

**Agenda for Cabinet
Tuesday, 21st July, 2020, 5.00 pm**



Members of Cabinet

Councillors M Armstrong, P Arnott (Chairman), P Hayward (Vice-Chairman), J Bailey, G Jung, D Ledger, P Millar, M Rixson, J Rowland and J Loudoun

East Devon District Council
Blackdown House
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Venue: Online via the Zoom app. All Councillors and registered speakers will have been sent an appointment with the meeting link.

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www.eastdevon.gov.uk

(or group number 01395 517546)
Monday, 13 July 2020

**Important - this meeting will be conducted online and recorded by Zoom only.
Please do not attend Blackdown House.
Members are asked to follow the [Protocol for Remote Meetings](#)**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LVI4hcgRnbwBw>

Public speakers are now required to register to speak – for more information please use the following link: <https://eastdevon.gov.uk/council-and-democracy/have-your-say-at-meetings/all-other-virtual-public-meetings/#article-content>

- 1 Public speaking
Information on [public speaking is available online](#)
- 2 Minutes of the previous meeting (Pages 3 - 7)
Minutes of the previous meeting held on 18 June 2020
- 3 Apologies
- 4 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 5 Matters of urgency
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

- 7 Forward Plan (Pages 8 - 9)
- 8 Minutes of Arts and Culture Forum held on 26 February 2020 (Pages 10 - 18)
- 9 Minutes of Overview Committee held on 27 February 2020 (Pages 19 - 22)
- 10 Minutes of Scrutiny Committee held on 5 March 2020 (Pages 23 - 27)
- 11 Minutes from Strata Joint Executive Committee held on 16 June 2020 (Pages 28 - 53)
- 12 Programme of meetings September 2020 to May 2021- DRAFT (Page 54)

Matters for Decision

- 13 **Financial implications of COVID-19 on the Council's budget** (Pages 55 - 61)

This report follows on from the briefing note issued to all members in April on the financial implications of Covid-19. An update to that position is being provided including consideration of the Government's recent announcement of additional funding to local authorities.

- 14 **New Feniton Flood Alleviation Scheme** (Pages 62 - 70)
- 15 **Pavement Licences - Business and Planning Act 2020** (Pages 71 - 81)
- 16 **Sitting-out licences** (Pages 82 - 83)
- 17 **Panels, Forums, Joint Bodies and Outside Bodies** (Pages 84 - 94)
- 18 **Otterton Neighbourhood Plan Referendum** (Pages 95 - 101)
- 19 **Newton Poppleford & Harpford Neighbourhood Plan Submission** (Pages 102 - 110)
- 20 **Exemption from Standing Orders - Future Place and Garden Communities programme** (Pages 111 - 115)
- 21 **Re-opening High Streets Safely Programme** (Pages 116 - 138)

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Online via the Zoom app. on 18 June 2020****Attendance list at end of document**

The meeting started at 5.00 pm and ended at 6.45 pm

170 Public speaking

There were 2 members of the public wishing to speak.

Councillor Ian Barlow Chairman of Sidmouth Town Council spoke of his concern over the lack of toilets open in the town especially with the run of good weather there had been recently as well as forecasted in the near future. Sidmouth Town Council contributes £40k to EDDC to run the toilets, Cllr Barlow felt they were not getting their fair share of this service. East Devon benefits from toilet facilities being open in order to look favourably to residents and visitors. Opening the toilets was better than the alternative of people using outdoor spaces as an option to relieve themselves. The financial aspects of opening the toilets could be dealt with at a later date. This was an urgent public health matter, the toilets needed to be opened now.

In answer to a question Cllr Barlow confirmed that the Town Council had funded the building of 4 new toilets on the seafront which were to be opened shortly. He said he knew toilet provision was a discretionary service EDDC provided but it was an important service to the town and part of the overall package. If people were being encouraged to come here then they had to be given such facilities.

Councillor Colin Pady represented the views from Colyton Parish Council. He was concerned over the haste in which the Cabinet meeting had been convened but understood the need for the debate concerning the opening of toilet facilities in the district. Residents in Colyton were concerned that toilets were still closed and wished to have them opened as quickly as possible for themselves as well as supporting tourism, even if it meant voluntary help for extra cleaning the toilets. There was a growing elderly population in East Devon who had an increasing need for public conveniences.

171 Minutes of the previous meeting held on 9 June 2020

The minutes of Cabinet held on 9 June 2020 were confirmed as a true record.

172 Declarations of interest

Minute 175. Reinstating StreetScene seasonal resource and additional budget to allow improved public toilet opening.

Councillor John Loudoun, Personal, is a member of Sidmouth Town Council.

Minute 175. Reinstating StreetScene seasonal resource and additional budget to allow improved public toilet opening.

Councillor Paul Hayward, Personal, works for a parish council that has a toilet leased by EDDC.

173 Matters of urgency

There was one item that was dealt with in this way recorded under minute 175.

174 **Confidential/exempt item(s)**

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

175 **Reinstating StreetScene seasonal resource and additional budget to allow improved public toilet opening**

The Service Lead StreetScene confirmed that the detail was in the report and highlighted the two elements that were to be debated - reinstating the seasonal resource of agency staff and the need to open more toilets for longer hours with improved facilities. He stated there had been no specific Government guidance about opening public toilets in order to be COVID-19 compliant. The rules/guidance in the report were based on the extensive Covid-19 secure guidance issued by the government related to how businesses should re-open safely (including shops with facilities for customers such as toilets and changing rooms), as well as guidelines for operators of outdoor facilities. All the guidance mentions improved cleaning frequency and hygiene standards, better signage, frequency of hand washing and cleaning after every use (for changing rooms). As soon as guidance concerning public toilets became available the present position would be reviewed. He spoke of the need to provide this important service and that it was linked directly to EDDC's economic recovery and tourist industry.

The Portfolio Holder for Coast, Country and Environment said at the start of the COVID-19 emergency all the district's public conveniences were locked to comply with government emergency measures. When the government relaxed the regulations for people to travel and to use beaches, EDDC reacted swiftly to open 10 of its public conveniences under strict government guidance and risk assessments. That was at Easter and things had moved on since then with the need to consider opening more toilets and over a longer period of time with limited funding. He suggested Town and Parish councils help get the message across for the public to take their litter home to relieve the pressure on StreetScene operatives.

Discussions included the following:

- The need to ensure safety to StreetScene operatives when dealing with heavier bins due to increased usage
- 8pm was too early to lock the toilets up for the day
- To ensure public health there must be more toilets available
- The need to support and boost town centres and businesses, tourism was vital for the area
- Ensure we give the service East Devon residents expect from us
- The need to provide more toilets as we approach the summer months
- This was a difficult decision as we cannot open all the toilets due to financial constraints stemming from the COVID-19 situation
- This would give the local economy the chance to bounce back and for East Devon to recover
- If businesses don't survive over the next six months they would be in an even worse situation than they were now.
- The need to look seriously in opening as many of the proposed toilets as we can to get the tourists back
- Sadly there was a minority that did not all share the same level of public decency respect for public facilities and restraint, with hand sanitizers as an example, being stolen or vandalised at a cost to the council

- The virus was still contagious, there was an underlying public health issue to keep people safe
- Ward members should lobby their MP's for more government funding for public toilets
- Approach Town and Parish Councils who may wish to contribute to these extra costs
- It was difficult to keep to social distancing in some older toilet blocks
- The need for appropriate signage on closed toilets to make clear where the nearest open facilities were
- Advertise where open toilets were at the point of entry to towns and resorts
- Public toilets were not a mandatory provision by the council, we rely on tourist but local people pay the precepts in their council tax
- Consider bringing back charges to use public toilets or seek sponsorship from businesses who benefit from having them
- 4 July 2020 certain tourism facilities officially reopen, if pubs and cafes cannot open this would affect the pressure on public toilet facilities.
- There was a need to re-open all toilets now and also to review their provision and investment in their standards
- Costings should be provided on an option 'D i' for re-opening all toilets until 8pm in the summer, but only 5pm in the winter. Costs to be considered in the future
- That this subject and the number of toilets open be kept under constant review.

The Chairman, Portfolio Holder for Coast, Country and Environment and other members wished to thank and relay their gratitude to Andrew Hancock and his great team of staff and officers for keeping operations rolling out in this most challenging of times and speaking on behalf of all the district's residents.

RESOLVED that Cabinet;

1. Note the use of the StreetScene agency budget of £62k to enable StreetScene Operations to meet statutory responsibilities in relation to street cleansing and maintain an Outstanding Environment.
2. Agree to option Ci (which requires an additional budget of £76,962 for 9 months until March 2021) as recommended in the report for opening public toilets further and delegate authority to the Portfolio Holder Coast, Country and Environment to progress the virement request in accordance with Financial Regulations and if not agreed to recommend to Council to approve the additional budget.
3. Approve an extensive communications effort to explain why this restricted opening and over budget resource is required and approach the Town & Parish Council's benefitting, seeking a contribution to the costs.
4. Approve a long term review of public toilet stock taking account of the 'new normal', requiring consideration of financial sustainability and Covid-19 secure building adaptations and investment within the stock with a report to be brought back to Cabinet for consideration.
5. Seek to arrange a Zoom meeting with the district's three MPs, with a view to lobbying government for additional funds to support the additional spend being incurred on public toilets.

REASON:

Using the agency resource would allow EDDC to keep beaches, parks and streets clean in the face of increased demand, restoring staffing to normal levels. Due to Covid-19 secure guidelines, a greater degree of cleaning was required of public toilets. Opening any more than 10 would require more budget and staff resource. Cabinet had to decide on what level was appropriate. With the new normal of Covid-19 and the pressure on public finances, there was a need to review what level of provision was sustainable and what building adaptations/refurbishments may be required, hence a full review being needed.

Attendance List**Present:****Portfolio Holders**

M Armstrong	Portfolio Holder Sustainable Homes and Communities
P Arnott	Leader
J Bailey	Portfolio Holder Corporate Services and COVID-19 Response and Recovery
P Hayward	Portfolio Holder Economy and Assets
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Strategic Planning
P Millar	Portfolio Holder Democracy and Transparency
M Rixson	Portfolio Holder Climate Action
J Rowland	Portfolio Holder Finance
E Wragg	Deputy Leader

Also present (for some or all the meeting)

Councillor Denise Bickley
 Councillor Kevin Blakey
 Councillor Kim Bloxham
 Councillor Colin Brown
 Councillor Fred Caygill
 Councillor Sarah Chamberlain
 Councillor Iain Chubb
 Councillor Bruce De Saram
 Councillor Alan Dent
 Councillor Peter Faithfull
 Councillor Ian Hall
 Councillor Marcus Hartnell
 Councillor Sam Hawkins
 Councillor Nick Hookway
 Councillor Mike Howe
 Councillor Sarah Jackson
 Councillor Fabian King
 Councillor John Loudoun
 Councillor Tony McCollum
 Councillor Andrew Moulding
 Councillor Geoff Pook
 Councillor Geoff Pratt
 Councillor Eleanor Rylance
 Councillor Philip Skinner

Councillor Ian Thomas
Councillor Joe Whibley
Councillor Tony Woodward
Councillor Tom Wright

Also present:

Officers:

Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Andrew Hancock, Service Lead StreetScene
Susan Howl, Democratic Services Manager
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive
Amanda Coombes, Democratic Services Officer

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period: 1 August 2020 to 30 November 2020

This plan contains all the Key Decisions that the Council's Cabinet expects to make during the 4-month period referred to above. The plan is rolled forward every month.

Key Decisions are defined by law as "an executive decision which is likely:–

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area."

In accordance with section 9Q of the Local Government Act 2000, in determining the meaning of "significant" in (a) and (b) above regard shall be had to any guidance for the time being issued by the Secretary of State.

A public notice period of 28 clear days is required when a Key Decision is to be taken by the Council's Cabinet even if the meeting is wholly or partly to be in private.

The Cabinet may only take Key Decisions in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012. A minute of each Key Decision is published within 2 days of it having been made. This is available for public inspection on the Council's website <http://www.eastdevon.gov.uk>, and at the Council Offices, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton. The law and the Council's constitution permit urgent Key Decisions to be made without 28 clear days' notice of the proposed decisions having been published provided certain procedures are followed. A decision notice will be published for these in exactly the same way.

This plan also identifies Key Decisions which are to be considered in the private part of the meeting (Part B) and the reason why. Any written representations that a particular decision should be moved to the public part of the meeting (Part A) should be sent to the Democratic Services Team (address as above) as soon as possible. **Members of the public have the opportunity to speak on the relevant decision at the meeting in accordance with the Council's public speaking rules.**

Obtaining documents

Committee reports in respect of Key Decisions include links to the relevant background documents. If a printed copy of all or part of any report or background document is required please contact Democratic Services (address as above) or by calling 01395 517546.

Key Decision	Portfolio (Lead Officer)	Documents to be considered before Cabinet take decision	Whether other documents will be considered before decision taken [Y/N]	Other meetings where matter is to be debated / considered	Date of Cabinet meeting	Part A = Public meeting Part B = private meeting [with reasons]
Cranbrook workspace and Enterprize Zone investment	Economy & Assets / Finance (Andy Wood)		Y		September 2020	Part A
COVID-19 Recovery Plan	Corporate Services and COVID-19 Response and Recovery (SMT)		Y		September 2020	Part A
Affordable Housing SPD	Strategic Planning (Ed Freeman)		Y	Strategic Planning Committee	October 2020	Part A
Delivery of Zero Carbon Development in the West End	Strategic Planning (Andrew Wood)		Y		October 2020	Part A

Members of the public who wish to make any representations or comments concerning any of the Key Decisions referred to in this Forward Plan may do so by writing to the Leader of the Council c/o Democratic Services (as above).

July 2020

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Arts and Culture Forum held at Blackdown House, Honiton on 26 February 2020****Attendance list at end of document**

The meeting started at 10.05 am and ended at 12.40 pm

1 Appointment of vice chairman

Sally Twiss was appointed vice chairman of the Forum for the ensuing year.

2 Public speaking

There were no members of the public wishing to speak.

The Chairman welcomed all those present to the meeting. He introduced himself and his background and invited everyone to introduce themselves.

3 Minutes

The minutes of the Arts and Culture Forum meeting held on 27 March 2020 were confirmed and signed as a true record.

The Service Lead – Countryside and Leisure gave those present a brief recap on the background and purpose of the Arts and Culture Forum. He explained how it linked with the Council's [cultural plan](#), and also gave an overview of key partners and partnership working. It was hoped that all members would champion the value of arts and culture in the district and help retain their benefits.

4 Declarations of interest

Councillor Andrew Moulding: Personal interest – president of Cloakham Lawn Sports Centre, trustee of Axminster skate park, trustee of Axminster Heritage, Development Officer for Axminster Town Cricket Club, member of Seaton and Axe Vale Bridge Club.

Councillor Louise Cole: Personal interest – director of Sidmouth Coastal Community Hub.

5 Carn to Cove - Villages in Action review 2019/20 and plans for 2020/21

Tim Smithies and Mair George from Villages in Action were welcomed to the meeting and introduced themselves. The Forum then received a presentation and update on the work of Villages in Action. Some of the highlights included:

- Recruitment of a Devon based worker.
- Secured funding for Jaw Jaw project. This project involved working with social provider networks to identify clients to whom to provide an Alexa to as a tool to talk to clients. The client would be given a series of online workshops and would then be invited to a performance.
- Expansion of international programming content.
- Hub and Spoke – Paddleboat tour.

- Made in Devon – Hefted. This was a very popular event, attracting a different audience that would not normally be engaged.

Villages in Action provided the possibility of leveraging much greater investment in Devon. It underwrote the risk to communities wishing to put on events and gave a huge amount of confidence to them, as well as providing networking opportunities.

'Menu parties' gave local people the opportunity to access the greatest art. The next one was being held on 30 April 2020 and members of the Forum were invited to attend.

It was noted that the main source of income was box offices sales. Arts Council England was the second biggest funder. Arts and culture was a discretionary service and many local authorities had cut funding. However, it delivered on health and wellbeing agendas. It helped to address rural isolation and loneliness and had begun using online workshops, via Alexa to extend the reach (Jaw Jaw project).

The Villages in Action (VIA) network had 65 venues promoting events, 20 of these were in East Devon. VIA earned £20,618, £3598 of which was in East Devon. There had been 2525 audiences, 517 in East Devon, and of the 50 events hosted, 21 of these had been held in East Devon. Although VIA made money on box office sales, raffles and refreshments were provided by the villages, therefore providing additional funds for the village hall.

The Forum noted events held in 2019 as well as those planned for spring 2020 in East Devon. Longer term goals for VIA included:

- From Devon with Love.
- Young promoters.
- International touring.
- FLIGHT – environmentally inspired project.

VIA were looking for partners to work with on environmental issues and members of the Forum suggested broader opportunities with the Countryside Team and with Sidmouth Coastal Community and Sidmouth Seafest. It was noted that EDDC had just appointed a new events officer for Streetscene, which would provide a good opportunity for VIA to link up with as EDDC had fantastic parks and green spaces in the area. Cranbrook country park was also discussed and how VIA wanted to engage with new towns, particularly where young children were being brought up. VIA welcomed any new partnerships.

On behalf of the Forum the Chairman thanked Tim Smithies and Mair George for their presentation.

6 **South West Museums Partnership - 2019/20 review and plans for 2020/21**

The Forum received a presentation from Victoria Harding, Programme Manager on the South West Museum Development Programme. It was noted that there were around 217 museums in the region, which represented 16.9% of England. They engaged nearly 9 million visitors a year and there was a significant variation in audience and size of museums across the region. The majority of museums in the South West were small, independent charities (65%), which was quite unique to many other English regions. The average number of museum visitors in Devon was 33,000. There was a huge disparity between the levels of funding for urban areas compared to rural communities. There were many resources 'on the ground' but these required support.

The key strength of museums was the volunteer workforce. 34% of all accredited museums were led and operated by volunteers. The average number of volunteers in Devon was high, at 64 per museum, averaging 109 volunteer hours. There were four volunteer museums operating in East Devon:

- Allhallows
- Fairlynch
- Axminster
- Sidmouth

These had 249 volunteers contributing over 19,430 hours. The economic impact of local and day museum visitors to the area was £681,759 from 35,197 visits. The economic impact of volunteering was £129,540 million. There were many other 'value added' things that were hard to measure and therefore quantify.

Victoria went on to explain the background to the museum development programme. It was established during 2004-2006 and was funded by the Arts Council. It was currently funded 2018-22 and the next bidding would begin in 2020. Each year South West Museum Development received 16.9%, £530,444, which was a little over £2400 per accredited museum. This was quite a small level of investment and did not include the broader cohort of unaccredited museums. There was a team of approximately 20 officers, including local museum development officers, a regional thematic team and a central team.

The vision of the museum development programme was 'to work with museums and partners to drive ambition, excellence and resilience to support a thriving sector to deliver valued and inspirational engagement with audiences and communities'. Its mission was 'to effectively deliver the regional museum development programme and maximise the impact of this funding for museums across the region'. There were a number of aims which ranged across the diversity of the museums themselves and included the following themes:

- Care of and access to collections.
- Participation.
- Improve the quality of experience.
- Sustainability and financial resilience.
- Skilled and diverse workforce.
- Effective governance.
- Social and economic value.
- Work with national providers.

The Forum noted a support map which outlined how South West Museum Development could help organisations. It was for accredited museums as well as being designed to give confidence to other museums to move into accreditation.

The impact of the South West Museums Partnership (SWMP) in 2018-19 was reported. It had an incredible reach and £114,616 funding went specifically to Devon, with £31,766 in East Devon. A 21 times return was generated on investment for EDDC. It was noted that SWMP had retained 22 out of the 24 memorandums of funding from the local councils in Devon, which was encouraging considering the economic pressures on local authorities. There was a dedicated museums development officer for southern Devon which was extremely valuable.

Investment from rural proofing resilience was required. The majority of museums were small rural coastal museums, which were predominately seasonal. Online learning, workshops and webinars would be provided, as well as bespoke business audit process,

skills and capacity building, site meeting with some SME business experts and a plan of action and budget for implementation.

On behalf of the Forum the Chairman thanked Victoria Harding for her presentation.

