimple Parish Council to prepare a neighbourhood plan under the auspices of the Localism Act 2011 and the Neighbourhood Planning Regulations 2012.

***219 Empty homes enforcement project – Mountfield and The Wing, Musbury**

Mountfield and The Wing were listed residential properties which had been empty for a considerable period and were now seriously dilapidated. The owner had shown no interest in maintaining the properties or the grounds around the properties. The Private Sector Housing team had received significant numbers of complaints about the state of these properties from the Parish Council, District Councillors and neighbours.

RESOLVED:

that the Enforced Sale procedure be instigated for the properties Mountfield and the Wing, Musbury and associated land, in order to secure repayment of debts. The properties and land would be offered for sale by auction.

REASON:

This was the most appropriate course of action to deal with these two long-term empty properties. If the enforced sale procedure was unsuccessful for any reason officers would revisit the other enforcement options set out in the report, and report back to Cabinet.

Attendance list

Present:

Paul Diviani	Leader
Andrew Moulding	Deputy Leader/Strategic Development and Partnership

Portfolio Holders:

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

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Non-Cabinet apologies:

David Barratt
David Chapman
Maddy Chapman

Ian Hall
Steve Hall
Marcus Hartnell
Brenda Taylor

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
Matt Booth
Peter Bowden
Colin Brown
Peter Burrows
Paul Carter
Alan Dent
John Dyson
Peter Faithfull
Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Simon Grundy
John Humphreys
Geoff Jung
Ben Ingham
Rob Longhurst
Dawn Manley
Cherry Nicholas
John O'Leary
Marianne Rixson
Pauline Stott
Mark Williamson

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
Ed Freeman, Service Lead - Planning Strategy and Development Management
Jamie Buckley, Community and Engagement Officer
Steve Pratten, Relocation Manager
Darren Summerfield, New Community Projects Officer
Amanda Coombes, Democratic Services Officer

Chairman Date.....