

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 8 March 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.41pm

***154 Public Speaking**

There were no members of the public present who wished to speak.

***155 Minutes**

The minutes of the Cabinet meeting held on 8 February 2017 were confirmed and signed as a true record.

***156 Declarations**

Councillor Tom Wright – Minute 177

Interest: Personal

Reason: Member of Budleigh Salterton Town Council

Councillor Steve Hall – Minute 177

Interest: Personal

Reason: Member of Budleigh Salterton Town Council

Councillor Geoff Pook – Minute 166

Interest: Personal

Reason: Member of Construction Industry

Councillor Paul Diviani – Minute 181

Interest: Personal

Reason: Member of the LEP Board

Councillor Phil Twiss – Minute 173

Interest: Personal

Reason: Lifetime Member of National Trust

Councillor Ian Thomas – Minute 167

Interest: Personal

Reason: Director of Science Park

Councillor Phil Skinner – Minute 167

Interest: Personal

Reason: Shareholder Representative of Science Park

***157 Matter of urgency**

None

***158 Matters referred to the Cabinet**

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

*159 **Exclusion of the public**

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

*160 **Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 April 2017 to 31 July 2017.

*161 **Minutes of a Meeting of the Arts and Culture Forum held on 1 February 2017**

Members received and noted the Minutes of a Meeting of the Arts and Culture Forum held on 1 February 2017. The recruitment of the community representatives had been confirmed at the February Council meeting.

*162 **Minutes of the Scrutiny Committee held on 2 February 2017**

Members received and noted the Minutes of the Scrutiny Committee held on 2 February 2017.

*163 **Minutes Notes of the Asset Management Forum on 9 February 2017**

Members received the Notes of the Asset Management Forum on 9 February 2017.

The Chairman of the Asset Management Forum stated he felt the minutes did not reflect the Forum's remit of implementing a detailed study of all the assets owned by the Council, identifying their role and purpose. The study would investigate the benefits of non-strategic assets being devolved to Towns and Parishes or other users.

*164 **Sidmouth Beach Management Plan**

This item was deferred until a later date.

*165 **Local Government Boundary Commission for England (LGBCE) Electoral Review Programme 2015 – 2019**

The Chief Executive asked members to consider the draft recommendations from the LGBCE on the new electoral arrangements for EDDC.

Broadly speaking the LGBCE had agreed with the proposals submitted by the Council. There were some changes but it was confirmed that the new Council in 2019 will comprise 60 Councillors representing some 30 wards. The proposals were for 12 three-councillor wards, six two-councillor wards and 12 one-councillor wards. All the proposed wards would comply with the legal electoral equality requirement. Within the permitted range of +/- 10% each councillor would represent 2,098 electors.

Discussions included debate around ward divisions and shared workloads.

The Chief Executive was thanked for his work on this matter.

RESOLVED:

Confirmation is given to the LGBCE that the draft recommendations relating to East Devon issued on the 7 February are agreed

REASON:

To comply with the timetable and requirements of the LGBCE. The current consultation closes on the 3 April 2017.

***166 Establishing a Local Housing Company for East Devon District Council**

The Chief Executive presented this report which set out the business case for setting up a Local Housing Company to be wholly owned by the Council with the purpose, amongst others, of providing housing in the general market (so outside of the Housing Revenue Account) and to generate a profit to provide income to the Council's general fund.

The report covered the purpose, benefits, legal position, risks, and considerations of operating a Local Housing Company, and specifically what this housing delivery vehicle could do that currently the Council was unable to.

Discussions included the following:

- Looking at other councils who are undertaking a similar venture
- The Housing Review Board and its tenants gave full support to this business case
- A way forward to looking at diversity in the housing market
- Start small; to overcome potential difficulties
- The Council had its own land to start providing houses
- No in-house expertise so risks and barriers must be recognised
- Affordable housing was most needed in the District
- Keep an eye on any State Aid barriers
- The venture needed to be supported. It would provide housing for younger people so they could stay in towns and villages
- Would provide healthy competition with private landlords to improve their rental properties
- The Council had built its own council houses in the past as well as buying homes from developers. This was the next stage to provide for its residents
- Fills a gap in the housing market that was vital for small housing in rural areas
- The need for mixed requirements for homes e.g. houses for Key Workers such as teachers and NHS staff
- Need to be as transparent as practically possible
- The Council should feel proud of this new way of providing homes for its residents

The Strategic Lead, Housing Health and Environment was commended for his work in establishing the business case and for providing a thorough and readable report.