7 **Sport England LDP programme - programme objectives for Cranbrook and 2020/21 plans**

Louise Cole, Programme Manager (Cranbrook), Active and Healthy People Team, Exeter City Council introduced herself to the Forum and explained the Exeter and Cranbrook Sport England Local Delivery Pilot, which was nationally funded by Sport England and being run in 12 areas (Local Delivery Pilots) across the country. It was the only project with two separate, geographically connected locations (Exeter and Cranbrook). There was a change in Sports England rationale. Through their investment in the 12 Local Delivery Pilots, Sport England want to understand how to use local identities and structures to deliver sustainable increases in activity levels. The idea was to test whether taking a behaviour change approach in a place could really unlock something ground breaking for the whole country.

The health benefits of an active lifestyle were well researched and documented. The social benefits were also proven to:

- Improve educational attainment.
- Reduce anti-social behaviour.
- Build self-esteem throughout life.
- Contribute to urban regeneration.
- Increase work productivity.
- Improve quality of life.

An active society reduces:

- Depression and poor psychological health.
- Loneliness and social isolation.
- CO2 emissions and reduce congestion.

Inactivity in Cranbrook and certain parts of Exeter was almost three times higher than Exeter as a whole. The key target of the pilot was to achieve population change by encouraging 10,000 of the least active residents to lead regular active lifestyles. The vision was that Exeter and Cranbrook were pioneering places for leading an active lifestyle, with Exeter the most active city in England and Cranbrook a model of best practice for families being active together. To achieve this focus was needed on those most in need. A 'whole system' approach would be taken, which was based on the starting point that no one lived in a vacuum. People were connected to a place and its community, each with its own unique structure, relationships and geography.

Louise explained the Exeter and Cranbrook local delivery pilot programme which involved people and place, and whole systems. It was a both a bottom up and top down approach. The aim was to work together to create enabling environments. Relationships would need to be developed to sustain the approach. Louise outlined the programme's aim to deliver a number of demonstration projects that if successful could be scaled up and replicated in new and adapted environmental designs across the city.

Cranbrook currently had a population of around 4,500, with four times the national average of 0-4 year olds

The Cranbrook Theory of Change was that:

- If we... develop a community led strategy with children, young people and families at the heart of designing and creating activities,
- And we... bring together a supportive network of organisations in Cranbrook for joint working, resourcing and innovating,
- Then we... will create a sense of belonging in the community and have significant positive impact on families' physical and mental wellbeing.

The Cranbrook community assets network (CAN) involved developing a community led strategy and was underpinned by:

- Confidence.
- Collaboration.
- Communication.
- Resilience.

It was important to meet the community aspirations. There was a Cranbrook steering group to aid local decision making and give the community a voice. It would also:

- Provide local direction for the aspects of the programme that were being delivered in Cranbrook.
- Co-ordinate the effective delivery of programme objectives and create the right conditions for the achievement of agreed outcomes.
- Ensure that residents, the community and key partners were engaged in the design and delivery of projects.
- Ensure clear two way communication with the Move More Cranbrook network.

Move More Cranbrook had received a community grant of £60,000 to:

- Improve or enhance the health and wellbeing of people in Cranbrook.
- Increase a sense of belonging and grow inclusive community connectivity.
- Increase physical activity in the town which could be through everyday walking and cycling right through to joining or starting a sports club.

The communications strategy was in development with an organisation called Grow and involved developing community story tellers to inspire others to become more active. Identity, art and culture would help to build a community together.

On behalf of the Forum the Chairman thanked Louise for her presentation.

8 **Thelma Hulbert Gallery - Culture and climate change programme 2020**

The Chairman welcomed Ruth Gooding, Thelma Hulbert Gallery (THG) Manager/Curator to the meeting, who then gave the Forum a presentation on the strategic vision, values and programme of the THG for 2020.

The gallery had a new strategic vision. In 2019 the strategic mission of THG was redefined as operating as a 'cultural hub' supporting communities in their health, environment and well-being through an annually changing programme of exhibitions, events and workshops, which inspire, challenge and excite. The gallery was driven to support innovation in rural cultural production and operate as a resilient rural arts organisation, strengthened through working in partnership and collaboration.

The value of arts and culture to EDDC was in:

- Health and well-being.

- Enhancing the environment.
- Promoting economic vitality.
- Lifelong learning and personal development.
- Strengthening local identity.

There was a year-long programme of Culture + Climate for 2020 with the themes:

- Reuse, repair, recycle – how we live.
- Climate emergency – our relationship with the planet.
- Walking and health.
- The natural environment and conservation.

The programme had been developed against the context of East Devon District Council's commitment to Devon's Climate Change Emergency declaration, and the University of Exeter's declaration of an environment and climate emergency. Exhibitions, projects, workshops, talks and walks would be taking place across a range of locations in East Devon and at the University of Exeter.

Ruth highlighted the gallery's exhibitions programme, which included some high profile artists. She explained that THG Out and About worked in the outdoors to engage diverse audiences through participatory, interactive and unusual creative processes. It employed a range of creative practitioners from poets to artists, sculptors to designers, sharing ideas on our heritage and natural environment, inspiring and exciting communities locally, nationally and globally. Ruth outlined the Out and About Abode of Love – Exmouth project which was the THG's way of bringing the benefits of cultural activities direct to the residents of East Devon and shine a spotlight on the district's outstanding natural environment for all to enjoy. Its aim was to make cultural activities accessible and a 'way of life where everyone can enjoy culture in the outdoors, benefiting health and well-being'. The first year would involve working collaboratively with local schools and colleges to deliver a temporary public art work and a series of interventions and event. The second year aim was to produce a high quality, permanent work of art that related to the wider context of climate change and place (Exmouth).

The THG wanted to increase its engagement, learning and participation. It worked with:

- Families from low socio-economic backgrounds in East Devon.
- Rurally isolated older people.
- New audiences with little experience of cultural engagement.
- Young people.
- Young people with additional needs.

The audience development target was to increase visitors by 35% in 2020 with total visitor numbers of 19,356.

The THG Manager/Curator was thanked by the Chairman, on behalf of the Forum for her presentation.

9 **EDDC Countryside - Wild Exmouth review 2019/20 and plans for 2020/21**

EDDC's Countryside Team Leader, Tim Dafforn was welcomed to the meeting and began by explaining that contact with nature was not the same as connecting with nature. It was believed that connecting with nature was more beneficial to well-being than just having access to it. He then presented the Wild Exmouth project to the Forum.

This was a £100,000, three-year project mainly Heritage Lottery funded and also funded by EDDC, Exmouth Town Council and Devon County Council.

The project was at the end of its first year and involved:

- Conservation volunteering.
- Outdoor events.
- Mapping and access.
- Nature campaigns.

The themes were:

- Wild and active.
- Wild at home.
- Wild around town.
- Wild learning

First year successes included:

- Engaging 1200 people.
- 465 trees planted.
- 3 new orchards.
- 12 new events.
- A tree weekend.
- Launch of 'my patch of nature'.
- 16 volunteer days.
- Over 20 newsletters.

Many of the projects targets were already being met. The aim was to engage 300,000 people over three years. There was an artist in residence (Anne-Marie Culhane) and work was being done to engage the community in cultural activities of the local heritage. For example, a constellation orchard was being created to link people through planting trees.

'My patch for nature' aimed to encourage people to do things in their own homes such as:

- Hedgehog highways.
- Plant wildflower seeds.
- Tree planting.
- Meadow creation.
- Bird feeders and boxes.

All of these things would be logged on a google map and a nature map of the town would be created. The ambition was to map over 2000square metres at the end of three years.

New volunteering opportunities were being explored in order to establish volunteering groups. There were also new outdoor events such as:

- Bat walks.
- Fun in the stream.
- Additional rock pool rambles.
- Community tree planting.
- Additional estuary mud walks.
- Toddler walks.

Partnerships were being developed with:

- Exmouth in Bloom.
- Men's Shed.
- National Trust.

- Point in View chapel.
- Community development.
- Exmouth tree project.

The Countryside Team Leader went on to outline the second year plan, with special emphasis on the green space plan. It was noted that Phear Park was a great asset and further work would be done on encouraging public events there. Tim clarified that the three year project was a pilot, but the aim was to acquire funding to continue the legacy building beyond the initial period. Exmouth would be used as a template to consider ideas for other towns and it was hoped that a 'winning formula' would be extended across the district over time.

On behalf of the Forum the Chairman thanked Tim for his presentation.

Attendance List

EDDC Councillors present:

J Whibley (Chairman)

J Bailey (ex officio)

Community representatives:

S Twiss, Community Representative

Town Representatives

S Twiss, Community Representative

C Buchan, Cranbrook Town Council

L Cole, Sidmouth Town Council

A Moulding, Axminster Town Council

Officers in attendance:

Alethea Thompson, Democratic Services Officer

Tim Dafforn, Countryside Team Leader

John Golding, Strategic Lead Housing, Health and Environment

Ruth Gooding, Manager/Curator THG

Charles Plowden, Service Lead Countryside and Leisure

Also Present

P Faithfull

P Millar

T Wright

W Van der Plank, Beehive Centre

T Smithies, Villages in Action

M George, Villages in Action

V Harding, Programme Manager, South West Museum Development Programme

L Cole, Programme Manager (Cranbrook), Active and Healthy People Team, Exeter City Council

Apologies:

B De Saram

C Wright
B Norris, Community Representative
P Lewis, Budleigh Salterton Town Council
J Loudoun, Sidmouth Town Council

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Overview Committee held at Council Chamber, Blackdown House, Honiton on 27 February 2020****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.44 pm

50 Public Speaking

There were no members of the public wishing to speak.

51 Minutes of the previous meeting

The minutes of the previous meeting held on 30 January 2020 were approved and signed as a correct record.

52 Declarations of interest

Minute 57. Motions referred to Overview under Procedural Rule 10.4.
Councillor Ian Hall, Personal, Devon County Councillor, DCC Mental Health Champion, Vice-Chairman of the Trustees of Arc.

Minute 57. Motions referred to Overview under Procedural Rule 10.4.
Councillor Nick Hookway, Personal, Member of the EDDC and LED Monitoring and Partnership Group.

Minute 57. Motions referred to Overview under Procedural Rule 10.4.
Councillor Sam Hawkins, Personal, Member of Cranbrook Town Council which has signed the Healthy Weight Declaration.

53 Matters of urgency

There were no matters of urgency.

54 Confidential/exempt item(s)

There were no items to be dealt with in this way.

55 Update on the Governance Review Working Party

The Monitoring Officer advised that there were no further updates to the report.

In response to a question, the Monitoring Officer clarified that the Working Party would look to conclude the review by September / October 2020.

The Chairman thanked the Monitoring Officer and the Local Government Association members of the Working Party for their work on the review.

56 Seaton Wetlands Link Project

Alison Hayward, Senior Manager Regeneration and Economic Development, and Charles Plowden, Service Lead for Countryside and Leisure, presented the report on progress with the

Seaton Wetlands Link Project since the report to Cabinet in January. The project involved a series of interventions on land between Seaton Jurassic and Seaton Wetlands in order to develop a circular route for pedestrians, cyclists and tram users.

Alison Hayward advised that there were no specific financial or asset requirements at this stage. Any issues which would have financial or asset implications would be assessed through the usual procedures.

James Chubb, Countryside Team Leader, provided a visual presentation on the various aspects of the project.

Cllr Hartnell, Ward Member for Seaton, thanked officers for their presentations and welcomed the interventions which were integral to the regeneration of Seaton.

The Committee generally welcomed the project and the various benefits to the area and acknowledged the dedication and work of officers involved.

It was noted that the lack of development of the Stop Line Way beyond Colyford does not affect the other interventions to create the circular routes.

RESOLVED:

That the Overview Committee noted the progress with the Seaton Wetlands Link project.

57

Motions referred to Overview under Procedural Rule 10.4

Two motions had been referred to the Committee with the agreement of the Council Chairman under Procedural Rule 10.4 prior to the Council meeting on 26 February 2020:

- The Local Authority Mental Health Challenge (Cllr Hall), and
- The Healthy Weight Declaration (Cllr de Saram)

Andrew Ennis, Service Lead Environmental Health and Car Parks, and Helen Wharam, Public Health Project Officer, presented notes to assist the Committee with its consideration of the motions. Officers were broadly supportive in principle of both initiatives, however, they advised that resourcing would require further careful consideration of financial and officer support.

As set out in the report, Officers outlined the extensive range of work already being undertaken by the Council and provided examples of specific projects, interventions and community events. It was emphasised that, as a District Council, EDDC's focus was on the prevention of mental ill health and Officers worked closely with the Portfolio Holder for Sustainable Homes and Communities. Andrew Ennis advised that there was no additional Officer capacity to resource the member of staff who would be required under the Local Authority Mental Health Challenge.

The Local Authority Mental Health Challenge

Regarding the motion on mental health, proposed by Cllr Hall, Members discussed the following points:

- EDDC should lobby national Government with regard to the high number of re-admissions to mental health services
- EDDC had a Lead Councillor for Health and Wellbeing and further scoping might be required to understand how the Council could improve towards being outstanding in this area
- The work of Arc and the Headlight Youth Mental Health Support project in Axminster was noted
- The proposed brief of a Member Champion for Mental Health was wide and would require greater awareness of the issues among the wider Membership to better support the role

- The recent meeting of the Member Development Working Party supported mental health awareness training for Councillors
- Should the Council proceed with the appointment of a Member Champion, the background of the Member appointed should be considered
- The work of a Member Champion for Mental Health would involve partnership working and progress towards any appointment may need to move slowly in order to be effective

Cllr Hall proposed that the Overview Committee refers the item to Cabinet and requests scoping for a Mental Health Member Champion. This was seconded by Cllr Hartnell and was **RESOLVED**.

RECOMMENDATION:

That Cabinet receive the referred motion and agree to scope a Mental Health Lead Member.

The Healthy Weight Declaration

Officers advised that they were supportive of the Healthy Weight Declaration in principle and outlined various projects including encouraging cafés to sign up to the Sugar Smart initiative and promoting the provision of free drinking water. It was noted that the Declaration comprised 14 commitments and organisations would be expected to sign up to all.

Regarding the motion on the Healthy Weight Declaration, proposed by Cllr de Saram, the following points were discussed:

- EDDC could raise awareness of those commitments under the Declaration which it is already fulfilling, or able to fulfil
- The provision of vending machines at LED facilities would need further consideration
- Being under-weight was also a problem
- Emphasis should be placed on encouraging people to eat in a different way and should link with work around mental health

Cllr de Saram proposed that the Overview Committee recommends to Cabinet to proceed with signing up to the Healthy Weight Declaration. This was seconded by Cllr Hall and was **RESOLVED**.

RECOMMENDATION:

That Cabinet proceeds to sign up to the Healthy Weight Declaration.

58 **Forward Plan**

The Chairman advised that the next meeting on 26 March would consider the Commercialisation Strategy and Consultancy Spend 2020 / 21.

With regard to delivery at Cranbrook Town Centre, it was agreed to await the outcome of the discussions by the Strategic Planning Committee in March and the examination of the Cranbrook Development Plan Document.

Scoping was underway on improving working with Town and Parish Councils.

The Forward Plan was noted.

Attendance List

Councillors present:

N Hookway (Chairman)
V Johns (Vice-Chairman)
M Allen
B De Saram
I Hall
M Hartnell
S Hawkins
F King

Councillors also present (for some or all the meeting)

P Arnott
J Bailey
K Blakey
S Bond
B Ingham
G Jung
D Ledger
A Moulding
P Faithfull

Officers in attendance:

Alison Hayward, Senior Manager Regeneration & Economic Development
Charles Plowden, Service Lead Countryside and Leisure
Helen Wharam, Public Health Project Officer
Sarah Jenkins, Democratic Services Officer
Tim Child, Service Lead - Place, Assets & Commercialisation
James Chubb, Countryside Team Leader
Andrew Ennis, Service Lead Environmental Health and Car Parks
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Andrew Wood, Service Lead - Growth Development and Prosperity

Councillor apologies:

J Loudoun
M Rixson
T Woodward
P Millar

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 5 March 2020****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.00 pm

60 Appointment of Vice Chairman for the meeting

RESOLVED that Councillor Kim Bloxham be elected Vice Chairman for the meeting.

61 Public Speaking

There were two members of the public who wished to speak and did so at minute 66.

62 Minutes of the previous meeting

The minutes of the meeting held on 6 February 2020 were agreed and signed as a true record.

63 Declarations of interest

Councillor Maddy Chapman, Minute 66 Member of Exmouth town Council
 Councillor Bruce De Saram, Minute 66, Member of Exmouth Town Council, & Queens Drive Delivery Group
 Councillor Andrew Colman, Minute 66, Member of Exmouth Town Council
 Councillor Paul Millar, Minute 66, Member of Exmouth Town Council
 Councillor Iain Chubb, Minute 66, Member of Devon County Council

64 Matters of urgency

There were no matters of urgency.

65 Confidential/exempt item(s)

There were no confidential/exempt items.

66 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules

The Vice Chairman (Cllr Kim Bloxham), along with five other members of the Committee had requested a 'call in' of Resolution 1, Minute 140 of the Cabinet meeting dated 5th February 2020, "Queens Drive Development Project" under the Overview and Scrutiny Procedure Rules 15, Call-in procedure for Call-in, paragraph 4, sub paragraphs (a) to (h) inclusive. She had agreed to this call-in on the grounds that it was appropriate to consider the appropriate size of the Selection Panel and the balance between representatives from across the district and those representing the town. The resolution was as follows:

1. a selection panel comprising of the Leader, the Portfolio Holders for Asset Management, Finance and Economy, an EDDC Exmouth ward member appointed

by the Leader, the Service Lead (Place, Assets and Commercialisation) and Project Manager – Place & Prosperity, be established for the purpose of agreeing the selection criteria for the commercial development (Phase 3a & 3b), which should be agreed in consultation with the Exmouth Queen's Drive Delivery Group. Then carrying out the evaluation of the bids received following the marketing exercise with a view to making a recommendation to Cabinet in relation to the preferred bidder / operator. That the Strategic Lead Finance be given delegated authority to progress the rest of the actions identified in Section 6 of the report,

Daphne Currier, local Exmouth resident expressed concerns over what was proposed at Queens Drive and asked why this was happening. She considered there were alternative uses for the site other than as a hotel. She expressed concern that the officers at East Devon were making decisions on behalf of the residents of Exmouth and the views of the residents and Exmouth councillors were being ignored. The survey of less than 2,000 people was given preference over a town poll at which less than 4.1% of people voted to accept the plan. A hotel had come at the bottom of the list of proposed developments on the site for Exmouth Town Council.

Sally Goldsworthy, reported that the district council vote in the May 2019 elections in Exmouth was overwhelmingly in favour of change. She was concerned that the 4 people on the selection panel would be voting on decisions for Queens Drive and would by-pass the other elected councillors. Officers were paid staff and are advisors and not the masters of councillors.

Councillor Paul Arnott, who had been the proposer of the call-in reported that the election results in Exmouth in May 2019 had reflected the public's disquiet at proposals for Queens Drive. He was concerned over the damage to the council's reputation if the proposals went ahead as proposed. He considered that there was also a lack of local representation on the selection panel.

During discussions the following points were noted:

- there was considerable concern from local residents on the proposals for Queens Drive, Exmouth.
- Need to amend the resolution of Cabinet to expand representation on the selection panel.
- Concern expressed that the disbandment of Exmouth Regeneration Board had meant that there was nowhere to meet to discuss issues effecting Exmouth other than Queens Drive.
- Why was the selection panel made up of such a small group of people. It needed more local representation.
- There was a lack of local support for the proposal. The selection panel needed greater representation from councillors in Exmouth. More openness and transparency.
- The decision by Cabinet on Queens Drive was an unpopular and opaque. Concern that decisions were being made behind closed doors.
- Developments were being made on Exmouth seafront when global warming meant that sea levels were rising.
- The views of the people of Exmouth had been ignored and the consultation process had been ignored.
- Considerable cost of building the road and moving its position.
- Exmouth residents felt they were being told what they wanted by people who did not live there.
- The proposal for a hotel was an opportunity to invest in Exmouth.

- Concern that the project had been badly managed and over the arrogant attitude of officers.
- No understanding or empathy was displayed for Exmouth seafront.
- The selection panel as proposed by Cabinet was not democratic and it did not properly represent Exmouth. Representation needs to be widened.
- The impression was that EDDC wanted to make money from the site.

