

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 9 November 2016

Attendance list at end of document

The meeting started at 5.33pm and ended at 8.10pm

***74 Public Speaking**

There were two members of the public present who wished to speak – they spoke at the relevant agenda item recorded further on in these minutes.

Councillor Douglas Hull spoke on item 10 - the Overview minutes of the 27 September 2016. Cllr Hull stressed the need for the committee to support the recommendation of writing to the Government's Joint Working Party for Excellence in the Built Environment. He referred to the need to crackdown on national house builders who were building sub standard homes within the district and the need for more robust surveys to be carried out by the National House-Building Council (NHBC).

***75 Minutes**

The minutes of the Cabinet meeting held on 12 October 2016 were confirmed and signed as a true record.

***76 Declarations**

Councillor Eileen Wragg – Minute 87

Interest: Personal

Reason: Member of Exmouth Tidal Defence Scheme

Councillor Ian Thomas – Minute 86

Interest: Personal

Reason: Board member of Exeter Science Park Company (Cllr Thomas did not vote on this item)

Councillor Phil Skinner – Minute 86 & Minute 89

Interest: Personal

Reason: Shareholder for East Devon District Council for the Science Park (Cllr Skinner did not vote on this item) and (Min 89) Chair of the Exmouth Regeneration Board

Councillor Jill Elson – Minute 86

Interest: Personal

Reason: Chair of Governors of Exmouth Community College

***77 Matter of urgency**

None

***78 Matters referred to the Cabinet**

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

***79 Exclusion of the public**

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

***80 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 December 2016 to 31 March 2017.

***81 Minutes of the Strata Joint Scrutiny Committee held on 15 September 2016**

Members noted the minutes from the Strata Joint Scrutiny Committee held on 15 September 2016

***82 Minutes of the Strata Joint Executive Committee held on 27 September 2016**

Members noted the minutes from the Strata Joint Executive Committee held on 27 September 2016

***83 Minutes of the Overview Committee held on 27 September 2016**

Members received and noted of the Minutes of the Overview Committee held on 27 September 2016.

RESOLVED (1) that the following be supported:

Minute 12 - Housing Delivery – discussion paper

that a politically balanced Housing Delivery Taff be established, comprising a minimum of 7 members to be drawn predominantly from the membership of the Overview Committee but wider if necessary;

1. that the Taff have a minimum of three meetings to hear and consider evidence based on the following themes which needed to be scoped:
 - a) Local Plan/ Government Policy 9 to possibly cover areas such as appraisal of land values, types of housing being delivered and service provision impact on rural areas)
 - b) EDDC and other Initiatives (to possibly cover areas such as options for purchasing and and/or building, impact of the welfare regimes and improving affordability
 - c) Alternative structures & options (to possibly cover areas such as looking at partnerships, alternative delivery models and the impact of devolution
2. that the first meeting to be held in the evening at a date to be decided in early October at which the specific themes be fully scoped..
3. that at the conclusion of the Taff a report with recommended actions be forwarded to Cabinet.

RESOLVED (2) that the following recommendations be approved

Minute 13 - Quality of house building in East Devon

1. the response to the All Parliamentary Group for Excellence in the Built Environment report entitled “More Homes, Fewer Complaints” attached as Appendix 1 to the report be sent to encourage the Government to take action on the issues raised in the report and the additional concerns expressed at the Member’s Think Tank.

2. the Officers consider the resource and financial implications for EDDC on the production of a leaflet giving advice to purchasers of new homes on options available to them if issues arise regarding the quality of the build.

RESOLVED (3) that the following be noted

Minute 14 - Overview forward plan

29 November 2016 – Economy and Street Trading (designation of streets).

11 January 2017 – Draft budgets and service plans 2017/18.

28 March 2017 – Tourism economy and cultural enhancement of natural environment.

*84 **Minutes of the Recycling & Refuse Partnership Board held on 5 October 2016**

Members received minutes of the Recycling & Refuse Partnership Board held on 5 October 2016.