RESOLVED:

that the following be agreed:

- (1) the approval of the establishment of 'East Devon Homes', a (wholly owned) Local Authority Housing Company to be incorporated and registered at Companies House as a private company limited by shares;
- (2) the shareholder function of the Council be delegated to a sub-committee of the Cabinet, to be called the 'Housing Company Sub-Committee' and comprising the Leader, Deputy Leader and Portfolio Holders for Finance, Sustainable Homes and Communities and Corporate Business;
- (3) the remit and Terms of Reference of the Housing Company Sub-Committee attached at Annex 2 to the report;
- (4) the Housing Company Sub-Committee in consultation with the Strategic Leads for Finance, Governance and Licensing and Housing, Health and Environment be

authorised to finalise and document the following arrangements between the Council and the Company;

1. The Memorandum and Articles of Association for the Company;
2. Shareholder Agreement between the Company and the Council;
3. Appointment of Directors, Auditor and (if required) a Company Secretary;
4. Receive and approve the Business Plan prior to the Company commencing trading (noting that Council approval would be required for any borrowing the Council may do on behalf of the Company);
5. Resourcing Agreement for the Company to use Council staff and facilities in furtherance of its business;
6. Agree appropriate loan and draw down facilities to the Company with associated agreements.

REASON:

To establish a vehicle to accelerate housing delivery and the flexibility to undertake a more diverse range of housing development, including market rented properties.

***167 Exeter and East Devon Enterprise Zone**

The Principal Project Manager provided an update on progress towards an operational Enterprise Zone in the West End of the District and sought a nominated representative to sit on the proposed Enterprise Zone Board.

RESOLVED:

1. that the further progress toward an operational Enterprise Zone including the proposed Implementation Plan be noted;
2. that the Implementation Plan (other than the governance arrangements) be approved and delegated authority was granted to the Board and Principal Officers Group to carry out those activities which were within their 'Roles and Responsibilities' (specified in the respective Terms of Reference) and which were in accordance with the approved Implementation Plan,
3. that delegated authority be granted to the Chief Executive, in consultation with the Leader and Strategic Leads (Governance and Licensing) and (Finance), to make appropriate amendments to the Implementation Plan prior to the first meeting of the Board as required,
4. that the Leader be nominated to sit on the proposed Enterprise Zone Board, and
5. that delegated authority be granted to the Leader, Chief Executive and Strategic Lead (Governance and Licensing) to agree with Devon County Council the governance arrangements and to finalise the Terms of Reference for the Board and Principal Officers Group.

REASON:

Cabinet last received a paper in November 2016 setting out progress towards an operational Enterprise Zone designation. It was resolved that a further report would be forthcoming early in the New Year setting out the proposed Implementation Plan. This was attached at Appendix 1. A representative was sought for the proposed Enterprise Zone Board, which forms part of the proposed governance arrangements for the Zone

***168 People Strategy 2017-2020**

The Strategic Lead, Organisational Development and Transformation presented the report stating the People Strategy was a vital component of a healthy organisation, as well as fundamental to ensuring delivery to what had been set out in the Council Plan and Transformation Strategy.

RESOLVED:

That the East Devon District Council's People Strategy 2017–2020 was adopted

REASON:

The People Strategy was an important document which had been reviewed and updated in line with all relevant legal obligations.

*169 **Monthly Performance reports – January 2017**

The report set out performance information for January 2017. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were four indicators that showed excellent performance:

- Percentage of Council Tax Collected
- Percentage of Non-domestic Rates Collected
- Days taken to process Housing Benefit / Council Tax Benefit new claims and change events
- 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 January 2017 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.

*170 **Review of the Equality Policy and Objectives 2017-2020**

The Strategic Lead, Organisational Development and Transformation presented the updated Equality Policy and Objectives 2017-2020. This was a key corporate policy setting out how the legal duties under the equality legislation would be met, and how equality and diversity as a community leader, service provider and employer would be promoted. It was noted by the Strategic Lead that the policy was an overarching policy for all the protected characteristics and that the term 'Disability' covers both physical disabilities (such as wheelchair users) and mental health issues (such as autism and asperger's syndrome).