RECOMMENDED to Council that a selection panel to be established for the purpose of agreeing the selection criteria for the commercial development (Phase 3a & Phase 3b), which should be agreed in consultation with the Exmouth Queen's Drive Delivery Group. Membership of the panel to be as follows:

The Leader, the Portfolio Holders for Asset Management, Finance and Economy, one EDDC Exmouth member per ward, with political balance (appointed by the Queen's Drive Delivery Group). Supporting the panel will be the Service Lead – Place, Assets and Commercialisation and Project Manager – Place & Prosperity.

The panel will carry out the evaluation of the bids received following the marketing exercise with a view to making a recommendation to Cabinet in relation to the preferred bidder/operator.

If no suitable external bidder is identified, the project will be referred back to Cabinet to review the entire phase 3 plan, with full public engagement.

If the Council is minded to invest in a hotel or other business on the site the decision will be reviewed by SWAP to advise on risk.

67 **People data survey**

In the absence of Karen Simpkins, Strategic Lead for Organisational Development and Transformation, discussion on this item was postponed to a future meeting.

68 **Section 106 Funding and CIL - Verbal Update**

Members received a verbal update from Ed Freeman, Service Lead – Planning Strategy and Development Management on Section 106 Funding and CIL. It was noted that most of the data was now on the system and would shortly be in the public domain; the first test of the public facing module would be next week. In response to a suggestion that councillors could have training on the new system, Ed Freeman reported that he would send a hyperlink to all councillors to the Exacom public facing module established by Mid-Suffolk and Babergh Council's (see link below). The East Devon one would effectively be the same but with the East Devon logo and text on the front page and then our data in the module itself.

It was noted that Exacom were looking to make improvements in the future to enhance the functionality but it was hoped members agreed that this was a useful tool.

<http://pfm.exacom.co.uk/midsuffolkbabergh>

During discussions the following points were noted:

- Exmouth was short of playing field space and it was hoped that CIL money could be spent on improving the playing fields, particularly in the Brixington area. Ed Freeman reported that it was up to the CIL Working Party to determine how funding was spent.

- Questions were being asked about the decisions on spending CIL money and the decision making process around this. It was felt that local views were being ignored.
- How could we track past spending of S106 money? This should be possible with the new module.
- CIL and S106 Money should to be spent to mitigate the impact of development in an area.

RESOLVED that the report be noted.

69 **Quarterly Performance Report**

In the absence of Karen Simpkins, Strategic Lead for Organisational Development and Transformation, discussion on this item was postponed to a future meeting. It was hoped that a more up to date quarterly report would be available to discuss at this meeting.

Attendance List

Councillors present:

K Bloxham (Vice-Chairman)
T McCollum (Vice-Chairman, in the Chair)
K McLauchlan
V Ranger
J Rowland
E Rylance
J Whibley
M Chapman
I Chubb
B De Saram
C Gardner
A Colman
V Johns

Councillors also present (for some or all the meeting)

P Arnott
J Bailey
B Taylor
E Wragg
G Pook
P Millar
M Armstrong
K Blakey
S Bond
P Faithfull
C Wright
N Hookway
D Ledger

Officers in attendance:

Christopher Lane, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Ed Freeman, Service Lead Strategic Planning and Development Management

Tim Child, Service Lead - Place, Assets & Commercialisation
Alison Hayward, Senior Manager Regeneration & Economic Development

Councillor apologies:

P Jarvis
C Brown

Chairman

Date:

STRATA - JOINT EXECUTIVE COMMITTEE**TUESDAY, 16 JUNE 2020****Present:**

Councillors Arnott, Hassan, Williams, Shears, Bialyk and Dewhirst

Non-Voting Members:

Karime Hassan, Phil Shears, Mark Williams

Councillor in Attendance:

Councillor C Clarence

Officers in Attendance:

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Robin Barlow, Head of Security & Compliance

Simon Davey, Strata Board Director

David Hodgson, Strata Service Director

Martin Millmow, Head of Document Centres

Christopher Morgan, Trainee Democratic Services Officer

Paul Nicholls, Strata Board Director

David Sercombe, Head of Business Systems & Business Intelligence

Adrian Smith, Head of Infrastructure & Support

Laurence Whitlock, Strata IT Director

13. APOLOGIES

None received.

14. ELECTION OF A CHAIR

Councillor Paul Arnott of East Devon District Council was elected Chairman for the 2020/21 Municipal Year.

15. MINUTES

The minutes of the meeting held on 27 January 2020 were approved as a correct record and signed by the Chairman.

16. DECLARATIONS OF INTEREST

None.

17. IT DIRECTORS REPORT

The Strata IT Director presented the report on activity from 1 January to 31 May 2020, identifying key activities, successes and areas for improvement (presentation attached to minutes).

He brought members attention to the resilience and the adaptability of Strata during the current crisis. There was a rapid move to remote working over a nine day period from 25% of staff to 82% of staff. Strata had supported the three councils in their response to the pandemic this included virtual committee meetings.

During discussion members raised questions regarding the suitability and compatibility of different communications platform for both officers and members and the performance of the global desk top (questions and responses attached to minutes).

RESOLVED that the report be noted.

18. STRATA BUDGET MONITORING 2019/20

The Finance Director presented the report advising on the financial position of Strata at the end of 2019/20, including both revenue and capital spend. He highlighted that Strata had delivered £1,073,529 of revenue savings in 2019/20 and had refunded £573,529 to the three councils.

RESOLVED that the report be noted.

19. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

20. FINANCIAL MANAGEMENT SYSTEM - CONVERGENCE - BUSINESS CASE APPROVAL

The Head of Business Systems & Business Intelligence presented the report advising on the convergence of the Financial Management Systems used by the three authorities which was highlighted as a potential project in the Strata Business Case 2014/24.

Members recognised the need to move this project forward although due to the impact of COVID 19 could have on budgets and the tender process, consideration of the project should be deferred to the next meeting of this committee.

RESOLVED that the Financial Management System - Convergence - Business Case report be brought back to the next meeting of Strata Joint Executive Committee for consideration.

21. STRATA BUSINESS PLAN 20/21 AND BEYOND

The Strata IT Director presented the report to explain the Strata Business Plan 20/21 and beyond.

Members felt that the Business Plan should be taken to the respective councils for formal ratification.

RESOLVED that the report be noted; and

RECOMMENDED that the three Councils formally ratify the Strata Business Plan 20/21 and beyond.

22. STRATA - COMMERCIALISATION REPORT

The Strata IT Director presented the report which was undertaken into the commercialisation findings.

RESOLVED that the report be noted.

The meeting started at 4.05 pm and finished at 5.20 pm.

Chairman

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IT Director & Strata Manager Report

16th June 2020

High Level Summary

- Strata systems highly available during the crisis
- Proven technology choices to support rapid migration of officers to remote working
- New portal proved effective at handling demand
- Flexible and adaptable skilled resources to support changing demands
 - Community Hubs
 - Virtual Council Meetings
 - Secure Remote Access
 - Hardware Provision
 - Informing citizens
- High level of customer satisfaction

Key Themes During Covid-19

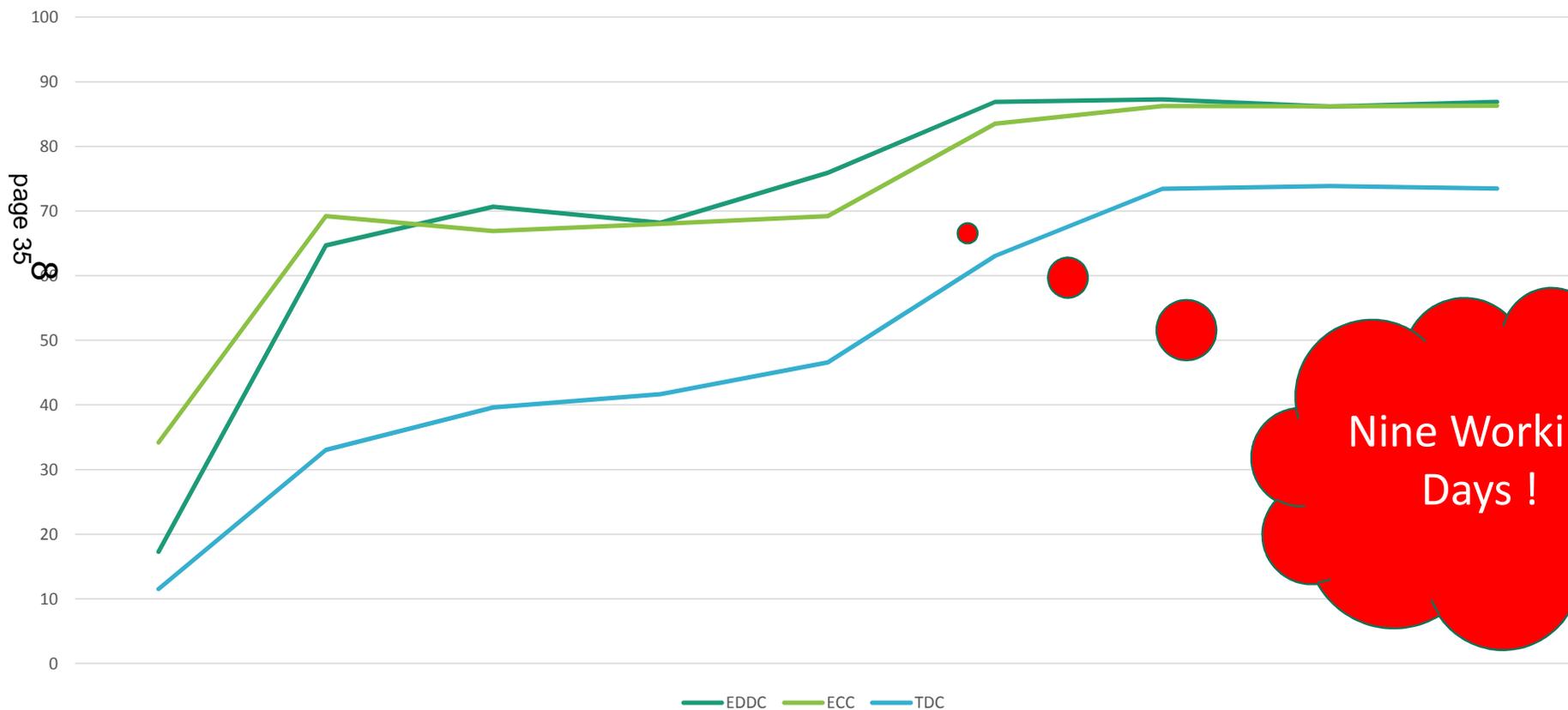
Supporting the *Officers*

Supporting the *Councillors*

Supporting the *Citizens*

A Rapid Move to Remote Working

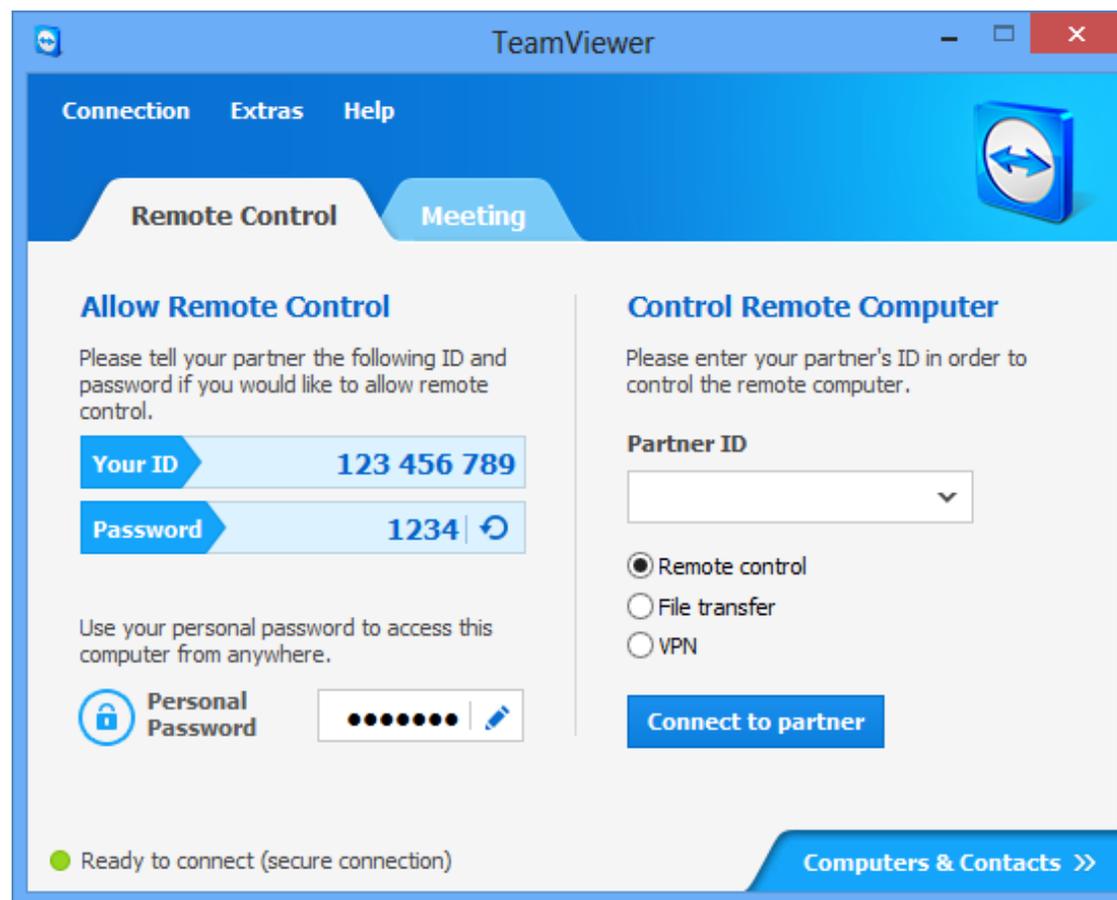
% Users Remote Working



Nine Working Days !



Supporting the Desktop Remotely



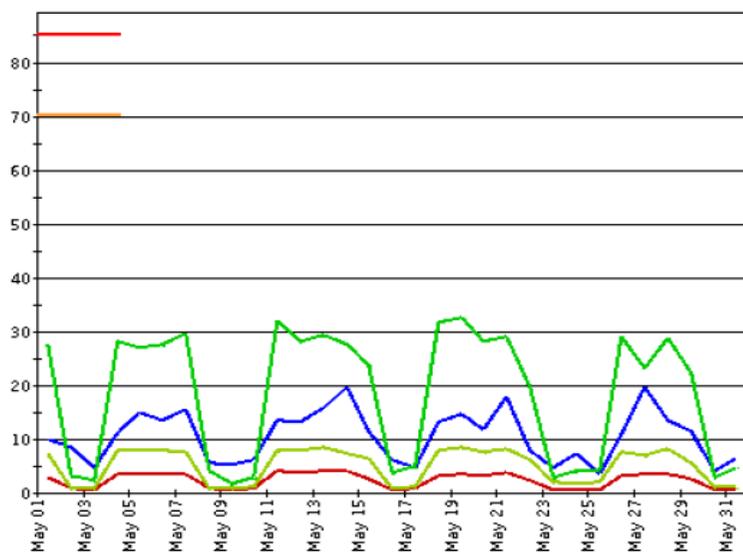
Increased Internet Provision

Throughput Details for interface STRA-EX1-IA1_IF: 10101 1 Gbps Gi0/1 1Gb WAN link to EXE2-METNET-2A LAG-4.3258 CAL0159951 1

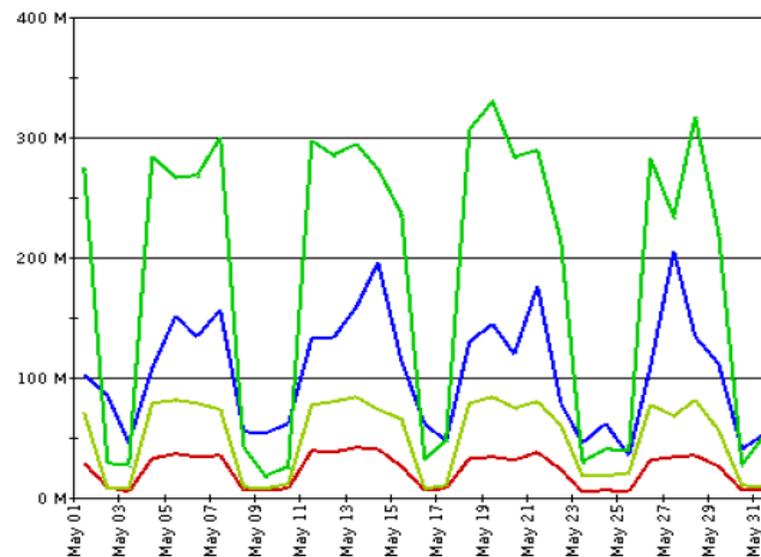
Utilisation (percent)

Throughput (bps)

01-May-2020 00:00-01-Jun-2020 00:00



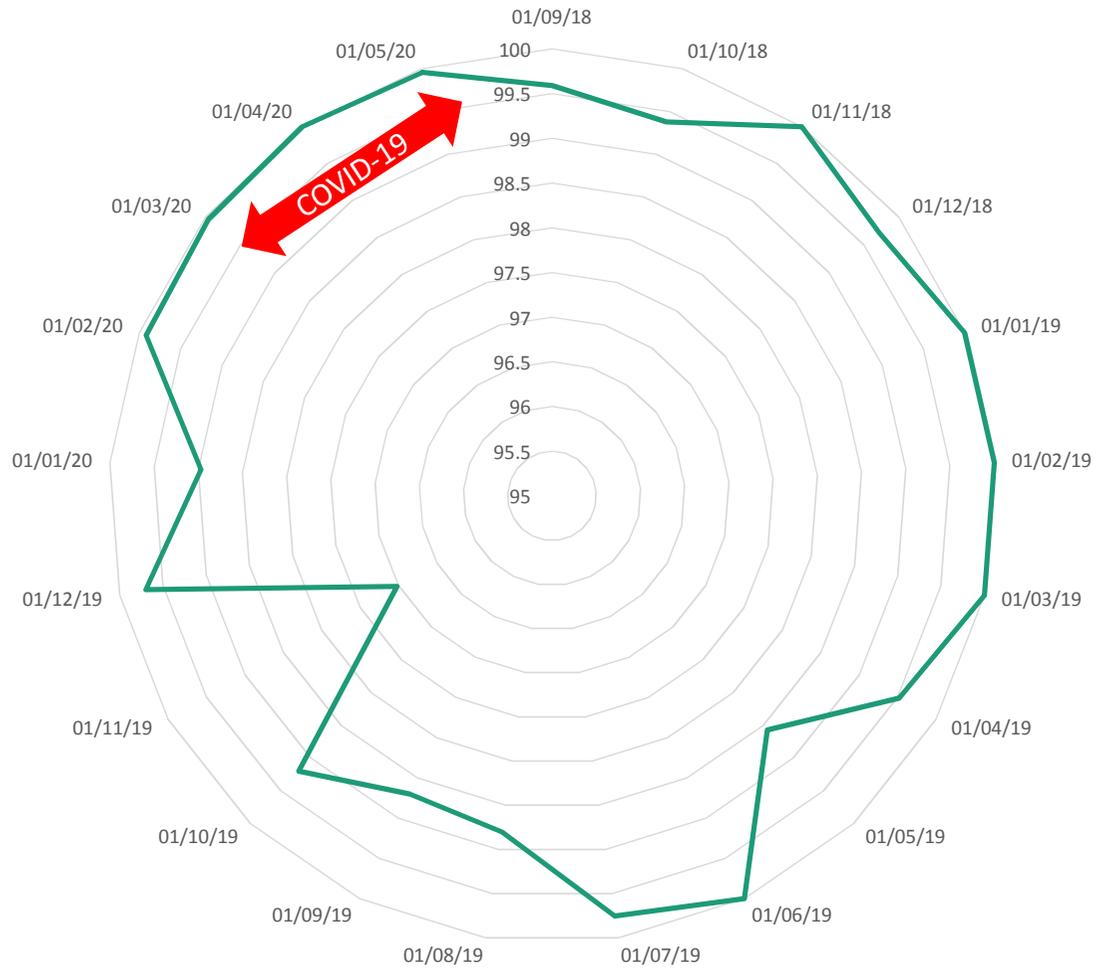
- Inbound Utilization (percent):max:1 day
- Inbound Utilization (percent):avg:1 day
- ▲ Outbound Utilization (percent):max:1 day
- ◆ Outbound Utilization (percent):avg:1 day
- WARN
- CRIT



- Inbound Throughput (bps):max:1 day
- Inbound Throughput (bps):avg:1 day
- ▲ Outbound Throughput (bps):max:1 day
- ◆ Outbound Throughput (bps):avg:1 day



High Level of System Availability



Ensuring Systems Remain Available

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12



Ensuring resiliency
in a time of crisis

Coping with the High Demand for Strata Services



Hi Lauren | Log Out

MY OPTIONS

- Home
- Help Me
- Log a Fault/Incident
- Browse the Service Catalogue
- Raise a BCR
- My Portal
 - My Incidents
 - My Requests
 - My Approvals
 - My Resources
 - Tell us how we are doing
 - About Strata

WELCOME TO THE STRATA PORTAL

My Incidents 0 | My Requests 0 | My Approvals 0 | My Resources 0

SERVICE DESK INFORMATION

Welcome to the New Strata Portal. This is your one-stop shop for requesting IT services. For urgent incidents please phone us, all other issues should be logged via the portal for a quicker response and resolution. We are no longer accepting emails to Service Desk. Service Desk opening times are: Mon to Fri 7:00am to 5:00pm (excl Bank Holidays). Outside of these hours emergencies can be reported to our Out of Hours team, by phoning Service Desk and following the instructions. For helpful and useful guides on a range of subjects please [click here](#).