RESOLVED (1) that the following recommendation be agreed:

Minute 33 - New Board arrangement, structure, terms of reference and members that the updated terms of reference of the Recycling and Waste Partnership Board Be agreed

RESOLVED (2) that the following decision be noted:

Minute 34 – SUEZ Senior Contract Manager update

RESOLVED (3) that the following decision be supported:

Minute 36 - Leaders group update

the Board agreed to the changes in project management structure for the mobilisation of the new recycling and waste collection service.

*85 **Minutes of the Scrutiny Committee held on 3 November 2016**

Members received and noted the minutes of the Scrutiny Committee held on 3 November 2016. The Chairman of the Scrutiny Committee wished to thank Debbie Meakin - Democratic Services Officer, officers and members for their input into this successful meeting.

RESOLVED (1) that the following recommendations be agreed:

Minute 21 - Police and Crime Commissioner

1. the Council lobby, through the National Rural Network of the Local Government Association, for a fairer funding deal from Government for the Devon and Cornwall Constabulary; and additionally lobby the local MPs on the issue;
2. the Council recognised the valued work of the PCSOs and wished the Police and Crime Commissioner to press to at least continue, and at best to improve, funding for PCSOs as a valued part of the life of the District's local communities;
3. that Ward Members, in the spirit of partnership working under the Crime and Disorder Act 1998, assist in publicising the ways of reporting crime alongside the publicity work already underway by Devon and Cornwall Constabulary, by contact

- with their local town and parish councillors and constituents;
4. the Council wished that the Police and Crime Commissioner reconsider the planned closures for 2017, as part of the review of police stations;
 5. the Council wished that the Police and Crime Commissioner work to reduce the administrative burden on local groups setting up community speed watches, to help those groups achieve safer roads in their local community.

Minute 22 - Update from Portfolio Holder for Environment on Recycling and Refuse

All Ward members be encouraged to familiarise themselves with the new service to help communicate to their wards the changes to come.

RESOLVED (2) that the following decisions be supported:

Minute 21 - Police and Crime Commissioner

that the Police and Crime Commissioner be invited to the Committee in November 2017 to report on progress on her plans.

Minute 22 - Update from Portfolio Holder for Environment on Recycling and Refuse

that the committee recognizes the continued hard work by the Streetscene service in the preparation of the implementation, and welcomes the new service; in particular the anticipated increase in recycling rate and the environmental benefit of that increase.

*86 **Exeter and East Devon Enterprise Zone**

Paul Withers Director of Eagle One spoke on this item. Mr Withers owns 10 acres of land opposite the Exeter Science Park. He was looking to progress towards the first phase of this development to out of a total of 95000 sq ft of office space. He stated the Enterprise Zone (EZ) would put this in jeopardy. Their nearest competitor was SkyPark with which they could not compete within the open market given the incentives that would apply at SkyPark. He had been told that the EZ boundary could not be redrawn to include his land, so suggested the basic criteria be reconsidered so Eagle One could be competitive to the Exeter office market. The company was a long-term investor and wanted to continue to bring much needed additional office pace to the market.

The Principal Projects Manager gave a presentation to Members to update on progress towards an operational Enterprise Zone in the West End of the District. The East of Exeter Projects Director responded to the points raised by My Withers including emphasizing that the original Enterprise Zone was for the four sites that were considered to be core to the strategy for the West End of the District and the Eagle One not being considered to be strategic in nature.

Discussions included the following;

- What about the rest of East Devon? The economy needed to support all people especially the young.
- The impact on the economy would need to be reflected in the EZ Implementation Plan.
- The change in the Business Rates regime to 100% local retention from 2020 and how the risk associated with the Enterprise Zone status could be managed.
- The need to identify businesses to come into the area to promote building blocks for future growth.

- The need to have a large list of projects for investment to be spent in the four strategic EZ sites.
- The guarantee that the council was not going to be financially worse off.

RESOLVED: that the following be agreed;

1. the further analysis that had been undertaken to demonstrate the financial case for introducing an Enterprise Zone be noted,
2. Delegated authority be granted to the Chief Executive, in consultation with the Leader and Strategic Leads (Legal, Licensing and Democratic Services) and (Finance) and the Portfolio Holders for Finance and Economy, to sign the Memorandum of Understanding with Government,
3. Delegated authority be granted to the Chief Executive, in consultation with the Leader and Strategic Leads (Legal, Licensing and Democratic Services) and (Finance) and the Portfolio Holders for Finance and Economy, to agree the proposed Business Rates Relief policy,
4. a further paper in early 2017 that sets out the proposed Implementation Plan for the Enterprise Zone be received.