RESOLVED:

that the refreshed version of the Equality Policy and Objectives be adopted

REASON:

The Equality policy was an important document, which had been reviewed and updated in line with all of the relevant legal obligations.

*171 **Procurement Support**

The report asked members to consider entering into an agreement with Devon County Council Procurement Services to provide procurement advice to this Council from 1 April 2017 for an initial period of two years.

RESOLVED:

that an exemption to the Council's contract standing orders be approved to enable the Council entering into a service level agreement with Devon County Council, to provide Procurement Support from 1 April 2017 to 31 March 2019 (subject to detailed review after 9 months).

REASON:

To enter into an agreement with Devon County Council to provide support that was seen as an effective and cost efficient option.

***172 Consultation on draft Cemetery Regulations**

The Licensing Manager presented the report that sought approval to undertake a consultation process introducing combined Regulations for the Management and Control of East Devon District Council Cemeteries.

RESOLVED:

that the consultation on the introduction of Regulations for the Management and Control of East Devon District Council Cemeteries be carried out.

REASON:

In order to meet the requirements to carry out a consultation before introducing the new regulations.

***173 EDDC Green Spaces Plan proposal**

The Service Lead, Countryside & Leisure presented the report that set out the need to adopt a Green Space Plan for East Devon District Council. The report identified the benefits that can be derived from adopting a Plan that would help prioritise the Council's management of its green spaces over the next ten years, especially the opportunities for closer working between key service areas such as Streetscene, Housing and Countryside. The future management of these green spaces was of critical importance as their contribution to the district's quality of life indices, including health and wellbeing for local residents, was significant.

Green spaces also play a key role in helping to boost the local economy with their role in attracting visitors and visitor spend in many of the towns as well as their importance to the outstanding natural environment. The Council currently provided 10% of its annual budget to managing its green spaces. The current set of Council plans and strategies did not provide a strategic framework for the management of EDDC's green spaces and this proposal would therefore help shape the future management of these important areas for public recreation and enjoyment.

RESOLVED:

that the Green Space Plan, which would provide the strategic direction and management for those areas owned by East Devon District Council and defined as green spaces, be adopted.

REASON:

To enable the work to begin in delivering the Plan and bringing together those key services involved in green space management across the Council in helping to shape and inform the document.

***174 Update on Fly Tipping and Review of Fixed Penalty Fines**

The Service Lead, Environmental Health and Car Parks updated members on the use of the new fixed penalty fines introduced by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016. These fines could be issued against a person who had breached their duty of care and committed a waste deposit offence.

The report asked Members to note the action already taken and approve the introduction of a more flexible 2-tier penalty system so that the fixed penalty notice can be used for very small fly tips as well as situations where large amounts of waste had been deposited. The current fine of £400 approved by Members in June 2016 had been used by Officers to deal with medium and large scale fly-tipping offences that were being committed by householders or small scale “man and a van” operations. The investigation of very large scale (more than 20 tonnes) and hazardous fly tips remains the responsibility of the Environment Agency.

RESOLVED:

1. that the successes achieved to date in the use of fixed penalty fines be noted, and
2. that the use of a 2-tier fixed penalty fine be agreed as follows:
 - a) £200 fine (reduced to £120 if paid within 10 days of service of the notice) for very small fly tips of 180 litres (a standard wheeled bin) or less:
 - b) £400 fine (reduced to £200 if paid within 10 days of service of the notice) for medium and large fly tips be approved.

REASON:

To enable officers from both the Environmental Health and Streetscene teams to issue fixed penalty notices to anyone who had committed a fly tipping offence.

***175 Response to Yarcombe & Marsh Neighbourhood Plan Submission**

Members were asked to agree the response by the Council to the current consultation for the Yarcombe & Marsh Neighbourhood Plan.

RESOLVED:

1. that Members note the formal submission of the Yarcombe & Marsh Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out in paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the neighbourhood plan by the Independent Examiner.

***176 Response to Chardstock Neighbourhood Plan Submission**

Members were asked to agree the response by the Council to the current consultation for the Chardstock Neighbourhood Plan.

RESOLVED:

1. that Members note the formal submission of the Chardstock Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out in paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the neighbourhood plan by the Independent Examiner.

