

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.

***44 Public Questions**

Steve Lawrence, a Cranbrook resident and Acting Vice Chairman of the Community Forum asked the Council to take into account the benefit that would accrue to the growth of Cranbrook if the Council was to relocate to the new community. He said that such a move would give incentive to other businesses to relocate to Cranbrook and believed that economies of scale would be derived from the Council sharing a building with the proposed new town council.

The Chairman thanked the speaker and advised that his comments would be taken into account when the office relocation was being considered.

***45 Minutes**

The minutes of the meeting of the Cabinet held on 17 July 2013 were confirmed and signed as a true record subject to Councillor Ken Potter being included on the list of Councillors who were also present at that meeting.

***46 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Geoff Pook	58	Disclosable Pecuniary Interest	Chairman of the Beer Community Land Trust
Cllr Geoff Pook	61	Disclosable Pecuniary Interest	Land interest in Heathpark, Honiton
Cllr Ray Bloxham	52 and 61	Personal	In the process of moving home to Cranbrook
Mark Williams, Richard Cohen, Denise Lyon, Simon Davey	55	Pecuniary Interest	Personally affected by pay award.

***47 Exclusion of the Public**

RESOLVED: that the classification given to the documents to be submitted to the Cabinet be confirmed. There was one item which Officers recommended should be dealt with in Part B.

***48 Forward Plan**

Members noted the contents of the Forward Plan for Decisions for the period 1 September to 31 December 2013.

*49 **Matters referred to the Cabinet**

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

*50 **Overview and Scrutiny Committee meetings – 11 & 25 July 2013**

Members received and noted the minutes of the meetings of the Overview and Scrutiny Committee held on 11 and 25 July 2013.

The Committee Chairman, Councillor Tim Wood said that the presentation by the Chief Executive of LED Leisure Management had been very useful.

RESOLVED 1 that the following decisions be noted

Minute 13 that the Overview and Scrutiny Committee write to Government to express concern about the continued strain on local authorities to fund services in the light of Government decisions on funding.

Minute 21 that the topic of lobbying be not included in the current forward plan as the Standards Committee (as part of their remit) will deal with the topic; this may be considered again in the future if the Committee deem it necessary to do so.

RESOLVED 2 that the following recommendations be approved

Minute 13 that a press release be issued to outline the extensive work carried out by this Council to raise concern about the continued strain on local authorities to fund services in the light of Government decisions on funding.
(Members were advised that in addition the Leader was in communication with Government in this respect.)

Minute 20 that a joint working group consisting of EDDC Members (5 in total comprising – 3 Conservatives, 1 Liberal Democrat and 1 Independent) and representatives of LED Leisure Management be set up to work towards the review of the future contract arrangement with LED due in 2016, with particular focus on:

- a) review and assessment of the requirements and benefits of leisure provision for the District;
- b) assessment of capital requirements for future years in terms of maintenance and development of existing assets and to establish priorities for expenditure.

RESOLVED 3 that the following recommendations at Minute 14 be taken into account when the relevant item is considered later in the agenda (Item 12 – Community Infrastructure Levy – Governance arrangements)

***51 Recycling and Refuse Partnership Board meeting – 18 July 2013**

Members received and noted the minutes of the meeting of the Recycling and Refuse Board held on 18 July 2013.

The Environment Portfolio Holder and Chairman of the Partnership Board advised that the demonstration at the meeting of the Citizen App had been very useful – it was capable of reminding the user of when to put their bins out and enabled users to report on local problems, such as fly tipping. Currently the App was only available to use on i-phones but when the licence had been granted for android use, the facility would be widely launched.

Information stickers would now be attached to first instances of side-waste. This was instead of sending out letters and was welcomed as a cost-effective approach.

RESOLVED 1 that the following decision be noted

Minute 9 that the Waste and Recycling Manager circulate further information to the Recycling and Refuse Partnership Board regarding the costs associated with collecting and transporting WEEE (waste electrical and electronic equipment) items

Minute 12 that the Waste Management Officers record the first instance of side waste and only send out second letters to households with relevant information.

RESOLVED 2 that the following recommendations be agreed

Minute 4 (1) that the ICT Manager produce a soft launch strategy for the new Citizen App, including a timeline, and circulate this to the Partnership Board.

(2) that the ICT Systems Analyst darken the font of the Council tweets to make them easier to read.