REASON:

This report set out the further work that had been undertaken since the Cabinet considered an initial paper on the Enterprise Zone proposal in May 2016. This demonstrated the financial case for establishing such a Zone. Signing a Memorandum of Understanding with Government was a prerequisite to the Zone becoming operational.

*87 **Exmouth flood prevention scheme**

The Strategic Lead – Housing, Health & Environment Members asked Members to agree to EDDC contribution towards Exmouth Tidal Defence Scheme. The report provided an update on progress towards a major engineering scheme to protect parts of Exmouth from coastal and fluvial flooding.

RESOLVED:

1. that EDDC permit the use of its car parks, public open space and other land (as identified in paragraph 3.1 of the report) for the construction of the Exmouth Tidal Defence Scheme, a contribution in kind valued at £300k. That the Strategic Lead (Housing, Health and Environment) in consultation with the Strategic Lead (Legal, Licensing and Democratic Services) be authorised to negotiate and complete any appropriate property documentation that may be required to facilitate this arrangement,
2. that EDDC continued to maintain the improved defences on the sea front and along the estuary in Exmouth; a contribution in kind valued at £562k over the life (100 years) of the scheme,
3. that EDDC continued to work in collaboration with the EA on the project, and contribute staff time towards it valued at £110K.
4. that the Strategic Lead (Housing, Health and Environment) in consultation with the Strategic Lead (Legal, Licensing and Democratic Services) be authorised to make amendments to the Collaboration Agreement between the EA and EDDC as necessary to reflect changes to the programme, level of EA contribution to costs incurred by EDDC and the period in which those costs were to be spent.

REASON:

That the partnership funding requirements for the project and improved affordability within the Environment Agency programme be met.

To ensure that the scheme continued to complement EDDC aspirations for regeneration of the Town and that the upgraded defences enhances the public realm and EDDC assets.

*88 **Bishops Clyst Neighbourhood Plan Examiner's Report**

This report provided feedback and set out proposed changes following the examination of the Bishops Clyst Neighbourhood Plan

RESOLVED:

1. that the Examiner's recommendations on the Bishops Clyst Neighbourhood Plan be endorsed in their entirety and an additional minor correction,
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the examiners modifications and additional minor correction) should proceed to referendum and a decision notice to this effect be published,
3. that the Neighbourhood Plan group be congratulated on their hard work.

REASON:

The legislation required a decision notice to be produced at this stage in the process. The Neighbourhood Plan was the product of extensive local consultation and had been recommended to proceed to referendum by the Examiner subject to modifications, which were accepted in their entirety by the Parish Council.

89 **Queen's Drive site, Exmouth update**

Louise MacAlister spoke about her concerns over the extra costs and increased project costs. Ms MacAlister stated the initial scenarios were based on assumptions and not evidence. She asked Members to consider the financial implications within the report.

This report updated members on the delivery of an improved seafront offer for Exmouth and, in particular, progress on the Queen's Drive regeneration project. It advised Cabinet and sought approval on recommendations relating to progress with the Queen's Drive site phases; 1 (road and car park), 2 (Watersports Hub) and the next steps on phase 3 (mixed use leisure development on the remainder of the site including Harbour View cafe site).

Discussions included the following:

- The delay had caused challenges especially with the overall budget.
- The first cost estimates were underestimated as this was difficult to estimate at the start of the project.
- Outline planning approval was about to run out.
- This was still a great opportunity for Exmouth and the rest of the district.
- Increased budget figures disrespects the public we serve.
- The lack of control over project costs.
- The developers should pay for leisure facilities. The plans should be revisited.
- The need to get on with the project.
- Improve the economy and tourism in East Devon. Queens Drive would bring Exmouth into the premier league of seaside resorts.