***177 Response to Budleigh Salterton Neighbourhood Plan Submission**

Members were asked to agree the response by the Council to the current consultation for the Budleigh Salterton Neighbourhood Plan.

RESOLVED:

1. that Members note the formal submission of the Budleigh Salterton Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out in paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the Neighbourhood Plan by the Independent Examiner.

***178 East Budleigh with Bicton Neighbourhood Plan Examiners Report**

This report provided feedback and set out proposed changes following the examination of the East Budleigh with Bicton Neighbourhood Plan.

RESOLVED:

1. that the Examiner's recommendations on the East Budleigh with Bicton Neighbourhood Plan subject to the further amendments as set out in the table at paragraph 1.7 to the report be endorsed,
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the Examiner's modifications and further amendments outlined in paragraph 1.7) proceed to referendum and a decision notice to that 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 subject to additional changes, were accepted by the Parish Council.

***179 Bishops Clyst Neighbourhood Plan to be formally 'made'**

The Bishops Clyst Neighbourhood Plan had now passed referendum and must be formally 'made' by East Devon District Council for it to form part of the development plan.

RESOLVED:

1. that the Bishops Clyst Neighbourhood Plan be 'made' and so now forms part of the development plan.
2. that Members agree to officers writing to congratulate the Neighbourhood Plan group on all their hard work and to confirm the status of the Neighbourhood Plan.

REASON:

The Bishops Clyst Neighbourhood Plan received a majority 'yes' vote in the referendum as required by the regulations and there was no substantive reason not to 'make' the Plan.

180 Exclusion of the public

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

***181 Development of workshops at Fosseyway Business Park and Colyford Road Depot, Seaton**

The Council owned two sites in Seaton allocated in the Local Plan as employment land. In May 2014, planning permission was secured for the development workspace units on the sites. Both permissions would expire in 2017. A decision was required to decide whether to carry out necessary preliminary works to satisfy planning conditions on the sites.

RESOLVED:

1. to reallocate the unspent capital programme budget originally for two new units at Manstone Workshops to the Seaton Workshops project to clear the planning conditions and carry out the pre-tender works identified in the report,
2. that a detailed business case, including demand analysis, will be prepared for the project and the intention that a bid be submitted to the LEP's Unlocking Growth Fund for grant funding,
3. that once pre-tender works had been undertaken, the design and build contract for the development of the new workshops would be re-tendered.
4. On receipt of the new tenders, and subject to a variance in the projected cost of development being no more than 5%, that delegated authority be given to the Deputy Chief Executive to proceed with the development of the new workspace units in consultation with the Portfolio Holder for Economy.

REASON:

1. To protect the value of the Council's sites through the retention of the planning permissions.
2. To progress the development of workspace on the Council's sites in support of small and start up business and to create jobs.
3. That once pre-tender works had been undertaken, the design and build contract for the development of the new workshops was re-tendered.
4. On receipt of the new tenders, and subject to a variance in the projected cost of development being no more than 5%, that delegate authority was given to the Deputy Chief Executive to proceed with the development of the new workspace units in consultation with the Portfolio Holder for Economy.

Attendance list**Present:**

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

Portfolio Holders:

Iain Chubb	Environment
Jill Elson	Sustainable Homes and Communities
Phil Twiss	Corporate Services

Ian Thomas Finance
Philip Skinner Economy
Tom Wright Portfolio Holder Corporate Business

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Non-Cabinet apologies:

David Key
Cherry Nicholas
Helen Parr
Brenda Taylor

Also present (for some or all of the meeting)

Councillors:

Mike Allen
Megan Armstrong
Brian Bailey
Matt Booth
Colin Brown
Paul Carter
Maddy Chapman
Alan Dent
John Dyson
Peter Faithfull
Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Simon Grundy
Ian Hall
Steve Hall
Marcus Hartnell
Mike Howe
John Humphreys
Geoff Jung
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
Henry Gordon Lennox - Strategic Lead - Governance and Licensing
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Charlie Plowden, Service Lead - Countryside & Leisure
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Jay Lambe, Service Lead – Regeneration and Property
Andy Wood, East of Exeter Projects Director

Naomi Harnett, Principal Project Manager
Donna Best- Principal Estates Surveyor
Steve Saunders – Licensing Manager
Amanda Coombes, Democratic Services Officer

Chairman Date.....