LATEST NEWS & ALERTS

Important Information - Zoom and MS Teams explained

Dear residents

–

Please give us feedback - it takes 20 seconds of your time

Dear residents

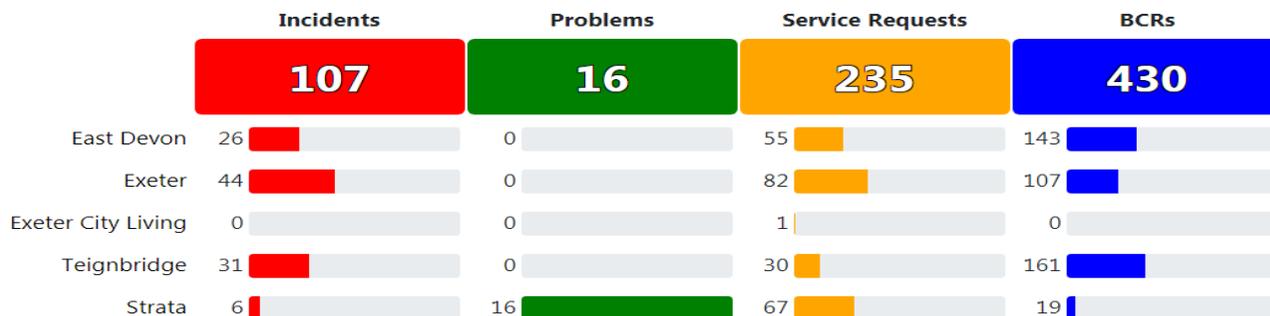
When each incident ticket is closed, or when each Request is completed you will receive an email confirmation.

[More News](#)

MAJOR INCIDENTS

0 No Outstanding Major Incidents

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3



And Supporting Rapidly Changing Needs

page 41

The screenshot shows the 'Claim your Business Support Grant - COVID-19' form on the East Devon District Council website. The form is titled 'Claim your Business Support Grant - COVID-19' and has five tabs: 'Claim details', 'Claimant details', 'The business', 'Bank details', and 'Declaration'. The 'Claimant details' tab is active. The form fields include: 'Title of claimant' (a dropdown menu), 'Forename of claimant', 'Surname of claimant', 'Middle name or middle initial of claimant', 'Contact number', and 'Email address'. At the bottom of the form, there are three buttons: 'Previous', 'Cancel', and 'Next'.

**Coronavirus (COVID-19):
how we're responding**
eastdevon.gov.uk/coronavirus

Business

Support Type	Amount	Beneficiaries
Business grants paid to	£35M+	2,999 local businesses
Business rates reliefs given to	£18.4M	1,119 local businesses

>3,200 applications received
<900 businesses yet to respond

Updated 1 May 2020
Correct at time of production

And Working to Set Up Community Hubs

exeter.gov.uk

Exeter Community Wellbeing

5 WAYS TO HELP FIGHT BACK

Community Action Response: COVID-19

Exeter City Council and Wellbeing Exeter are committed to working together to provide practical help and support for local people to get through this outbreak.

There are already many great examples of people coming together to look out for each other. We want to nurture this and do all we can so that neighbourhoods have as much help as they need to look after each other and get help and support to those likely to need it most.

We have set up **Exeter Community Wellbeing** to assist individuals and community groups to help and support each other during this challenging time.

STAY AT HOME **PROTECT THE NHS** **save lives** **East Devon**
District Council

East Devon Coronavirus Support Hub Hotline - 01395 571500

07:25 Wed 6 May eddc business grant relief 53%

Our hotline is open.
Talk to us on 01395 571500.

EAST DEVON DISTRICT COUNCIL
CORONAVIRUS
COMMUNITY
SUPPORT HUB

CORONAVIRUS Support Hotline

STAY HOME ▶ PROTECT THE NHS ▶ SAVE LIVES

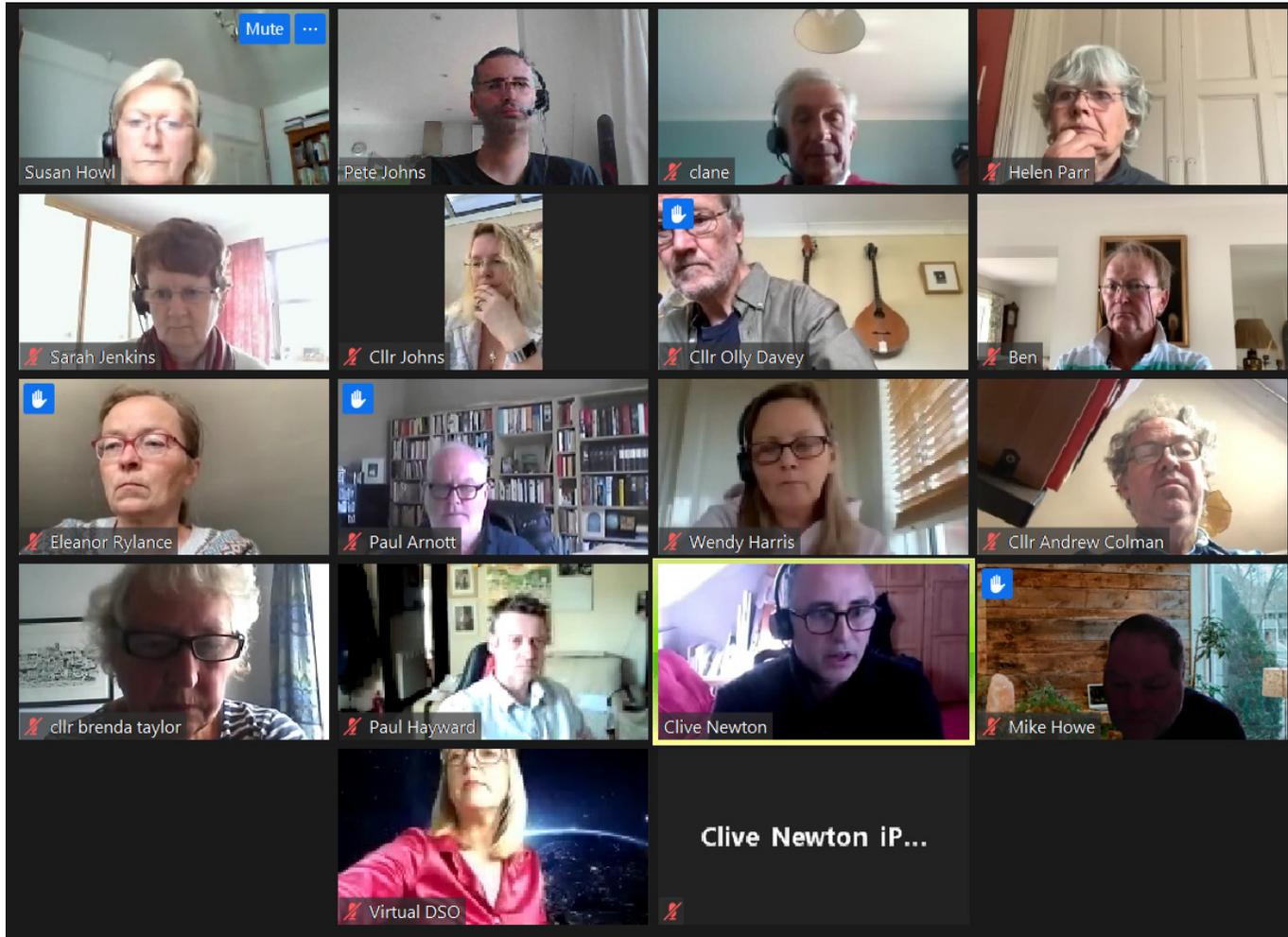
Do you or someone you know need help or support during the Coronavirus lockdown?

Feeling isolated?
Unable to access food or other services?
Don't know where to go for help or advice?

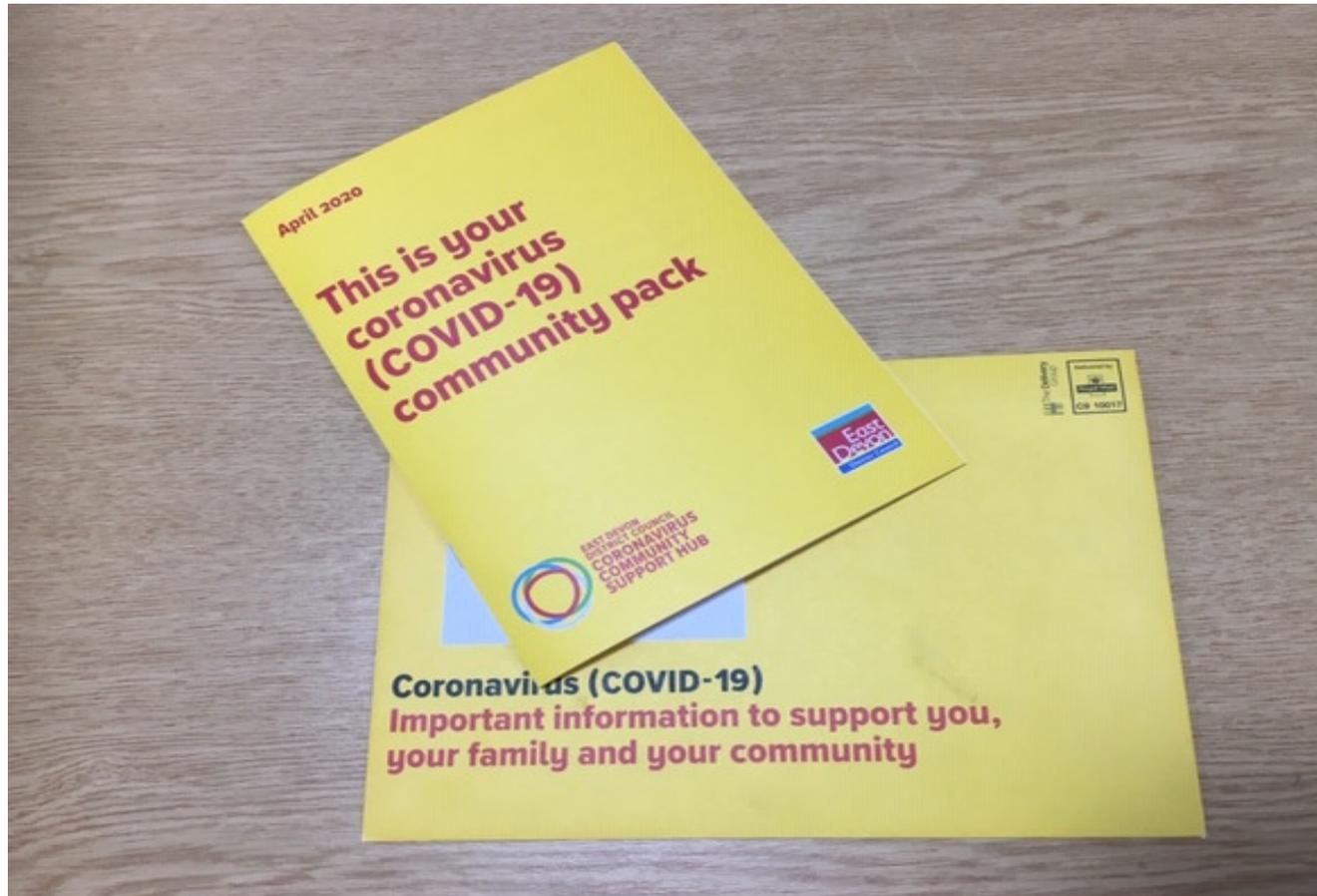
Teignbridge District Council has launched a telephone service to help people who are feeling isolated, or who need help, support or other advice to get them through the COVID-19 lockdown period:

Hotline
01626 215 512
Monday to Friday, 9am - 5pm
(excluding bank holidays)

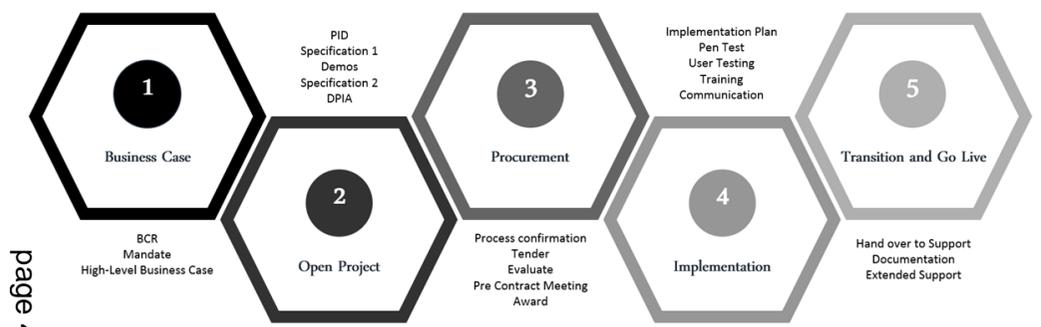
And Meeting in New Ways



And Helping Councils Inform Citizens

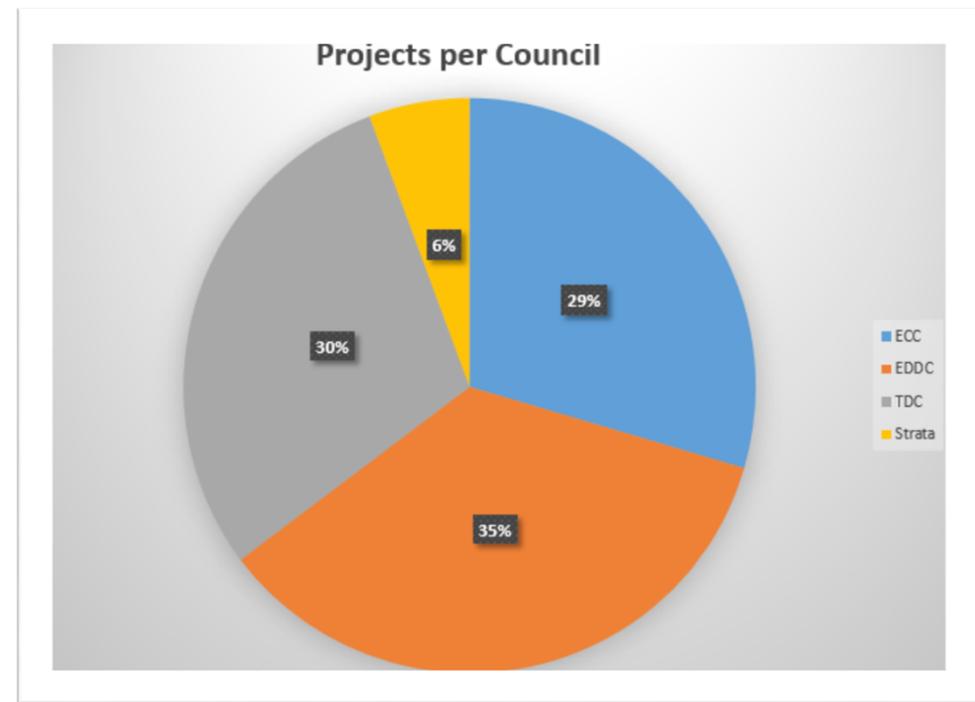
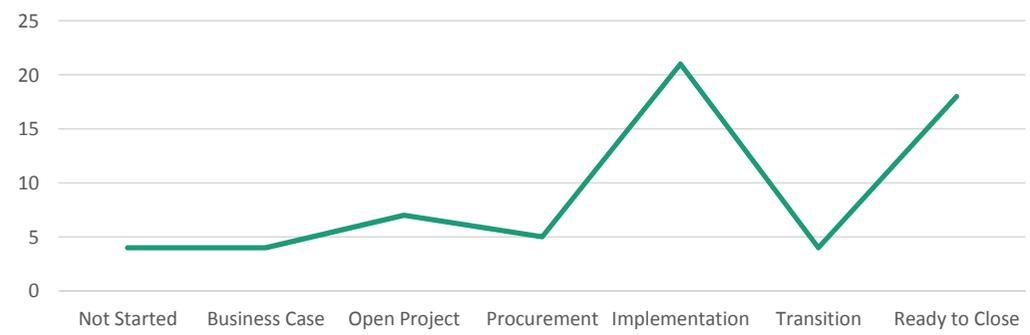


And Keeping Things on Track



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18

All Authority - Live Projects



And Ensuring Customer Satisfaction

Customer Satisfaction

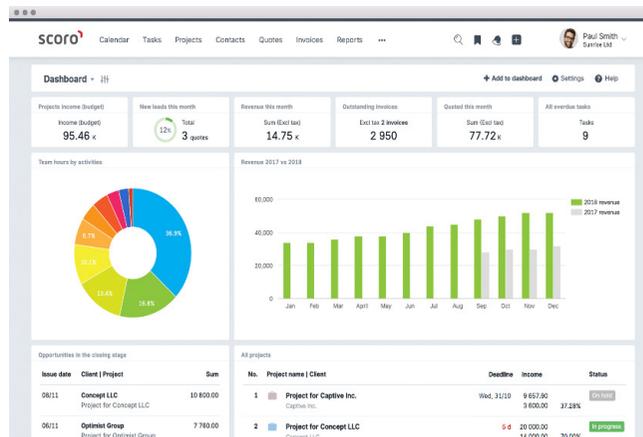


Accelerating and Changing Priorities



Microsoft Teams

Collaboration Tools



Corporate Dashboards



15p



£2.83



£8.62

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Channel Shift



Any Questions



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**Strata Joint Executive
16 June 2020**

Question Asked By	Question	Strata Response
Cllr Bialyk	The experience of using Zoom in the Global Desktop is not great, what are Strata doing about it ?	<p>As part of the migration to the new Windows 10 environment, we are building Zoom compatibility into the desktop from the start, this will include the ability to offload the video to the underlying machine which will give the best performance possible.</p> <p>The Windows 10 project is a sizeable undertaking, and we have specialists focussing on this critical element of work.</p> <p>We expect the work to be completed by January 2021</p>
Cllr Bialyk	What webcam would Strata suggest using for Zoom calls	<p>Strata recommend the Microsoft – Lifecam HD-3000 camera.</p> <p>This information has previously been provided to the three authorities and camera can be ordered via the Strata portal.</p>
Cllr Dewhirst	Why don't TDC officers have webcams	<p>The option to purchase peripherals\accessories such as webcams lies with the authority and individual departmental budgets.</p> <p>Service Requests can be raised by authority officers via the Strata portal for the purchase of such peripherals \ accessories.</p>
Cllr Dewhirst	Why are Strata not using Mozilla Firefox	<p>Currently in the Windows 7 Global Desktop environment, officers can have access to Microsoft IE, Microsoft Chromium Edge, Google Chrome & Mozilla Firefox.</p> <p>As we migrate to the new Windows 10 Desktop environment, we will be standardising on the new Microsoft Chromium Edge browser, which is essentially based on the Google Chrome engine, but is fully integrated into the Microsoft management suite which we use to manage the desktops. This model simplifies delivery, support and maintenance of the IT environment.</p>
Cllr Dewhirst	Have Strata considered offering WebEx for video calling	<p>Prior to the implementation of Zoom, Strata proposed to three authorities that we undertake an exercise to review all mainstream video conferencing platforms, WebEx was to be included in this exercise.</p> <p>However, there was an overwhelming desire to move to Zoom from all three authorities so this analysis work was stopped and all three authorities unanimously agreed to deploy the Zoom application for Virtual meetings.</p> <p>Strata would of course be happy to re-initiate the review exercise, should the authorities consider that Zoom is not the application they wish to utilise moving forward.</p>