- Invest for the future.
- Had a decision over the Watersports Centre already been made? Projected costs needed to be thoroughly reviewed.
- Cooperation between businesses and stakeholders needed to come back.
- Must have public support.
- Present the risks as well as the rewards and how they can be avoided.
- The development was actually moving quite fast and there would be public consultations before the next stages go ahead.
- Delays cost money, Exmouth needed this improvement and regeneration.
- The Premier Inn had been a huge benefit to Exmouth and prolonged the tourist season.
- Economy of the town needed this boost.
- Not all students would go on to university hence the need to create jobs.
- The Masterplan was prepared as a result of consultation feedback.
- Brexit – people were now looking for better facilities over here.
- Exmouth needed to be a 12-month tourist attraction.
- Exmouth Chamber of Commerce was in favour of the Queen's Drive development.

RECOMMENDED:

1. to consider and agree the allocation of additional funding to deliver the Council's commitment to the Queen's Drive site regeneration project. The projected total funding requirement before increased income, capital receipt and/or grant funding had risen from the original estimate of £1,500,000 in 2014 to £3,120,000 in gross terms,

RESOLVED:

1. to note that the Council was negotiating the detail of its development agreement with Grenadier Development to deliver a Watersports Hub and associated development at Queens Drive,
2. to note that in taking forward a fresh review of phase 3 of the Queens Drive site the Council would give Exmouth people another opportunity to have their say on what happens on that site. The Council would bring in external expertise to carry out a review. This would involve full consultation that was neither developer nor Council led,
3. to note that legal delays had had a significant impact on delivering all phases of Queen's Drive improvements including revised timing and increased project costs,
4. to note that under delegated powers and an exemption to standing orders, officers had engaged planning and design services to take forward a reserved matters application for the continuance of the current planning approval of Queen's Drive.

REASON:

To enable progress to be made on further improving the seafront offer for Exmouth with the continuation of the Queen's Drive site project, specifically the Council's responsibility for the road and car park, Grenadier's investment to deliver a Watersports Hub and a fresh review of phase 3 that included consultation, design and marketing around a mix of leisure uses and attractions.

***90 Budget Monitoring report – Month 6**

This report gave a summary of the Council's overall financial position for 2016/17 at the end of month six (30 September 2016). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- There was a sufficient Capital Reserve to balance this year's capital programme.

RESOLVED:

that the variances identified as part of the Revenue and Capital Monitoring process up to Month Six be acknowledged.

REASON:

The report updated Members on the overall financial position of the Authority following the end of each month and included recommendations where corrective action was required for the remainder of the financial year.

***91 Monthly Performance reports – September 2016**

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

There are five indicators that are showing excellent performance:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse
- Percentage of Council Tax collected
- Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- Creditor days - % of invoices paid within 30 days
- Working days lost due to sickness absence

There were no performance indicators showing as concern.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2016/17 financial year for September 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.

***92 Local Government Ombudsman complaints 2015/16**

Members were provided information on complaints referred to the Local Government Ombudsman during 2015/16.

RESOLVED:

that the number of complaints dealt with and their outcomes be considered.

REASON:

To continue to improve the way complaints were handled and to learn from this.

Attendance list

Present:

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

Portfolio Holders:

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

Cabinet Members without Portfolio:

Eileen Wragg

Cabinet apologies:

Paul Diviani Leader
Geoff Pook

Non-Cabinet apologies:

Paul Carter
Ian Hall
Steve Gazzard
Cherry Nicholas
John O'Leary
Mark Williamson

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
Peter Bowden
Colin Brown
Jenny Brown
Maddy Chapman
Alan Dent
John Dyson
Peter Faithfull
Roger Giles
Graham Godbeer
Steve Hall
John Humphreys
Ben Ingham
Geoff Jung
Rob Longhurst
Dawn Manley
Bill Nash
Helen Parr
Pauline Stott
Brenda Taylor

Also present:

Officers:

- Mark Williams, Chief Executive
- Richard Cohen, Deputy Chief Executive
- Simon Davey, Strategic Lead – Finance
- John Golding, Strategic Lead – Housing, Health & Environment
- Karen Jenkins, Strategic Lead - Organisational Development and Transformation
- Alison Hayward - Senior Manager, Regeneration & Economic Development
- Andy Wood - East of Exeter Projects Director
- Naomi Harnett, Principal Projects Manager
- Amanda Coombes, Democratic Services Officer

Chairman Date.....