Minute 8 that a 4 sided leaflet regarding collection day changes 2013/14/15 be produced and sent to households, providing simple collection date information, with the option to include private advertising to reduce costs.

***52 Cranbrook – presentation and up-date on progress – key decision**

The Deputy Chief Executive, Richard Cohen gave a brief introduction to this item. He said that it was useful to remind Members about what had been achieved so far and to recap on the work outstanding.

Andy Wood, East of Exeter Projects Director then gave a presentation and up-date on the progress of Cranbrook to-date. This was measured against the various planning targets set out in the Section 106 Agreement for Cranbrook and the Outline Planning Application for the first 2,900 homes. The presentation highlighted key milestones, progress and challenges.

*52

Cranbrook – presentation and up-date on progress (continued)

Members were reminded that a Cranbrook Assets and Services Group had been set up and would specifically manage the process of transfers of assets and liabilities that have implications for EDDC

The work of the New Community Officer was outlined in the report. Members welcomed the effective communications in place and examples of positive public relations. Issues raised and discussed included:

- Education provision – the primary school was now open and pupil numbers were increasing year on year. The delivery of the second primary school and the secondary school was being brought forward and construction would commence shortly. There was space for a university technical college.
- Two key considerations in the development were community and sustainability.
- Headline challenges were: a) issues relating to assets b) community governance and c) support for rapid community growth. Credit was given to Bill Richardson (New Community Officer) and the effective work he had carried out, particularly in respect of assets and all the planning matters associated with Cranbrook.
- Phase One affordable housing provision had been funded through significant Government grant from the National Affordable Housing Programme. This no longer exists and different arrangements were being explored for Phase Two provision based on the affordable rent tenure.
- Delays in the opening of the Younghayes Centre were due to the need to finalise parking arrangements for the facility. This was causing some local dissatisfaction and highlighted the need to deliver projects particularly (as in the case of planned play park) where public consultation had raised expectations. Members appreciated that each step within the development required detailed negotiation.
- Phase One parking arrangements had been designed to reflect the sustainability of the development. In response to practicalities, increased provision had been factored in to Phase Two.
- Social media was proving a very effective community tool and would continue to be used proactively.
- The Energy Centre would be switching over to be predominantly biomass fuelled by the time that there were 2,000 homes at Cranbrook and discussions were underway to ensure that the supply was sourced locally.
- Plans included sports pitch provision. LED Leisure was in consultation with the school and Younghays Centre and in relation to further sports provision in later stages.
- The intention was to have a local referendum when 1000 homes were on site to determine how the place of worship should be delivered.
- The Country Park would be open before Phase 2. A management plan was being progressed. In the meantime a temporary dog walking area had been provided.

- RESOLVED**
- (1) that the range of progress underway in Cranbrook be noted.
 - (2) that the presentation slides be circulated to all Councillors for information.

REASON The report was presented to Cabinet for information.

*53

Community Infrastructure Levy Task and Finish Forum final report – key decision

The Chairman of the Community Infrastructure Levy (CIL) Task and Finish Forum, Councillor Graham Troman introduced this item. The Forum had been tasked to explore CIL governance – the deployment of revenues raised through CIL. The Chairman thanked Councillor Troman and all members of the Forum for the work they had carried out.

The recommendations of the Taff had been referred to the Overview and Scrutiny Committee which had considered the final report in detail and made some amendments. These had then been referred to the 20 August Development Management Committee for consideration. The Development Management Committee endorsed the Forum’s recommendations, as refined by the Overview and Scrutiny Committee.

- RESOLVED**
- (1) that the recommendations of the CIL Task and Finish Forum – as refined by the Overview and Scrutiny Committee – be agreed, namely:
 - a. Note the significant challenges embodied in the new regime for collecting and deploying funds for infrastructure improvements under the CIL and the potential resource implications;
 - b. Consider the proposed process for committing CIL monies to specific infrastructure improvements in partnership with external organisations;
 - c. Consider the merits of a new advisory panel to focus on the consideration of strategic planning and economic development issues in the District and for this to be introduced as part of the next reorganisation of the Council;
 - d. Recognise the need to continue and potentially expand the current participatory budgeting exercise with parish councils to help frame local infrastructure priorities.
 - (2) that a further report on specific CIL governance issues be reported to a future meeting of Cabinet.

REASON To put CIL governance arrangements in place.