Cllr Dewhurst	Global Desktop performance is very slow	<p>The Global Desktop is used all day every day by staff in each authority, hence, we are surprised to hear that it is slow and pretty much unusable.</p> <p>Could we suggest that if such a problem occurs, that an incident is logged with the Strata Service Desk in order that it can be investigated</p>
All	How are Strata going to deliver hybrid meetings	Strata specialists have already started speaking to the relevant officers within each authority as to how hybrid meetings could be delivered.
Cllr Bialyk	Can I set up my own meetings on the corporate Zoom platform ?	<p>To set up Zoom meetings, a councillor would need to purchase a Zoom 'host' licence (@£15.99 per licence per month)</p> <p>These licences can be purchased via the Strata portal.</p> <p>Strata have asked ECC if they could raise an order on the portal for this licence for the ECC Leader. This order has now been raised, and a licence is being purchased.</p>
Cllr Dewhurst	There is a difficulty in using a single screen (iPad) for virtual meetings, and then trying to follow an agenda.	<p>Currently the iPad is the agreed delivery model for Teignbridge Councillors, there was a paper to look at the introduction of Office 365 but this was initially rejected by the councillors, as they required further information.</p> <p>This revised paper has yet to be brought back to council due to the Coronavirus crisis.</p> <p>Strata believe there is merit in undertaking a further, detailed review of Councillor IT requirements across all three authorities, however the current timing and workloads would prevent this until next year at the earliest.</p>
All	Concern that Strata would be moving away from Zoom to MS Teams	<p>There did also seem to some concern than Microsoft Teams would replace Zoom, there are no current plans to replace Zoom, if and when we do deploy Microsoft Teams it will initially be as a collaboration tool, as this is what is being requested by the three authorities.</p> <p>Skype for Business will remain the corporate telephony platform and will co-exist with MS Teams. Eventually (by 2025 at the latest), it is likely that the Skype for Business telephony platform will be replaced by MS Teams as this is a natural progression.</p> <p>Strata see no reason why Zoom cannot remain in use as long as it is required.</p> <p>Strata do see Microsoft enhancing the video conferencing elements of the MS Teams platform over the coming months in order that it delivers the experience and usability which Zoom currently does.</p>

All	<p>Poor perception of the implementation and use of MS Teams at Devon County Council</p>	<p>Strata would not suggest judging the MS teams product purely based on the experience of using the Devon County Council deployment.</p> <p>MS Teams offers a feature rich environment, and like with most IT projects, its 80% People, Process & Culture vs 20% technology. You need to get all elements of a deployment right if you are to achieve successful adoption.</p> <p>As Strata look forward to the future and into next year, we will be making sure that we get this balance right and will plan in detail any MS Teams implementation and ensure that the technology is not simply rushed in (that's the 20%), without fully engaging with the people, process and culture element (the 80%).</p> <p>As we have found with the implementation of Zoom, having high quality Strata staff available to support user adoption is critical.</p>
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DRAFT List of meetings September 2020 – May 2021

Unless otherwise indicated meetings will normally be held online via the Zoom App. Meetings in orange are not open to the public and the public can be asked to leave other meetings on specified grounds.

Meeting	Day	Time	2020			2021					
			Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Annual Council	Wed	6.00pm									12
Council	Wed	6.00pm		21		9		24		21	
Cabinet	Wed	6.00pm	2 30	28	25		6	3	3 31		5
Scrutiny Committee	Thu	6.00pm	3	1	5	10		4	4	8	
Overview & Scrutiny Committees joint budget meeting	Wed	9.00am					13				
Overview Committee	Thu	6.00pm	24		12		28		25		
Strategic Planning Committee	Tue	10.00am		20		15		23		27	
Planning Committee	Tue	10.00am	1 29	27		1	5	2	2	6	4
Audit & Governance Committee	Thu	2.30pm	24		19		28		18		
Housing Review Board	Thu	2.30pm	17		26		21		25		
Licensing & Enforcement Committee	Wed	10.30am	16		18			10		14	
Standards Committee	Tue	10.00am		13			19			13	
Finance Panel	Wed	2.30pm	16			2			17		



Report to: Cabinet
Date of Meeting: 21 July 2020
Public Document: Yes
Exemption: None
Review date for release: None

Subject: **Financial implications of COVID-19 on the Council's budget**

Purpose of report: This report follows on from the briefing note issued to all members in April on the financial implications of Covid-19.
 An update to that position is being provided including consideration of the Government's recent announcement of additional funding to local authorities.

Recommendation:

- 1) Members note the updated position on the Council's finances.**
- 2) That a further report will be brought to Cabinet in September with recommendations to address the current year budget deficit, reflect on any priority spend changes by the new administration and consider the financial shortfall in the Council's Medium Term Financial Plan.**

Reason for recommendation: The Council finds itself with an overspend in 2020/21 due to the implications of Covid-19. Members need to understand the position and consider actions needed to address the issue.

Officer: Simon Davey, Strategic Lead Finance, CFO/S151 officer

Portfolio Holder: Portfolio Holder for Finance

Financial implications: These are outlined in the report

Legal implications: There are no legal implications requiring comment.

Equalities impact: Low Impact

Climate change: Low Impact

Risk: Medium Risk

Links to background information:

Link to [Council Plan](#): Outstanding Place and Environment
 Outstanding Homes and Communities
 Outstanding Economic Growth, Productivity, and Prosperity
 Outstanding Council and Council Services

1. Introduction.

- 1.1 The purpose of this report is to inform members of the current financial position as a result of Covid-19. To outline options available to ensure a balanced budget is maintained to give sufficient resources to continue to deliver key services to its residents.
- 1.2 EDDC is no different to other authorities reporting similar financial positions as a result of the pandemic and in many cases they are stating a worse position. Options are available and the Council has the ability to rectify the financial position giving confidence as the Council's S151 Officer that the Council is still a going concern.
- 1.3 Once clarifications is received on the recent Government funding announcement for local authorities and the performance of the key income budgets through the summer months is known a further report will be presented to members with final recommendations to balance this year's budget.
- 1.4 The Council's cash flow remains healthy through steps we have taken and steps by Government – payment of grants upfront and a 3 months deferral on its share of business rates income (£1.5m a month). This has been actioned for all authorities. These are cash flow initiatives and do not affect the position being outlined in this report.

2. 2020/21 – Revised budget position

2.1 General Fund

- 2.1.1 The Council set a balanced budget for 2020/21 at the end February 2020. As a result of Covid-19 we have seen a significant drop in our income streams along with additional costs. We are now looking at an estimated in year **deficit of £4.5m**. We also need to consider the reduction in Council Tax and Business Rates income which mainly effects next year's budget. The overall financial position continues to be monitored and the position being reported here is an improvement on the initial assessment contained in a briefing note to members in April. This is as result of a quicker return in key income areas, particularly car parking, than expected.
- 2.1.2 In year budget deficits are being reported by all Councils, a significant fall in income is particularly relevant to district councils who rely on their own fees and charges to support the cost of the services they provide.
- 2.1.3 The Government's initial allocation to Local Authorities in support of Covid-19 implications was £1.6bn, the majority of which was paid to support social care in top tier authorities. Our allocation from this sum was £47k. A second round of funding of another £1.6bn was more reflective of the severity being seen by lower tier Council's and gave us an allocation of £1.467m.
- 2.1.4 Below is an extract of the assessment of our financial position for the current year, **showing a projected £4.5m in year deficit**.

	£		£
Gross Expenditure on services	56,670,050		56,670,050
		Estimated Additional Costs - mail outs, PPE, signage, overtime, homeless accommodation, community group grants	220,000
		Toilet re-opening	80,000
		LED - Needs careful consideration - initial request scenario range £0.616m to £1.276m	1,276,000
			58,246,050
Income to Balance Expenditure		Risks Commentary	Reassessed Income
Government Grants (admin/Housing Benefit etc.)	26,592,030	Low Risk	26,592,030
Other Grants & Con't - 3rd party/donations	777,000	Medium Risk	552,655
Customer Receipts	11,593,480	High Risk	9,079,355
Income Other	194,760	Low Risk	194,760
HRA recharge	1,878,360	Low Risk	1,878,360
Net Interest (after loans)	374,610	Medium Risk - Includes new property Fund Investment (£200k)	174,610
New Homes Bonus	1,500,000	Low Risk - Gov't	1,500,000
Rural Service Delivery Grant	225,590	Low Risk - Gov't	225,590
Savings Target Procurement	70,000	Low Risk - assume savings still on spend areas.	70,000
Collection Fund Surplus	122,000	Low Risk - In Collection Fund	122,000
Earmarked Reserves	305,330	Low Risk - may consider if still priority spend	305,330
Business Rates Baseline	2,674,930	Low Risk - Gov't	2,674,930
Business Rate Uplift	1,500,000	Low risk - majority of any reduction effects following year	1,500,000
Council Tax	8,827,500	Low Risk - Reduction effects following year	8,827,500
Balance	34,460		34,460
	56,670,050		53,731,580
Covid 19 Assessment on income - 2020/21 Balanced Budget now shortfall			4,514,470

2.1.5 The significant driver to this deficit position is the income reduction from customer receipts; a reduction of £2.5m. Reduced income is based on a number of assumptions and the position has improved significantly compared with the initial assessment in April as the effect of lockdown did not last as long as envisaged. Although a second lockdown period is not an impossible scenario.

2.1.6 Added to our estimated costs since the initial assessment is the implication of supporting LED's additional losses through the effect of Covid-19. Initial details have been proved and discussions taken place but further work is required and an understanding of the national picture on any likely funding of leisure trusts by Government. At this stage a prudent figure of £1.276m has been included in our projected financial position to ensure a full picture is included for members to be aware of. Also the additional costs associated with opening selected toilets and ensuring they are Covid-19 compliant has been included.

2.1.7 **The following sums are available to help meet this estimated deficit of £4.514m, bringing the balance to be found down to £2.797m**

						£000
2020/21 Budget Shortfall from Covid-19						4,514
Government Grant					-	1,514
Furlough Funding & other savings such as travel					-	103
Additional Strata savings made to assist their partners					-	100
Balance to be found						2,797

2.1.8 **The above position does not take into account the announcement on 2 July of another round of Government funding.** This being an extra £500m for local authorities (I would not expect our allocation to be significant) and importantly **a new scheme to cover lost income streams.** This reimbursement mechanism - “co-payment mechanism” (75% of losses beyond 5% of planned income) is extremely helpful to our position. Further details have been promised so this can be assessed properly but on the assumption that lost income from customer receipts are covered by this scheme and the monies received to date from Government is to cover expenditure then **this could give us additional funding of £1.791m. Deducting this grant from the £2.797m which we had to find leaves us with a remaining gap of £1m.** This does come with a health warning until we see the exact details of the scheme but is the best assumption at the moment.

2.1.9 **The Council needs to consider options available to it to meet the remaining deficit whether it be the £1m, or a different sum:**

- **General Fund Balance** - The Council holds a General Fund Balance of £3.8m; the range that has been deemed appropriate to hold is between £3m and £3.8m. Therefore £0.8m is available to support the deficit. Should more of the Fund be used it would need to be replaced quickly or the Council cannot consider itself as financially stable. **Therefore £0.8m of the General Fund Balance** could be utilised.
- **Budgets savings:**
 - Carbon Reduction Funding, from the £0.323m budget it is considered part will be unused in year **£0.081m**
 - Agency Staff in Streetscene (grounds maintenance), not required as rewilding taken place. **£0.071m**
 - Other service/staff savings – sum to be determined. This needs considering, if permanent savings are made this reduces future savings required to balance the Medium Term Financial Plan funding gap.

Such savings will need to be considered against the following principles:

We will continue to deliver good services to our District.
We will use our best endeavours to protect front line services.

We will use our best endeavours to protect services which are highly valued by our communities.

- **New Homes Bonus to revenue - £2.054m** of NHB was approved in the budget to be used as funding for 2020/21 capital programme. This is revenue income and could be replaced with PWLB borrowing to support the capital programme instead. This will be a cost to revenue going forward of £94k a year.
- **2019/20 Outturn Position** – The final accounts are close to being completed and the net position is likely to give a windfall sum available of around **£2.5m** (to be confirmed). This is mainly attributable to additional business rate income generated through income maximisation and growth. This sum would be available to offset an in year loss in part and/or could be set aside to mitigate risk of losses identified in the Medium Term Financial Plan where timings and amounts are uncertain. This would be in relation to the rebasing of business rates and the demise of the New Homes Bonus Scheme. If a significant sum was set aside then this would give the Council a cushion against the reality of these occurring and give time to plan in certainty when details are known. The monies can be used to fund services whilst plans are put in place to reshape the budget as necessary with the advantage of the sum and its definite requirement being known.
- **Use of earmarked reserves repurposed** – Reserves have been set aside for specific purposes, Council can decide to use them for other purposes which would be reasonable under the current circumstances although not ideal. Reserves to consider, either in part or all:
 - Additional income attributable to 100% rate pool for the year, this money was set aside to fund business support **£0.450m**
 - Asset Maintenance Reserve, this money came from VAT reclaimed as a joint action against HM Customs & Excise and set aside to help backlog maintenance of our assets **£0.904m**
 - Transformation Fund, this was set aside from saving in previous years. The use of this reserve will be important to help generate savings in future years including to meet the cost of possible redundancies **£0.960m**

2.2 Housing Revenue Account (HRA)

- 2.2.1 With the HRA the main implication will be around a likely reduction in rental income. The position is more comfortable with the HRA; we have a volatility fund of £1.6m and a projected budget surplus of nearly £1m being held for RTB/carbon reduction actions which could be switched out to capital or stopped.
- 2.2.2 At £2.6m this would allow for a 14% fall in rental income.
- 2.2.3 Approximately 48% (£8.4m) of rents is met by benefits (rent rebates). This is a direct credit to individuals rent accounts and is guaranteed income to the HRA. In addition there is an HRA General Balance held of £3.1m and other measures available

to stop expenditure if required. Rental income currently appears strong, although it is too early to be sure.

3 Implication of Covid-19 on future budgets (MTFP).

3.1 The Council's Medium Term Financial Plan (MTFP) has been updated. The position has not changed significantly in the main other than an announcement on 28th April that the Government is deferring again its fairer funding review and business rates rebasing. This delays the Council losing its business rates growth (£1.5m in the MTFP) until its assumed 2022/23. Although there is still a risk the growth element could still be lost in full or in part in 2021/22 as the Government looks at the Local Government Funding round next year.

3.2 A summary of the revised MTFP looking from 2021/22 to 2030/31 is given below. This extract of the MTFP does not take into account proposed actions to make savings.

Summary MTFP	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	2028/29 £000	2029/30 £000	2030/31 £000
Annual (Surplus)/Deficit	-	629,219	2,926,247	3,941,413	4,142,331	4,176,351	4,667,501	4,702,057	4,743,304	4,791,536	4,847,058
In Year addition to Annual (Surplus)/Deficit	-	629,219	2,297,028	1,015,166	200,918	34,020	491,150	34,556	41,247	48,232	55,522

3.3 If the Term of the current Council is focused on then savings are required of £3.9m; to produce a balanced budget in 2021/22 costs are required to be reduced, or income increased (or a combination of both) to create a saving on our net costs of £0.629m. These savings need to occur annually to bring down the net ongoing costs of running the Council. If this is achieved then further savings of £2.297m are required for 2022/23 and finally a further sum of £1.015m for 2022/23. This gives the £3.9m.

3.4 As explained income is critical to our financial stability and whether our receipts return to the pre Covid-19 level will depend on how the economy bounces back; planning, building control, landcharges, peoples ability to pay council tax and business rates and also growth in business rate and council tax bases along with tourism. These factors are being grappled with at national level and the Government's initiatives are driving to try and influence a quick return but economic forecasts do not look promising.

3.5 Income following lockdown has returned quicker than expected so at this stage the assumptions remain unaltered in the MTFP and deemed reasonable. A national decline in economic factors could affect our position but this is unknown. Also unknown is future funding of local authorities, the Government appears to be listening to the financial woes of local authorities and they have indicated they are considering the future position.

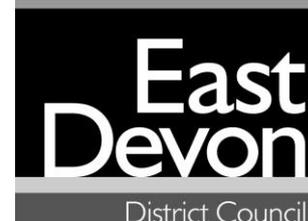
3.6 We are experiencing a **decline in our Council Tax collection** rate (end of May 0.99% down on previous year) and an increase in the Council Tax Reduction Scheme (5.32% increase) which reduces the taxbase (basis of which council tax income is calculated). Other authorities are projecting an in year 10% reduction in Council Tax income.

Councils receive the precept sum requested, if there is then a deficit compared with what's collected, this is taken into account in the following year to be made good. 10% non-collection for us equates to £883k. We currently hold a surplus on the fund of £255K and normally create an in year surplus of £100k - £200k. The MTFP assumes growth of 500 properties per annum; in the last few years this has been closer to 1,000; 500 properties is worth income of £74k. Taking these factors into account then we could see a possible reduction in Council Tax Income of say £400k for 2021/22. The Government has recognised this potential loss and in its recent announcement stated that such losses can be spread over 3 years and it would consider further the implication in its spending review. Until these details are known and with the government giving the ability to spread any losses **no additional costs are included in the MTFP at this stage.**

- 3.7 Turning to **business rate** income, this is complex in accounting treatment; in part it is like Council Tax with any deficits being taken to recoup in the following year, but part in terms of growth income is taken in year. Other authorities are assuming a 10% to 15% drop off in business rate income; for us this being between £417k and £626k. At the end of May we were down 6.18% compared with the previous year. Before the crisis we were projecting a significant sum above budget due to recent growth in the order of £2m, the Council also has an earmarked reserve of £693k set aside to deal with volatility in business rate income. **Therefore at this stage it is suggested no amendment is made to the MTFP assumptions.** Again any losses like Council Tax the Government have indicated this can be spread over future years.

4. Conclusion.

- 4.1 For the current year the Council will have funding gap to find, the final sum will depend on how our income streams hold up during the remainder of the year, particularly in the summer months, any additional costs in terms of Covid-19 implications not factored in as yet and finally the details behind the Governments recent funding announcement.
- 4.2 The picture is more favourable then first predicted and as can be seen the Council has options by year end to allocate funding or make savings to balance the 2020/21 financial year. A further report will be brought to Cabinet in September for final recommendations to be made to Council.
- 4.3 This report has concentrated on reacting to the financial implications of Covid-19 and options to addresses projected deficits; this report does not factor in any change in priority spend that the new administration may wish to consider and this needs to be factored into a future report.
- 4.4 There is a MTFP gap that the Council needs to address and was present before Covid-19, a number of actions previously considered in meeting this gap were a combination of income generation and better asset utilisation. This needs to be reflected on by the new administration in terms of giving direction on these matters
- 4.5 This report suggests that members may wish to consider setting aside windfall business rate monies to mitigate the immediate necessity to find all savings and/or increase income to meet the full MTFP gap until more certainty on timing and amount is known.
- 4.6 Consideration needs to be given on the level of savings to address this year's deficit in terms of the balance to be struck between using one off monies or to make ongoing savings which would in turn help address future year deficits as they reduce our net budget going forward.



Report to: **Cabinet**

Date of Meeting: 21 July 2020

Public Document: Yes

Exemption: None

Review date for release: None

Subject: **New Feniton Flood Alleviation Scheme**

Purpose of report: To confirm the delay of the implementation of Phase 3 until a possession window is available in 2021. Although this risks further delay to the project, it gives time to get all funding signed off and other cost savings investigated, with the aim to have a fully funded project before committing significant funds towards a part completion.

Recommendation: **That Cabinet;**

- 1. Confirm the decision to postpone the delivery of Phase 3 of the flood alleviation scheme (being the newly proposed October 2020 undertrack crossing) until the whole project including phase 4 is fully funded, on the basis of an emerging cost basis contract subject to the Environment Agency confirming the availability of the additional funding as detailed in the report.**
- 2. Delegate authority to the Strategic Lead (Housing, Health and Environment) in consultation with the Strategic Lead (Governance and Licensing) to negotiate and enter into the emerging costs basis contract with Network Rail and its contractor to deliver Phase 3 once additional funding has been secured**
- 3. Agree that Phase 4 of the flood alleviation scheme (being the linking up and completing the project) be scheduled for delivery in 2021/22, to allow sufficient time to apply for further Government grants and plan and procure the project for a summer construction. A further report will detail the precise delivery date.**
- 4. That a section of phase 4 could be built this autumn to reduce some flood risk to Feniton, should the plan be viable and not incur significant additional project cost or risk.**

Reason for recommendation: As it stands, the project budget is only sufficient to complete Phase 3 (UTX) but insufficient to complete Phase 4, without further applications for Central Government grant money.

The application for the additional funds to realise Phase 4 will not be submitted or approved prior to the last mobilisation date (03 July 2020)

for Network Rail to deliver the Phase 3 UTX this year. (and thus we would be committing to completing phase 4, should we complete phase 3) Indications from the Environment Agency have been positive that more funding should be available to allow Phase 4 to proceed.

Much time and effort has gone into securing the May 2020 UTX, however this was postponed due to the unknowns surrounding the Covid-19 pandemic. We understood there were no further possession windows planned in 2020, however Network Rail recently identified an October 2020 possession. This possession window would not delay our project and still allow for a 2021 construction of Phase 4. Network Rail have advised us they have no further planned possessions in FY 2020/21 so we would be looking at FY 2021/22 for the next available date. There is a good chance this would likely lead to a significant delay to Phase 4.

This project will benefit more than 70 properties in Feniton as well as providing relief from the anxiety of the ever present flood risk.

It is understood that the project is eligible for further Central Government Grant money, however this is not yet formally signed off.

Risk to EDDC is that Phase 3 is built, and if Phase 4 is not funded, the project has wasted £770k for an unconnected culvert under the railway, and offering no flood risk reduction to Feniton. Or alternately EDDC would therefore need to find another £1.5m to complete the project.

The top section of Phase 4, an attenuation pond could be built in advance of Phase 3, to offer a small reduction of flood risk to Feniton whilst we wait for full funding to be agreed, however this comes with various risks.

Officer:

Tom Buxton-Smith - Engineering Projects Manager

tbuxton-smith@eastdevon.gov.uk 01395 571630

Andrew Hancock – Service Lead, StreetScene

ahancock@eastdevon.gov.uk 01395 571611

Financial implications:

The financial details have been outlined in the report. The approach now being recommended with this scheme significantly reduces the financial risks involved in this project and is endorsed from a financial perspective.

Legal implications:

Legal Services have been involved in this project and this potential decision. The legal issues are covered in the report.

Equalities impact:

Low Impact

Climate change:

High Impact

The project need is linked to climate change, with more frequent flood events as a result of a warming climate. The situation will only worsen and climate change does and doing nothing should not be an option. The project will also have carbon impacts in its construction.

Risk:

High Risk

Financial risk to council is high. Potential to spend £770k on a UTX that will never be joined up to the rest of the culvert network, if further grant

funding is not forthcoming from the Environment Agency. Indications so far however, pending an application have been positive.

Alternately EDDC could loan the project £1.5m (the current project shortfall) at risk of it not being repaid by central government should further grant applications not be successful.

Links to background information:

- [Scheme Location Map - Feniton](#)
- [Public Reports Pack – 05022020 – Cabinet](#)

Link to Council Plan: Outstanding Place and Environment
Outstanding Homes and Communities

Report in full

1 February 2020 Cabinet Report:

1.1 Please see February 2020 Cabinet Report, Agenda item 17 for the previous report recommending we proceed with a May 2020 Possession. It contains all the scheme background and known risks at the time. The below report will update the risks and recommendations

2 Quick Overview

2.1 Phase 1 and 2 largely complete, offering reduced flood risk to a handful of downstream properties. Both Phase 3 (Undertrack Railway Crossing, known as a UTX) and Phase 4 (Linking culverts with attenuation pond) are required to significantly reduce the flood risk within New Feniton. Costs for delivering Phase 1,2,3 and 4 have increased dramatically since the 2012 Project Appraisal Report (PAR) for various reasons outlined in the February 2012 report. We have been able to find additional FDGIA (Flood Defence Grant In Aid) from the Environment Agency to cover Phase 3, but not yet Phase 4. We are currently short of approximately £1.5m to complete the whole project. We are carrying out a Business Case Update Report (BCUR) to submit to the Environment Agency to apply for £1.5m shortfall of which we believe we are eligible for, however the BCUR has not been completed, submitted or approved, so we are not guaranteed this additional £1.5m.

3 Project Funding Situation

3.1 The Original PAR approval included funding of the scheme as follows:

3.1.1	Flood Defence Grant in Aid (Central government funding)	£380k
3.1.2	Local Levy	£300k
3.1.3	Devon County Council	£215k
3.1.4	East Devon District Council	£554k (incl. future maintenance)
3.1.5	Developer Contributions	£300k
3.1.6	Total	£1749k

3.2 The Current approved funding of the scheme as follows:

3.2.1	Flood Defence Grant in Aid (Central government funding)	£950k
3.2.2	Local Levy	£200k*

3.2.3	Devon County Council	£215k
3.2.4	East Devon District Council	£554k (incl. future maintenance)
3.2.5	Developer Contribution	£85k**
3.2.6	Parish Council Contribution	£15k***
3.2.7	Total	£2019k

*Local Levy reduced to £200k

**Majority of developer contribution lost due to planning being granted on appeal

*** Parish Council have a grant for replacement Play Park on route of our scheme. £15k of this is treated as contribution in kind, as our scheme will not reinstate their play park.

3.3 The proposed funding of the scheme as follows:

3.3.1	Flood Defence Grant in Aid (Central government funding)	£2529k*
3.3.2	Local Levy	£300k**
3.3.3	Devon County Council	£215k
3.3.4	East Devon District Council	£554k (incl. future maintenance)
3.3.5	Developer Contribution	£85k
3.3.6	Parish Council Contribution	£15k
3.3.7	Total	£3698k

*£950k only approved to date. Indication is that the scheme is eligible for a further £1579k

**Local Levy restored to £300k (received email on 18/11/20 recommending its approval but yet to be signed off)

3.4 Current Scheme forecast costs and deficits

3.4.1 Table below is representative of the current approved funding as per 3.2

Total Agreed Funding	£ 2,019,000.00
Current Spend to date	£ 927,000.00
Remaining in budget	£ 1,092,000.00
Phase 3 construction + management estimate	£ 767,035.23
Phase 4 construction + management estimate	£ 1,829,707.44
Total remaining spend	£ 2,596,742.67
Current Project Deficit	-£ 1,504,742.67

4 **Phase 3**

- 4.1 The first attempt for the construction of the undertrack crossing (UTX) was planned for October 2016. The UTX requires a 52 hour possession window during which time the railway cannot run. Network Rail only plan a couple of these each year.
- 4.2 During our first attempt at the UTX, EDDC were required to take unlimited liability of Network Rail damages, for example payments to train operators should a speed restriction or lone closure be required as a result of the works. Potentially this could be £4,000 per minute of overrun on the possession, which would expose EDDC to significant financial risk. As such, EDDC did not proceed with the works in October 2016.
- 4.3 There was a further attempt to complete the UTX in 2017, however it was not completed. A great degree of lobbying and involvement of MPs led to a more positive negotiation with Network Rail.
- 4.4 To mitigate financial risk to EDDC, Network Rail were asked to carry out the works for EDDC using their framework contractor, and a possession date was provisionally agreed for October 2019. However Network Rail were unhappy with the submissions from their framework contractor so postponed the works.
- 4.5 Following this attempt, a further possession window was identified for early May 2020, and both sides made progress to agree a way forward. Work to date has included a lot of negotiation over legal agreements (Basic Implementation Agreement) that constrain each party's responsibilities and liabilities, detail that Network Rail will be carrying out the works on behalf of EDDC, managing the project and the project procurement, including reviewing contractor's submissions and method statements. The work has also entailed discussions regarding logistics and discussions/preparatory works with landowners adjacent to the work site. Following successful submissions by Network Rails' framework contractors, EDDC were given the likely costs for the works. Unfortunately the costs have come back at 5-7 times larger than the original budget price (depending if an emerging price or fixed price option is chosen).
- 4.6 The May 2020 UTX was postponed due to the unknown financial and health risks involved at the start of the Covid-19 pandemic.
- 4.7 Network Rail have offered us an October 2020 possession window, which was much sooner than they had advised previously. We have not produced or submitted a BCUR to the Environment Agency, so it has not been approved. Project wise, we are in a similar financial picture to the February 2020 report, with a risk remaining that the missing additional budget required may not be approved by the Environment Agency, and EDDC may need to find up to £1.5m to complete the scheme. We however appreciate the world has changed since the February 2020 report, and the council's financial position is different.

5 **Further investigation planned**

- 5.1 As the current scheme was conceived in 2012, a lot has changed, and given the financial pressure, along with the additional time, it would be wise to look at other opportunities to reduce flood risk.
- 5.2 Alternate routes have been mooted to save cost and disruption, and these should be further investigated.
- 5.3 The culvert works of Phase 4 cannot be done prior to the completion of Phase 3, due to the risk of the location (and level) of Phase 3 being restricted due to unexpected ground conditions under a railway line. However the top of Phase 4, an open attenuation pond could be constructed prior to phase 3. This is estimated to cost £200k. This would flatten

the curve of peak flows entering the existing drainage network, which would lead to a small reduction of flood risk to Feniton. It would also reduce the risk of the required land increasing in value, should outline planning be granted. On completion of Phase 4, its outflow would be redirected into the new culvert.

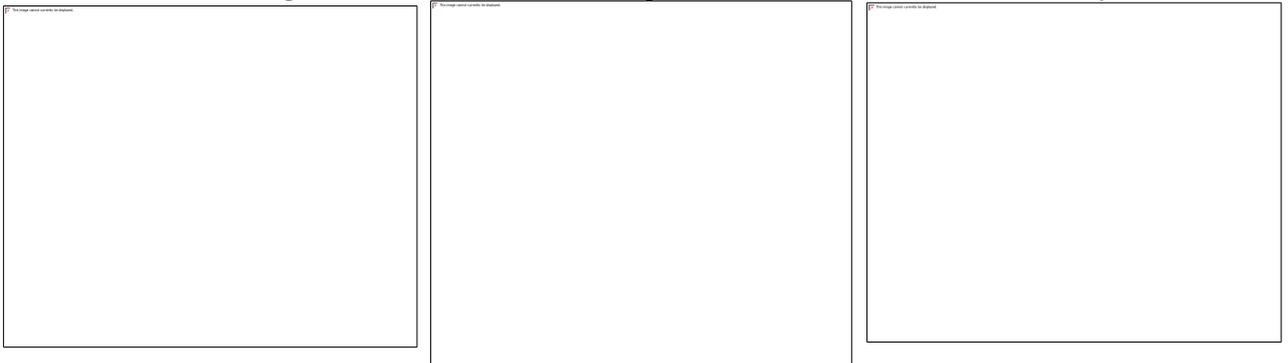
Proceeding with this option comes with the following risks which will be fully assessed before this section of works is allowed to advance

- 5.3.1 Very little time to appoint a contractor, and carry out largely earth works before the winter months.
- 5.3.2 Would need to direct award a contractor (to save procurement time) which does not offer value for money. It is also a less efficient way of construction, breaking up the scheme into smaller elements.
- 5.3.3 Land has not yet been purchased, and a tight time constraint may lead to a poor deal for EDDC
- 5.3.4 Hydraulic calculations would need to be carried out to see how much flood risk reduction would be realised.
- 5.3.5 Structure may need to be redesigned to allow it to be safely overtopped by via a spillway. The current design relies on an established grass spillway which will not have established in time for winter 2020/21
- 5.3.6 Constructing this section in advance limits options for alternate routes which could offer overall project savings
- 5.3.7 Current design includes a 20% climate change allowance, current guidance for the additional overall funding required states that 40% climate change allowance. There is a risk this attenuation pond is not large enough.
- 5.3.8 Covid-19 has not gone away. We risk increased construction costs due to higher welfare and safety requirements, but also a postponement risk should a second pandemic wave be realised.
- 5.3.9 Image below shows plan view of proposed attenuation pond.



5.4 Network Rail currently have three culverts under their railway which take water during flood events. As shown on the images below, 1 of the 3 is extremely bad condition. We are not sure Network rail are fully aware of the condition, and feel that our additional culvert would remove the need to replace the bad condition culvert. Therefore we need to explore any opportunity with network rail for them to reduce their cost to us.

5.4.1 Images of condition of existing three culverts under the railway line.



6 **Next Steps**

- 6.1 EDDC will work towards the next available possession window to deliver phase 3, likely to be 2021
- 6.2 EDDC will work on the additional grant application from central government over the summer, with the aim for Environment Agency approval in autumn 2020.

- 6.3 Assuming an early 2021 possession window, and long as additional grant money has been approved by central government, and there is space within their budget programme, we aim to deliver Phase 4 during 2021/22.
- 6.4 If further funding commitment from EDDC is required, further Cabinet and Council approval will be sought.
- 6.5 EDDC will investigate the feasibility of delivering the attenuation pond of Phase 4 in advance of this winter to reduce flood risk slightly, and risk that land values would increase should the land be earmarked for development.
- 6.6 EDDC will consult with Network Rail to request a reduction in construction costs of Phase 3, in lieu of the benefits Network Rail will enjoy to its network once the scheme is complete.

7 Risks

- 7.1 The largest risk is that EDDC commit to Phase 3, and no additional money is found to complete Phase 4. Leaving EDDC with an expensive unused asset under the railway, with no reduction in flood risk to the residents of Feniton, or the need to fund an additional £1.5m ourselves to justify Phase 3. The funding of phase 3 is largely from FDGIA money administered by the EA. Should Phase 3 be built, but Phase 4 never completed, the EA would likely want their money back, as homes would not have been protected. Therefore EDDC could incur a cost of up to £770k for an incomplete scheme.
- 7.2 Should Phase 3 not happen in October 2020, the largest risk is reputation damage, but it could also incur further abortive costs from Network Rail (as yet unspecified, probably their project costs at around £100k). The project has gone on for 8 years, with multiple attempts to deliver the UTX which have not happened for various reasons. Now Network Rail are in a position to complete the UTX, EDDC could be perceived to be delaying or stopping the scheme.
- 7.3 Network Rail need confirmation on proceeding with Phase 3 by 03 July 2020 to enable mobilisation of their contractors to meet the possession window.
- 7.4 We will not know if we are successful in applying for the full additional central Government money until the autumn 2020 (full review of project economics to allow funding for Phase 4/overall project budget increase). As we need to submit and have approved a full updated economics case, this will be submitted during late summer 2020. Should it be approved, we cannot guarantee which year the funds would then be available.
- 7.5 A further £85k from the Acland Park Development is currently counted as a contribution to the scheme. There is potential that this money will not be forthcoming due to the time elapsed.
- 7.6 An additional £100k of Local Levy funding potentially could not be awarded, however it has been recommended for approval.
- 7.7 Assuming the additional funding request is approved by the Environment Agency, it is reliant on there being sufficient central government funds to draw down on.
- 7.8 A land owner has had part of his orchard felled to allow Phase 3 and 4 to go ahead. Delaying the scheme means he cannot replant trees until the scheme is complete, which means further compensation may be due for every year no scheme is built.
- 7.9 Delaying Phase 3 another year could incur further abortive Network Rail costs. These should be able to be rolled on to the next possession window. Should the project be cancelled, the abortive costs could be in the region of £100k

- 7.10 Due to the original designers no longer trading there is a knowledge gap between what has been designed and what has been modelled, which requires further checks to ensure what has been designed still works, given the today's constraints.
- 7.11 The existing model only has a 20% climate change allowance built in, (as was the guidance at the time) Current guidance states 40% climate change allowance, and this needs to be applied to the design. There is a potential this will increase construction costs further, however it is understood the current design is over capacity, however we are unsure at this stage if construction costs will rise further.
- 7.12 The scheme was conceived in 2012 when the science of Natural Flood Management was not understood or required to be included as an option. Therefore a lower carbon option could be explored as an option which negates the need for a UTX and may reduce major civils. This would result in significant delay to the project and abortive costs from current design/project management.
- 7.13 Committing to Phase 3 now means we are committing to phase 4 at a later date, so other solutions such as those in paragraph 7.12 will no longer be able to be considered.
- 7.14 Future housing development as a source of income or flood risk reduction has been assessed and discounted, as it would fall outside the local plan, severely limiting CIL money that could be contributed towards the flood scheme. There is also no proposed development in Feniton at this time.
- 7.15 Feniton Parish Council has £35k of development money allocated to replace the existing playpark, however this must be spent by May 2022. (it is valued at £15k for a like for like replacement) The playpark sits on the current route of the culvert, so would need to be reinstated following the works. Should the project be delayed beyond May 2022 Feniton Parish Council may lose the money, or the project will incur further costs through playground reinstatement.
- 7.16 Should the project be cancelled before Phase 3 is built, we would need to return most of the FDGIA grant to the Environment Agency. Our current spend to date is covered by EDDC's committed contribution as well as Devon County Council's and local levy funding. It is unclear if the other two funding streams would want their money back for an incomplete project.

Report to: **Cabinet**

Date of Meeting: 21 July 2020

Public Document: Yes

Exemption: None

Review date for release: None



Subject: **Pavement Licences- Business and Planning Act 2020**

Purpose of report: To inform Cabinet of the changes to the issuing of pavement licences that will be brought in as part of Business and Planning Act 2020 (when enacted) as part of the Government's economic recovery and growth agenda in response to the COVID-19 Pandemic. The Act will pass the responsibility of consulting and issuing pavement licences on the public highway to District Councils in England requiring a decision within a very tight timeframe (14 days from application to decision). The Council needs to put in place authority for dealing with these applications.

Recommendation: **That Cabinet;**

- 1. Notes the content of the report, in particular the process that District Councils will have to adopt in issuing pavement licences to businesses within the District, which is 14 days (10 working days) to include the statutory consultation period and the granting or rejection of the licence application.**
- 2. Agrees the application process that East Devon will follow to determine these applications including the consultations that will take place and the local conditions (Appendix 1) that will be imposed on any grant.**
- 3. Gives delegated authority to the Strategic Lead (Governance and Licensing) to determine pavement licence applications under the Business and Planning Act 2020 together with imposing such additional conditions as may be deemed necessary as well as to take enforcement action including revocation of licences where considered appropriate to do so.**
- 4. Agrees that the Council will charge the maximum fee of £100 for the consideration of each application for a licence.**
- 5. Agrees the recruitment of a Grade 5 post on a fixed term (6 month) basis to support the administration of this new service.**
- 6. Gives authority to the Strategic Lead (Governance and Licensing) in consultation with the Portfolio Holder for Coast, County and Environment to make any necessary amendments to the process and local conditions which arise**

out of any changes made during the final passage of the Bill through Parliament.

Reason for recommendation: Efficient and time critical administration of a new service which a District Council must provide.

Officer: Henry Gordon Lennox, Strategic Lead (Governance and Licensing)

Portfolio Holder: Portfolio Holder Coast, Country and Environment

Financial implications: It is envisaged that the costs incurred will be covered by the fees charged.

Legal implications: The draft Bill say that the powers conveyed in the legislation are not executive functions. Accordingly this is a decision properly for the Cabinet to determine, rather than the Licensing and Enforcement Committee. Given the shortness of time for these applications to be determined it is appropriate that Cabinet delegate the issuing of licences to officers and more specifically that they will be dealt with by the Licensing team who deal with alcohol and street trading licence applications as a matter of course. It is for Cabinet to determine the appropriateness of the Local Conditions.