*54 **Financial monitoring report 2013/14 Month 4 – July 2013**

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2013/14 at the end of month 4 (31 July 2013). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level. The predicted balance is £3.688m which is £0.088m above the Council's maximum adopted level.
- The Housing Revenue Account (HRA) Balance will be maintained at or above the adopted level. The predicted balance of £4.435m is well above the recommended level of £2.1m and will be used for:
 - a) further investment in the housing stock,
 - b) to offset any adverse effects of the Welfare Reform and
 - c) to ensure sufficient funds are available to make the first repayment of principal on the self-financing loans (due in 2014/15).

In addition £1.710m was being held in a separate reserve.
- There was sufficient Capital Reserve to balance this year's Capital Programme. It is estimated that £2.412m will be available in the Reserve to support the Programme from 2014/15 onwards.

RESOLVED that the variances identified as part of the Revenue and Capital Monitoring process up to month 4 be acknowledged.

REASON The report up-dates Members on the overall financial position of the Authority following the end of each month and includes recommendations where corrective action is required for the remainder of the financial year.

*55 **Implementation of 2013 NJC pay award**

The Corporate Organisational Development Manager presented the report in respect of local arrangements for a proposed increase in Chief Officer pay similar to that which had been negotiated nationally for other grades.

RESOLVED that Chief Officer pay be increased by 1% (which was in line with the NJC pay award) as per the approved budget with effect from 1 April 2013.

REASON The approach was consistent with the negotiated and implemented cost of living increase applied to other grades.

*56 **Exemption from Standing Orders – Strategic Environmental Assessment of Neighbourhood Plans**

Members considered the report of the Planning Policy Manager seeking exemption from Standing Orders to enable the Council to commission advice on undertaking Strategic Environmental Assessment (SEA) and to meet other regulatory requirements for Neighbourhood Plan production. The reasons why the Council wished to use the Land Use Consultants to undertake the work was set out in the report. The guidance developed through the commission would have Devon wide relevance and would use the emerging Lympstone Neighbourhood Plan as a case study for assessment.

RESOLVED that exemption to Contract Standing Order 8.1 be granted to enable the appointment of Land Use Consultants to produce guidance on Strategic Environmental Assessment of Neighbourhood Plans.

REASON There was a need to use the third party grant aided funding and a pressing need to assist Lympstone with their Neighbourhood Plan. The guidance would have Devon-wide relevance.

*57 **Application to designate Uplyme Neighbourhood Area**

Members were advised that Uplyme Parish Council's application for the designation of the whole of their Parish as a Neighbourhood Area had been advertised and two representations had been received as a result. West Dorset District Council and Dorset County Council advised that Lyme Regis Town Council was also intending to produce a Neighbourhood Plan and suggested giving consideration to a joint Plan. Dorset County Council also asked to be kept informed about any implications within the Plan in respect of land at Woodroffe School which they own.

Members were advised that Uplyme Parish Council had now met with Lyme Regis Town Council. Uplyme wished to produce the Plan alone but would take issues raised by Lyme Regis into account. They believed that co-operation with Lyme Regis was a good idea where common interests were at stake but due to Lyme's larger population, when the referendum was held (as required before the Plan came into force) or where there was a difference of view, Lyme's opinion (due to size) would dominate the result. Differences were inevitable as the needs of a town would not always coincide with those of a rural parish. Members believed that the proposed Uplyme neighbourhood area was logical.

The next step in the process was to publish the decision relating to the neighbourhood area on its website to bring the designation to the attention of people who live, work or carry out business in the neighbourhood area.

RESOLVED that the application to designate Uplyme Neighbourhood Area - to include the whole Parish as requested, be approved.

REASON To enable Uplyme Parish Council to prepare a Neighbourhood Plan under the auspices of the Localism Act 2011 and the Neighbourhood Planning Regulations 2012.

*58

Request from Beer Community Land Trust (CLT) to obtain development loan finance

Members considered the report of the Head of Finance in respect of a request received from the Beer Community Land Trust for a loan from the Public Works Loan Board (PWLB) of up to £1.060m for a 30 month period. A corresponding loan would then be made on the same terms by the Council to the Trust secured against the site and development. The loan would enable the Trust to purchase land and build 7 houses to help meet the need for affordable homes in Beer.

The Head of Finance advised of the latest financial position in respect of the initiative – part funding was potentially available from the Homes and Community Agency and from a Social Investment bid. This would reduce the level of loan required from this Council. He also made corrections to the circulated report in respect of the PWLB rates which were 1.4 and not 0.84 as printed. He advised that this did not change the recommendation made in the report.