Equalities impact: Low Impact

Climate change: Low Impact

Risk: High Risk
If applications are not administered effectively within the statutory time frame (10 working days) they are deemed granted and the Council will have lost control of the process in controlling the public highway.

Links to background information: <https://www.gov.uk/government/publications/pavement-licences-draft-guidance>

Link to [Council Plan](#):
Outstanding Place and Environment
Outstanding Economic Growth, Productivity, and Prosperity
Outstanding Council and Council Services

Report in full

Legal context

1. A pavement licence is a licence granted (or, if not determined in a certain period, deemed to be granted) by a local highway authority under Part 7A of the Highways Act 1980. It allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

2. The Business and Planning Bill 2020, part of the Government's business recovery plan for tourism and the hospitality trades, is progressing through Parliament at the time of writing this report. It is expected that it will receive its royal assent in the third week or fourth week of July. As well as relaxing the planning and licensing laws it removes the power to grant pavement licences from the highway authority (Devon County Council) and transfers it to District Councils. It provides a streamlined process to allow businesses to secure these licences in time for the Summer and, where they are deemed to have been granted, it allows these licences to remain in place for a year but in an event not beyond 30 September 2021.
3. The Secretary of State for Business, Energy and Industrial Strategy, Alok Sharma MP, said: "The overall aim of the Bill is to provide an adrenaline boost to key sectors of our economy. We want to support the hospitality sector by allowing outdoor dining and off-premises sale of alcohol, helping the sector back on its feet with the promise of al fresco dining for all this summer."
4. Under the existing regime, the determination period (the period in which a decision must be taken or the application is deemed granted) is 28 days. Where granted, a licensee still needs to ensure that they comply with the other regulatory regimes – such as obtaining planning permission and ensuring their alcohol licence permits the activity. There is a fee of up to £200 payable. Conditions can be imposed on the licence which the licensee must adhere to.
5. The new process provides a cheaper, easier and quicker way for businesses to obtain a licence. It is expected that responsibility for pavement licences will revert back to local highway authorities after the COVID-19 pandemic, although there is a risk that this becomes a permanent arrangement.

Proposed changes

6. Applications will be subject to 7 days (5 working days) of consultation and then a decision has to be taken within a further 7 days (5 working days), effectively this means from application to issue of the licence is 14 days (10 working days). If there is no decision after the 14 days (10 working days) then the application is deemed granted on the basis of the Council's published local conditions.
7. There is one national condition about maintaining sufficient access for disabled people and others along pavements which will always apply with the distance determined by reference to specific guidance. It is recommended that this should be a minimum of 2m but is variable depending on specific circumstances. Advice will be given to ensure that applicants have regard to this before applying to avoid making wasted applications. There is detailed guidance which is referenced in the local conditions (see Appendix 1). Otherwise the conditions that should be imposed are left to be determined by the Council ('local conditions') and these must be published and will automatically apply to any grant. Where it is necessary to do so additional conditions may be imposed beyond the published local conditions when an application is granted. The Council's current proposed local conditions are attached to this report, they are subject to internal consultation to ensure that they cover the appropriate requirements.
8. If a local authority determines an application before the end of the determination period the authority can specify the duration of the licence, subject to a minimum duration of 3 months and provided any licence does not extend beyond 30th September 2021. If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year but again will not be valid beyond 30 September 2021.

9. It is important to note that the grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply such as the need for alcohol licenses and the need to comply with registration requirements for food businesses. That said, if the applicant already has a licence to serve alcohol on-premises then temporary amendments to the Licensing Act 2003 will allow them to sell alcohol for consumption off the premises, within the pavement licence area without needing to apply for a variation of their licence. Equally an applicant will not need to obtain planning permission in that once a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land within the pavement licence for anything done pursuant to the licence while the licence is valid.
10. The fee for applying for a licence under the new process is discretionary. However if sought it is capped at £100.
11. In terms of transfer of responsibility between the two authorities, there is no transition period and therefore as soon as the provisions come into force it will be the responsibility of the Council to accept and progress applications. The Council therefore needs to be ready to start receiving licence applications potentially from around 20th July or shortly thereafter.

Businesses eligible to apply

12. A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence to trade on the pavement. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

Government guidance - what is permitted

13. The furniture which may be used is:
- counters or stalls for selling or serving food or drink;
 - tables, counters or shelves on which food or drink can be placed;
 - chairs, benches or other forms of seating; and
 - umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.
14. This furniture is required to be removable. The advice is that local authorities should be pragmatic when determining what is 'removable' but in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.
15. It is anticipated that a large number of tourist/leisure centred businesses in our seaside towns, premises with alcohol licenses, catering and dining establishments will wish to take advantage of the relaxing of the planning regulations linked to pavement furniture and the pavement licence regime introduced in this piece of legislation.
16. It is important to note that if the Council does not determine an application within the relevant period then the licence is automatically granted and therefore businesses can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed. Effectively we lose control of the licensing regime.

Proposed administration of these licences by EDDC

17. The logical place for this new service to sit is within the Licensing Team. This team is already extremely experienced in the day to day administration and issuing of licences for

street trading and alcohol licensing under the Licensing Act 2003 and therefore there is a strong synergy with their existing service provision.

18. Applications must be sent and considered online (this is stated in the legislation) and it is proposed that this is through the Council's existing licensing systems via a website sited application form and guidance note. It is permissible to develop a standard application form and the Licensing Manager is currently drafting such an application form, consulting with Strata and the Devon County Council towards delivering the online application process.
19. An application to the local authority must:
 - specify the premises and, the part of the relevant highway to which the application relates;
 - specify the purpose (or purposes) for which the furniture will be used which must be to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied from, or in connection with relevant use of the premises;
 - specify the days of the week on which and the hours between which it is proposed to have furniture on the highway;
 - describe the type of furniture to which the application relates, for example: tables, chairs, and/or stalls;
 - specify the date on which the application is made;
 - contain or be accompanied by such evidence of public liability insurance in respect of anything to be done pursuant to the licence as the authority may require; and
 - contain or be accompanied by such other information or material as the local authority may require.
20. The application process provides for the posting of notices, a site map, provision of details of the type and size of furniture to be used etc. The application must be accompanied by the £100 fee made by an online payment. While discretionary, the fee will be used towards covering the Council's costs of administration of the process – see section below on resources – and therefore it is recommended that it is applied. There will no doubt be different approaches adopted by authorities, but in terms of the other Devon Districts that are taking this on for the first time (Exeter being an exception to this) at the time of writing we have not heard of any that are specifically not imposing the £100 fee.
21. The Council's consultation process will involve Streetscene and Property and Assets to ensure that the requirement for landowner permission is flagged as well as ensuring that there is no conflict with other consents already granted (the Strand in Exmouth being a good example of where conflicts may arise). There will also be consultation with Environmental Health, the public, ward members, town and parish clerks, Devon County Council Highways and potentially Devon and Cornwall Constabulary if we hold any intelligence on Crime and Disorder. Such consultation can only last for a 7 day period, there is no mechanism to extend the consultation period.
22. As has been mentioned the Council has very limited time to collect together all the consultation responses, prepare a report, call a meeting and determine an application within the relevant 5 day working period. There are also reports from the County Council (as they are still receiving applications) that there has been an up surge in applications as businesses respond to COVID-19 restrictions. For both these reasons it will be impractical for this to be committee based decision-making and therefore the recommendation is that delegated authority be put in place for this to be dealt with by officers. This is of course already the case for the majority of applications that the Licensing Team progress currently. There is a risk that if it is not this way then there could be an increase in the number of

deemed granted licences as a result of non-determination. As deemed granted licences have effect for 12 months, in such a case the Council will have lost control of whether or not a licence should be issued at all or on a shorter time period and whether there are any additional conditions we may wish to impose.

23. The issued licence document will specify the period for which they are granted and will also include an hours of operation condition. Such detail is not therefore contained in the local conditions. It is anticipated that the Council will look to grant licences for 6 months or until 31st March 2020. The reason being that we do not yet know what volume of licences we might expect to receive, the combined impact of such licences on the use of the public highway and related space and of course the likely status of COVID-19 come Spring 2021 and therefore it seems prudent to be able to reassess licences ahead of Summer of 2021. In terms of the hours of operation, it is anticipated that the default will be from 10am to 10pm – permitting sufficient time for tables and chairs to be cleared before 11pm each night. However each application will be considered on its merits and in light of prevailing circumstances including licensing hours.

Local conditions

24. The legislation allows the Council to publish on its website a set of local conditions to which each licence is subject. These conditions must be reasonable in the circumstances. Early publication will give all licensees an understanding of what will be tolerated by this Council in safely managing the space to which the licence applies. It is also possible to apply further conditions when granting any licence which are tailored to the size, circumstance and operation as detailed in the proposed application. This will ensure that the public are safe under COVID-19 regulations and issues of anti-social behaviour can be controlled. Any premise breaching these conditions can be subject to enforcement action as set out at paragraph 26 below.

25. EDDC's proposed list of conditions for each licence application are set out in **Appendix 1** of the report. They are considered to be reasonable in the circumstances. That said, Cabinet may wish to consider them in more detail. For example, there is currently a condition preventing the use of glass outside and to require the use of "recyclable plastic/polycarbonate". The Council has committed to reducing single use plastics and therefore this condition may need to be considered in light of this and also the COVID-19 circumstances.

Enforcement

26. If a condition imposed on a licence is breached the local authority will be able to issue a notice requiring the breach to be remedied and the authority can take action to recover any costs. The authority may revoke a licence for breach of condition (whether or not a remediation notice has been issued) in the following circumstances:

Where:

- There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
- the highway is being obstructed (other than by anything permitted by the licence);
- there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
- it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
- the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

27. The local authority may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. It is good practice for local authorities to give reasons where these powers are used.

Operations

28. The operation of these public highway pavement licences will be managed by Streetscene in consultation with the Licensing Team. They will oversee the management and derogation of space, the impact on litter, the impact on the collection of waste from street bins and issues affecting the disposal of trade waste in line with the local conditions, and will refer any breach of conditions to the delegated officer for review possible enforcement action.

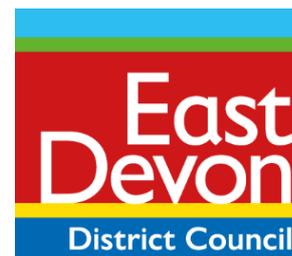
Resourcing

29. There will be a clear impact on resourcing – in that the Licensing Team will be doing work that has not been done before. Given the comments from the County Council, it is requested that temporary support be agreed (either fixed term or secondment) for 6 months to assist in the delivery of this regime. As it is for 6 months this will enable it to be reviewed in terms of the number of applications received and work involved. The post will be a Grade 5 position which is approximately £30k per annum with on costs. It is anticipated that the post will be, or will be close to, self-funding given the application fee.

30. Should the Council choose not to levy the application fee and the additional support is agreed then a request will need to be made to Council for additional budget.

Appendix 1

Licensing Team
East Devon District Council
Blackdown House
Border Road
Honiton
EX14 1EJ



Schedule of Local Conditions for Pavement Licences Business and Planning Act 2020

1. These Local Conditions are considered to form part of the Pavement Licence upon grant: Pavement Licence means a licence issued under the provisions of the Business and Planning Act 2020
2. Permission is personal to the named Licensee who shall be the person who completes the Pavement Licence Application
3. The Pavement Licence granted shall run for the period set out in the Pavement Licence and shall remain in force only for such period of time as the Licensee remains occupier of the Premises or until revoked by the Council, or surrendered to the Council by the Licensee. No Licence shall run for a period after 30th September 2021.
4. The Pavement Licence and furniture authorised will not extend beyond the agreed area as set out in the plan annexed to the Pavement Licence application or such other plan as agreed by East Devon District Council in granting the Pavement Licence
5. The tables and chairs shall be of such a design as may be approved by East Devon District Council as set out in the Pavement Licence Application and shall be kept in good repair and condition at the Licensee expense.
6. Should a gazebo or marquee be permitted by the Pavement Licence and used by the Licensee the following conditions apply:
 - i. Heavy ballast weights must be used at each leg to withstand uplift forces from wind. Calculations from the manufacturer, supplier or installers to show the weight requirements for each leg must be obtained and complied with.
 - ii. Anchorage should also prevent lateral movement of the structure. Ropes to anchorage points must not obstruct movement around or within the structure
 - iii. The Licensee should be aware of the design wind load of the structure, and have a procedure for monitoring weather forecasts, and making safe by removal of covers any structure likely to be put at risk by high winds
 - iv. The structure must be British fire-rated BS 5438 and/or BS 7837 (or any replacement standard) and marked accordingly, the Licensee must carry out a fire risk assessment of the structure.

Appendix 1

- v. Domestic garden gazebos and old style market gazebos cannot be accepted as they are not structurally safe for use in public areas.
 - vi. Gazebos/stall coverings/marquees must be kept visually appealing and compliment the character of the area
7. The Licensee shall make no permanent or temporary fixtures to or excavations of any kind in the surface of the highway which shall be left undisturbed when the tables and chairs are not in use
 8. The Licensee shall not display any advertisement, signboards, nameplate, inscription, flag, banner, placard, poster, signs or notices on the Outside Area unless such item is included within the Pavement Licence Application
 9. The Licensee shall make no claim or charge against East Devon District Council in the event of the chairs or tables or other objects being lost stolen or damaged in any way from whatever cause.
 10. The area of the granted Pavement Licence the "Outside Area" will be suitably managed by competent staff, i.e. to control the use of the outside area, to return trays, clear crockery and refuse and to maintain the area to as high a standard as is required inside the premises and to ensure that the conditions in this Licence are complied with at all times the outside area is in use
 11. All drinks served for consumption in the licensed area shall be served in recyclable Plastic/Polycarbonate containers, no glasses or bottles are to be permitted in the Outside Area
 12. The Outside Area must be solely used by customers seated at tables
 13. No smoking shall be permitted in the Outside Area and signage should be displayed on each table advising of this
 14. The Outside Area must not be used for BBQ's, firepits or other cooking apparatus
 15. The Outside Area permitted to be used must be used solely for the purpose of consuming food and drink in accordance with the provisions of the Business and Planning Act 2020 during the hours permitted under the Pavement Licence and no unauthorised obstructions are to be placed in the said area or on the adjacent public highway
 16. The Licensee shall not sublet or share possession of the tables and chairs or the area covered by the Pavement Licence.
 17. The Licensee must ensure that it provides an outside lidded refuse bin to enable refuse generated within the Outside Area to be easily deposited. The refuse collected in this refuse bin must be disposed of by the Licensee at the expense of the Licensee
 18. Waste from the Licensees' operations must not be disposed of in the litter bins provided by East Devon District Council, all waste from the Licensees' operations must be disposed of at the expense of the Licensee(s) and not at any cost to be incurred by the Council

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19. The Licensee must ensure that the Outside Area is kept clean and clear of refuse and litter throughout the period that the outside area is operated. Refuse and litter deposited on the highway in the vicinity of the tables and chairs and other objects must be removed frequently throughout each day by the Licensee at the Licensees' expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990
20. The Licensee shall remove the tables and chairs and other objects from the highway and the Outside Area outside specified trading hours and immediately if required to do so as to permit works in or the use of the highway by: Devon County Council East Devon District or the relevant Town or Parish Council, the police, fire and ambulance services, any statutory funeral director or utilities operator or builders' vehicle, hearse and furniture removal van.
21. No alcohol shall be consumed in the Outside Area unless a licence has been issued by the relevant authority in advance or in compliance of an existing licence granted.
22. The Licensee shall at all times be responsible for ensuring that the Outside Area is only used by customers of the Licensee, to ensure that proper supervision and control is exercised over the Outside Area at all times not to permit any drunkenness or rowdy, unseemly or disreputable behaviour to take place on the Licensed Area
23. The Licensee shall at all times be responsible for ensuring that customers and visitors permitted or otherwise to the Outside Area do not use the Outside Area for any illegal purpose or for any purpose or in a manner that may cause loss, , inconvenience distress or alarm, or could be or could become a nuisance (whether actionable or not) to occupiers of neighbouring properties or members of the public
24. The Licensee shall at all times be responsible for ensuring that the tables on the Outside area are cleared promptly of any dirty and used cutlery and crockery and are wiped down regularly and any spillages in the Outside Area are properly cleaned immediately.
25. The Licensee shall be responsible for any rates taxes and other outgoings which may be charged

It is a condition of this Licence that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of <https://www.gov.uk/government/publications/inclusive-mobility>.

26. Where East Devon District Council or Devon County Council deem it necessary to place any demarcation markings on the highway surface, the Licensee will be liable for the costs incurred and for the maintenance and replacement costs which will be undertaken by either Council.
27. Musical entertainment whether amplified or not will not be permitted in the approved area unless a Temporary Event Notice is in place in relation to the area included in the Pavement Licence.
28. Failure to comply with the terms of the permission may result in the Council serving notice on the Licensee to rectify the fault. Costs incurred may be recharged to the Licensee. The licence could be revoked at the discretion of East Devon District Council.

Appendix 1

29. Any changes to the area of structures and furniture requires submission of a new application and appropriate fee, there being no means for variance of a granted licence
30. No refund of fees shall be provided upon grant of a properly issued Pavement Licence
31. The Licensee must at all times comply with all laws, Government and Health and Safety guidance regulations and requirements in respect of their operations. Licensee must at all times particularly comply with COVID-19 Secure: safer public places guidance and any subsequent relevant guidance as may apply to the use of open spaces and licensed premises.
32. The Licensee must ensure that they have all planning permissions and all other consents, licences, permissions, certificates, authorisations and approvals whether of a public or private nature which shall be required by any competent authority for the intended use of the Outside Area.
33. The Licensee shall indemnify East Devon District Council and Devon County Council against all actions proceedings claims demands and liabilities which may at any time be taken made or incurred in consequence of the use of the tables and chairs and other objects. For this purpose the licensees must take out and keep in place, at the Licensees' expense, a policy of public liability insurance approved by the Council in the sum of at least £5 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.



Report to: Cabinet
Date of Meeting: 21 July 2020
Public Document: Yes
Exemption: None
Review date for release None

Subject: **Sitting Out Licences on Council Owned Land**

Purpose of report: As part of the Business and Planning Act 2020 which is expected to be enacted towards the end of July, the Council will take on responsibility for administering Pavement Licences to allow hospitality businesses to place tables and chairs and other furniture on the highway adjacent to their premises. Members have considered a separate report outlining the proposed processes.

While this legislation will cover businesses which are adjacent the public highway, there are businesses in the district which occupy premises in locations such as parks and gardens and seafronts whose premises adjoin or are close to Council owned land. It is envisaged that there may be a number of approaches from such businesses seeking a licence to use outdoor space as part of their compliance with guidance following the Coronavirus pandemic. At present such requests are subject to a lengthy process which involves consultation, negotiation of a fee and terms and drafting of a bespoke legal agreement.

In order to deliver an efficient and consistent response to such requests it is proposed that the process follows that for pavement licences and that licences be granted for a period of up to 1 year and not beyond the 30 September 2021. The proposal would involve the creation of a standard licence agreement by Legal Services into which the basic details such as licensee, hours, extent, use etc. could be added by Streetscene. The fee for such licences is to be the same as that charged for pavement licences, namely £100. The licence agreement would contain conditions similar in nature and effect as those proposed for the pavement licences to facilitate control of these areas by the Council. The sitting out licences will not override the Licensing Act requirements and potential traders will still be required to ensure that they comply with the requirements of their premises licenses (as amended by the Business and Planning Act).

Whilst there is no limit on fees and the Council could seek to charge a higher fee for these licences to reflect the value of the licence to the individual business, it is considered that following the same basis as pavement licences creates a fairer approach to supporting businesses in the Coronavirus recovery period. While delegation to grant short term licences of this nature sits at officer level, the decision to set a fixed fee which is less than may be achieved through negotiation is considered a member decision. The Council would be foregoing possible licence fees calculated on a commercial basis, but with this proposal will be consistent with those pavement licences being granted on pavements and can be administered much more quickly and generally in a way that

is much more supportive to local businesses needing neighbouring space to safely trade.

Recommendation:

That Cabinet agrees;

- 1. That the approach to requests for sitting out licences on Council owned land follow the same broad process to that for pavement licences.**
- 2. The fee for such licences will be £100.**
- 3. That Streetscene administer these licences using the standard form licence provided by Legal Services**

Reason for recommendation:

To ensure an efficient and consistent approach to applications for use of outdoor space which will allow businesses to continue trading whilst complying with government guidance.