The Portfolio Holder – Sustainable Homes and Communities said that other villages could be encouraged to adopt a similar approach to affordable home provision.

Other Members supported the efforts of the Community Land Trust and acknowledged Councillor Pook's positive involvement. The initiative was seen as a good example of effective localism. A significant advantage was that local people were recognising the housing need within their own communities and choosing where to locate and how to fund potential development.

The Head of Housing confirmed that the Council's Housing Enabling Officer was working closely with local parishes.

The risks involved in the loan were discussed and how these would be mitigated. Similar requests from other local initiatives would be determined on a case by case basis, on their individual merits and business case.

RESOLVED that Beer Community Land Trust (CLT) request be supported by obtaining a loan from the Public Works Loan Board up to a maximum of £1,060,000 for a period of 30 months to be secured on land and development owned by the CLT with the full loan repayment and interest incurred to be met by the CLT.

REASON The decision reflected a priority of the Council which was to provide affordable housing.

***59 Performance Management report June and July 2013**

Members considered the report of the Corporate Organisational Development Manager setting out performance information for the 2013/14 financial year for June and July 2013.

As in the May 2013 report, only one indicator showed concern, namely:

- Days taken to process Housing Benefit/Council Tax Benefit new claims and change events.

Members noted the reasons for the reduction in performance which included the impact of Welfare Changes that took effect from April 2013. June and then July's performance indicated a slight improving trend in days taken to process new claims and change events.

The Portfolio Holder – Sustainable Homes and Communities congratulated the rental team on their impressive performance despite challenges from Welfare Reforms and other changes.

RESOLVED that the progress and proposed improvement action for performance measures for the 2013/14 financial year for June and July 2013 be noted.

REASON The monthly monitoring was to highlight performance and help identify any trends. Additional information to support this monitoring was provided on line – SPAR performance indicators and systems thinking measures in key service areas – Streetscene, Housing, Development Management and Revenues and Benefits.

***60 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).

*61

Office Accommodation project – Heathpark options – Key Decision

Richard Cohen, Deputy Chief Executive presented this commercially sensitive report. He advised that there had been commercial interest in the Heathpark site in Honiton and recommended that the Council test the site on the open market.

If this action was agreed, the outcomes of the tendering exercise and any actual proposal to sell would be referred for consideration to a future Cabinet meeting and then ratified by full Council. All Councillors would then have an opportunity to debate fully when all the options were before them.

Members were reminded that the issue now was a decision for the Council as landowners – it was a land and not planning issue at this stage.

- RESOLVED**
- (1) that the open market interest in Heathpark be tested through the issue of tender documents in respect of the sale of the former Sita Depot and current site of the East Devon Business Centre,
 - (2) that Thomas Listers, Chartered Surveyors’ engagement be extended to deliver services detailed in the confidential report to Cabinet and for the requirement in Contract Standing Orders for three written quotations in the particular circumstances to be waived.
(The extension to be funded from existing budget, if any sale was to be progressed, this would require Council to approve an extension to the budget to cover commission costs);
 - (3) that the details of project spend to date detailed within Appendix 2 to the report be noted.

- REASON**
- (1) To seek to secure best value for the Council specific to the Heathpark site and within the context of the Council’s relocation objectives,
 - (2) The reasons for the urgency and use of the current contractors, Thomas Lister is set out in the report.

*62

Grant of new lease to Exmouth Town Football Club

Members considered the report of the Senior Estates Surveyor in respect of a request from Exmouth Town AFC for grant funding in order to improve facilities at the Southern Road football ground which they currently leased. The Council was also requested to provide a longer lease (currently 7 year lease from 2010) to provide added security to the Club.

It was proposed that the land included within the new lease should exclude the southern triangular section of the current site. This could be retained as an EDDC asset and developed for use relevant to its location.

RESOLVED

- (1) that a new 28 year lease be granted to Exmouth Town AFC with the detail to be negotiated under delegated authority to the Deputy Chief Executive – Development, Regeneration and Partnerships
- (2) that the area of the new lease be re-drawn to exclude the southern triangular of the current site which would be retained by the Council for potential use relevant to its location.

REASON

- (1) The grant of a new lease would allow Exmouth Town AFC to seek grant funding to improve facilities at the ground. The new lease proposed would also provide for an increase in rental income to the Council.
- (2) To make best use of Council assets.

Chairman

Date