Officer:

Tim Child, Service Lead, Place Assets & Commercialisation

Portfolio Holder:

Portfolio Holder Economy and Assets

Financial implications:

Financial implications are set out within the report.

Legal implications:

Legal Services have drafted a standard licence to be used in respect of sitting out areas on Council Land. Any variances from the standard licence will need to be referred to Legal Services for amendment. Awareness should be had that the trader will still be required to comply with the provisions of the Licensing Act (as amended by the Business and Planning Act 2020)

Equalities impact:

Low Impact

Climate change:

Low Impact

Risk:

Low Risk

Links to background information:

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Link to [Council Plan](#):

Outstanding Place and Environment
Outstanding Economic Growth, Productivity, and Prosperity
Outstanding Council and Council Services



Report to: **Cabinet**

Date of Meeting: 21 July 2020

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Makeup of Panels, Forums, Joint Bodies and Outside Bodies**

Purpose of report: This report follows the Extraordinary General Meeting of Council on 24 June 2020 and related decisions taken at the meeting. The next stage of the appointments process is to nominate and appoint to the Panels, Forums, Joint Bodies and Outside Bodies.

In preparation for this coming forward, there have been discussions with the Leader, Portfolio Holder for Democracy and Transparency and Assistant Portfolio Holder for Democracy and Transparency and as a consequence there are some proposed changes to the makeup of the Panels, Forums, Joint Bodies and Outside Bodies. Some of these changes are necessary in light of constitutional changes (amendments to portfolios and removal of Lead Members for example) whereas others are proposed on the basis of increased democratic engagement. Some of the bodies have been established by Cabinet to help advise it and therefore it is appropriate that Cabinet agree their makeup ahead of it being presented to Council for its approval prior to Council then deciding on the appointments.

The current makeup as presented to and agreed at Annual Council on 22 May 2019 can be accessed from the background links.

It is worth noting that there are some additional bodies that have been included following in year decisions to establish them.

It is understood that the Cabinet will be receiving a report in due course in relation to the possible re-focussing of the role of some of the regeneration bodies and in that light, and also because it hasn't actually met since its creation, it is considered that the Axminster Regeneration Board should cease for the time being. A refreshed role, makeup and terms of reference will be considered in due course. Aside from this it is still appropriate to progress making appointments to the remainder along the lines proposed.

Members will be aware, or should be made aware, that the Monitoring Officer has written to the Group Leaders to request the group's nominations to these bodies. A brief narrative of the roles of the bodies has been circulated as well to assist Members.

Finally, Cabinet at its meeting on 5 February 2020 agreed to the setting up of the Housing Company TaFF and Poverty Working Panel. The report that was presented to Cabinet can be found in the background links. Given the change in political balance since the report was written and the membership of the bodies agreed, it is now necessary to re-set the makeup of these two groups as well. Accordingly it is suggested that delegated authority be given to the Monitoring Officer to work with the Group Leaders to agree the membership of the two bodies to ensure that it reflects the current political balance. It is recommended that Cllrs

Ledger and Armstrong continue to Chair the respective meetings. Otherwise the size of the two bodies and their Terms of Reference will be as resolved by Cabinet at the meeting of 5 February 2020.

Recommendation:

That Cabinet;

- (1) agree the proposed makeup of Panels, Forums and Joint Bodies (Appendix 1) and Outside Bodies (Appendix 2) and, where relevant, recommend them to Council to agree;**
- (2) confirm Cllr Ledger and Cllr Armstrong continuing as the Chairs of the Housing Company TaFF and Poverty Working Panel and gives delegated authority to the Monitoring Officer to agree the membership of the TaFF and Panel to, as far as reasonably practicable, reflect the political balance of the Council.**

Reason for recommendation:

This ensures that the makeup of the bodies that have been set up by the Cabinet are agreed ahead of Council agreeing the makeup and making the appointments. It also enables the Housing Company TaFF and Poverty Working Panel which Cabinet established to be re-set to reflect the current political makeup of the Council.

Officer:

Henry Gordon Lennox, Monitoring Officer

Portfolio Holder:

Portfolio Holder Democracy and Transparency

Financial implications:

There are no financial implications arising.

Legal implications:

It is appropriate for Cabinet to confirm any changes to groups that it has set up and to recommend other changes to Council. Otherwise there are no legal implications requiring comment.

Equalities impact:

Low Impact

Climate change:

Low Impact

Risk:

Low Risk

Links to background information:

[Annual Council 22nd May 2019](#)
[Report to Cabinet 5th February 2020](#)

Link to [Council Plan](#):

Outstanding Place and Environment
Outstanding Homes and Communities
Outstanding Economic Growth, Productivity, and Prosperity
Outstanding Council and Council Services

Appendix 1

Appointments to Panels, Forum and Joint Bodies 2020/21

Panels and Forums	Composition 2020/21	Appointments to be made at Council meeting
<p>1. Asset Management Forum</p> <p>(Three Cabinet Members, three Assistant Portfolio Holders and one ex officio Councillor)</p>	<p>Portfolio Holders: Economy & Assets (Chair) Finance Strategic Planning</p> <p>Assistant Portfolio Holders: Economy & Assets Finance Strategic Planning</p> <p>ex officio: Leader</p>	None
<p>2. Community Grant Panel</p> <p>(One Cabinet Member and six Councillors)</p>	<p>Portfolio Holder: Finance (Chair)</p> <p>Cllrs: Six</p>	Six Councillors
<p>3. Community Infrastructure Levy (CIL) Working Group</p> <p>(Three Cabinet Members, Chair & Vice Chair of Planning Committee and four Councillors)</p>	<p>Portfolio Holders: Strategic Planning Economy & Assets Sustainable Homes & Communities</p> <p>Planning Committee: Chair (Chair) Vice Chair</p> <p>Cllrs: Four</p>	Four Councillors
<p>4. Finance Panel</p> <p>(The Cabinet, Assistant Portfolio Holders plus five Councillors)</p>	<p>Leader</p> <p>Portfolio Holders: Climate Action Coast, Country & Environment Corporate Services & COVID-19 Response and Recovery Democracy and Transparency Economy & Assets Finance (Chair) Policy Co-ordination & Regional Engagement Strategic Planning Sustainable Homes & Communities</p> <p>Assistant Portfolio Holders</p>	Five Councillors

Appendix 1

Appointments to Panels, Forum and Joint Bodies 2020/21

	Climate Action Coast, County and Environment Democracy & Transparency Economy and Assets Finance	
	Cllrs: Five	
5.	Member Development Working Party (Three Cabinet Members, One Assistant Portfolio Holder and five Councillors)	Portfolio Holder: Democracy & Transparency (Chair) Corporate Services and COVID-19 Response and Recovery Policy Co-ordination & Regional Engagement Assistant Portfolio Holder: Democracy & Transparency Cllrs: Five
		Five Councillors
Joint Bodies	EDDC Appointees	Appointments to be made at the Council meeting
6.	Arts and Culture Forum (One Cabinet Member, Two Assistant Portfolio Holders and four Councillors)	Portfolio Holder; Coast, County & Environment Assistant Portfolio Holders: Coast, Country & Environment Democracy & Transparency Cllrs: Four (Chair) (plus 2 Community & 7 town representatives)
		Four Councillors
7.	County Committees including: East Devon Highways and Traffic Orders Committee (Three Councillors)	Cllrs: Three
		Three Councillors
8.	Cranbrook Strategic Delivery Board (One Cabinet Member and one Ward Member)	Portfolio Holder: Strategic Planning One Cranbrook Ward Member
		One Cranbrook Ward Member

Appendix 1

Appointments to Panels, Forum and Joint Bodies 2020/21

9.	East Devon Traveller Forum (One Cabinet Member, One Ward Member and the Vice Chair of Planning Committee)	Portfolio Holder: Sustainable Homes and Communities (Chair) One Cranbrook Ward Member Vice Chair of Planning Committee	One Cranbrook Ward Member
10.	East and Mid Devon Community Safety Partnership (One Councillor)	Cllrs: One	One Councillor
11.	Exeter and East Devon Enterprise Zone Board (One Cabinet Member)	Portfolio Holder: Leader	None
12.	Exeter and Heart of Devon Growth Board (One Cabinet Member)	Leader (substitute: Deputy Leader)	None
13.	Exmouth Queens Drive Delivery Group (Five Cabinet Members and five Ward Members)	Leader (Chair) Deputy Leader (Vice Chair) Portfolio Holders: Economy & Assets Strategic Planning Sustainable Homes & Communities Ward Members: Exmouth Brixington x1 Exmouth Halsdon x 1 Exmouth Littleham x 1 Exmouth Town x 1 Exmouth Withycombe Raleigh x 1	Five Exmouth Ward Councillors comprising; Brixington Ward x1 Halsdon Ward x 1 Littleham Ward x 1 Town Ward x 1 Withycombe Raleigh Ward x 1
14.	Greater Exeter Strategic Plan a) Member Steering Group which includes a representative from each of the five councils (Devon, East Devon, Exeter, Mid Devon and Teignbridge)	a) Portfolio Holder: Strategic Planning (substitute: Portfolio Holder – Economy & Assets)	a) None

Appendix 1

Appointments to Panels, Forum and Joint Bodies 2020/21

(One Cabinet Member)

**b) Joint Advisory
Reference forum**

**(Ten Councillors –
comprising a Cabinet
Member and nine other
members – the forum
as a whole to be
politically balanced)**

b) Portfolio Holder:
Economy & Assets

Nine Councillors

(substitutes: one from each
group)

b) Nine Councillors
DAG: x3
Con: x3
IPG:x1
TI: x1
CV: x1

Plus one substitute from
each Group:

Five Councillors
DAG:
Con:
IPG:
TI:
CV:

15.	Heart of the South - West Joint Committee	Leader Deputy Leader	None
	(Two Cabinet Members)		
16.	LED Leisure Management Ltd	Cllrs: Two	Two Councillors
	(Two Councillors)		
17.	Local Joint Panel	Leader	Two Councillors
	(Four Cabinet Members and two Councillors)	Portfolio Holders: Corporate Services & COVID-19 Response and Recovery Finance Policy Co-ordination & Regional Engagement	
		Cllrs: Two	
18.	Lower Exe Mooring Authority Management Committee	Cllrs: Two	Two Councillors
	(Two Councillors)	(plus substitute)	Sub: One Councillor
19.	Recycling and Waste Partnership Board	Portfolio Holder: Coast, Country & Environment (Chair)	Two Councillors

Appendix 1

Appointments to Panels, Forum and Joint Bodies 2020/21

	(Two Cabinet Members, two Assistant Portfolio Holders and two Councillors)	Climate Action Assistant Portfolio Holders: Coast, Country & Environment Climate Action Cllrs: Two	
20.	Sidmouth Beach Management Plan Steering Group (Two Cabinet Members, two Assistant Portfolio Holders and four Sidmouth Ward Members)	Portfolio Holder: Coast, Country & Environment (Chair) Climate Action Assistant Portfolio Holder: Coast, Country & Environment Climate Action Ward Members: Sidmouth Town Ward Members Sidmouth Rural Sidmouth Sidford x 1	One Sidmouth Sidford Ward Councillor.
21.	Sidmouth Port Royal Project Reference Group (Two Councillors representing the Sidmouth Wards)	Cllrs: Two (representing Sidmouth Wards)	Two Sidmouth Ward Councillors
22.	South East Devon Habitat Regulations Executive Committee (One Cabinet Member)	Portfolio Holder: Strategic Planning (substitute – Coast, Country & Environment PH)	None
23.	STRATA Joint Executive Committee (EDDC, Exeter City and Teignbridge authorities) (One Cabinet Member and CEO)	Leader Chief Executive (substitute: Portfolio Holder: Corporate Services & COVID-19 Response and Recovery)	None
24.	STRATA Joint Scrutiny Committee (EDDC, Exeter City and Teignbridge authorities)	Cllrs: Three (substitutes: three Councillors)	Three Councillors (Sub: Three Councillors)

Appendix 1

Appointments to Panels, Forum and Joint Bodies 2020/21

(Three Councillors)

25. **Woodbury, Exmouth & Budleigh (WEB) Community Health and Wellbeing Board**
- | | |
|-----------------------------------|---|
| Portfolio Holder: | Substitute: |
| Sustainable Homes and Communities | A Ward Member from Budleigh & Raleigh, Exmouth or Woodbury & Lympstone) |
- (One Cabinet Member) **(substitute:** Ward Member from Budleigh & Raleigh, Exmouth or Woodbury & Lympstone)

NOTES:

1. The Council is required to appoint 'designated persons' to comply with the arrangements (introduced in 2014) for dealing with complaints by tenants – the designated persons to work alongside the Tenant Complaint Panel.

2020/21 'designated persons' are Cllrs [*Three Councillors to be appointed*].

APPENDIX 2

APPOINTMENTS ON OUTSIDE BODIES 2020/21

	Name of Outside Body	Current Appointments 2019/20	Required Nominations 2020/21	Portfolio Holders/ Lead – reporting link
(a)	APPOINTMENTS: GENERAL		Shaded boxes will not require nominations	
1	Blackdown Hills (AONB) Joint Advisory Committee	Colin Brown	One	Coast, Country & Environment
2	Devon and Exeter Area Rail Working Party	Susie Bond Bruce De Saram	Two	Economy & Assets
3	Devon Authorities Strategic Waste Committee	Environment Portfolio Holder Substitute: Deputy Environment Portfolio Holder	Coast, Country & Environment Portfolio Holder Substitute: Assistant Portfolio Holder Climate Action	Coast, Country & Environment
4	SPACE (formerly Devon Youth Service)	Member Lead – Sport and Recreation	One	Sustainable Homes & Communities
5	East Devon AONB Partnership	Helen Parr Geoff Pook	Two	Coast, Country & Environment
6	East Devon Citizens' Advice Bureau	Megan Armstrong Maddy Chapman	Two	Sustainable Homes & Communities
7	East Devon Transport, Research and Information Project (TRIP) Working Party/Management Group	Dean Barrow	One	Sustainable Homes & Communities
8	Action East Devon (formerly East Devon Volunteer Support Agency)	Mike Allen Megan Armstrong	Two	Sustainable Homes & Communities
9	Exe Estuary Management Group	Mike Howe Substitute: Geoff Jung	One Substitute: One	Coast, Country & Environment
10	Exeter International Airport Consultative Group	Philip Skinner	Economy & Assets Portfolio Holder	Economy & Assets / Coast, Country & Environment
11	Exeter Science Park Board of Directors:	Economy Portfolio Holder (Director)	Economy & Assets Portfolio Holder	Finance / Economy & Assets / Strategic

	Name of Outside Body	Current Appointments 2019/20	Required Nominations 2020/21	Portfolio Holders/ Lead – reporting link
	Exeter Science Park – Shareholder representative	Finance Portfolio Holder (Shareholder)	(Director) Finance Portfolio Holder (Shareholder rep)	Planning
12	Queens Drive Exmouth Community Interest Company	Sam Hawkins (Director) Paul Millar (Director)	Two	Finance / Economy & Assets / Strategic Planning
13	Greater Exeter Strategic Sports Board	Economy Portfolio Holder (substitute Lead Councillor – Sport & Recreation)	Economy & Assets Portfolio Holder (substitute Sustainable Homes & Communities Portfolio Holder)	Economy & Assets / Sustainable Housing & Communities
14	Local Government Association General Assembly	Leader* (substitute: Deputy Leader) <i>*Leader is SW representative on district councillor network executive</i>	Leader* (substitute: Deputy Leader) <i>*Leader is SW representative on district councillor network executive</i>	Council
15	Local Government Association Annual Rural Assembly	Leader (with vote) Deputy Leader (who can vote in the absence of Leader)	Leader (with vote) Deputy Leader (who can vote in the absence of Leader)	Council
16	Police and Crime Panel – Devon and Cornwall	Paul Jarvis Substitute: Ian Hall	One Substitute: One	Council
17	SWAP (South West Audit Partnership Ltd)	Audit & Governance Chairman (Shareholder) Section 151 Officer (Director)	Audit & Governance Chairman (Shareholder) Section 151 Officer (Director)	Finance
18	South West Councils - including Employers' Panel	Leader Deputy: Portfolio Holder – Corporate Services	Leader Deputy: Portfolio Holder – Corporate Services and COVID-19 Response & Recovery	Council
19	SPARSE – Rural Special Interest Group	Leader Substitute: Rural Economy Lead Councillor	Leader Substitute: Economy & Assets Portfolio Holder	Council
20	Sport England Local Delivery Plan Programme Group	Economy Portfolio Holder	Economy & Assets Portfolio Holder	Economy & Assets

OUTSIDE BODIES - NOTE:

Further to the 2012 review undertaken initially by the Corporate Business Portfolio Holder's Think Tank and recommendations of the Overview and Scrutiny Committee which were supported by Cabinet at its meeting on 4 April 2012, formal appointment of councillor representatives to outside bodies will only now be made where the outside body meets one or more of the following criteria:

- a) The Council makes a financial contribution to the outside body;
- b) There is a clear need for the business of the outside body to be reported back to Council;
- c) The Council has a partnership relationship with the outside body

Council representatives formally appointed to outside bodies will engage with the relevant Portfolio Holder to ensure information is both fed back, and fed into, each outside body, panel and forum that meets the criteria for formal appointment.

In the case of outside bodies falling outside the criteria (including those listed below), the Democratic Services team will provide the contact details of the ward member(s)/member champion so that arrangements can be made direct;

- Active Honiton
- Budleigh Salterton Traffic Group
- Campaign to Protect Rural England (Devon Branch)
- Devon Conservation Group
- Devon County Agricultural Association's Council
- Devon Historic Buildings Trust
- East Devon Local Children's Trust
- Exmouth Local Nature Reserve Management Committee
- Honiton Community & Arts Centre Project Working Group
- Honiton Development Trust
- Norman Lockyer Observatory Management Committee
- Salisbury – Exeter Line side Consortium of Authorities
- Sidmouth Traffic Management Plan
- World Heritage Site Management Plan Steering Group

PATROLAJC – Parking and Traffic Regulations Outside London Adjudication Joint Committee (re Traffic Management Act 2004). No member appointment but the Council will continue to subscribe to this quasi-judicial body which appoints adjudicators to hear formal appeals against parking tickets in all councils (including EDDC) that use civil parking enforcement process.



Report to: Cabinet
Date of Meeting: 21 July 2020
Public Document: Yes
Exemption: None
Review date for release: None

Subject: **Otterton Neighbourhood Plan Examiner's Report**

Purpose of report: To provide feedback and set out proposed changes following the examination of the Otterton Neighbourhood Plan

Recommendation:

- 1. That Members endorse the Examiner's recommendations on the Otterton Neighbourhood Plan (the Plan).**
- 2. That Members agree that a 'referendum version' of the Plan (incorporating the Examiner's modifications) should proceed to referendum and a decision notice to this effect be published.**
- 3. That Members congratulate the Neighbourhood Plan Steering Group on their hard work.**

Reason for recommendation: The legislation requires a decision notice to be produced at this stage in the process. The Plan is the product of extensive local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which are accepted by the Parish Council.

Officer: Angela King, Neighbourhood Planning Officer
aking@eastdevon.gov.uk 01395 571740

Financial implications: No Specific financial implications

Legal implications: As the report identifies, it is a formal requirement for the Council to consider the Examiner's recommendations and satisfy itself that the proposed plan meets the prescribed 'Basic Conditions'. The purpose of the report is to satisfy this formal requirement. Assuming Members agree the proposed recommendations then the Council is obliged to publish a notice to this effect, pursuant to the applicable Regulations, and Recommendation 2 covers this aspect. The report also identifies that the District Council is responsible for organising the referendum and requires a resolution to progress this. The actual date of the referendum will however be postponed following the provisions of the Coronavirus Act 2020 and the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and

Referendums) (England and Wales) Regulations 2020. At this stage there are no other legal observations arising.

- Equalities impact:** Low Impact
- The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.
- Risk:** Medium Risk
- There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it.

- Links to background information:**
- [Localism Act 2011](#)
 - [Plain English Guide to the Localism Act](#)
 - [National Planning Policy Framework \(revised 2019\)](#)
 - [Neighbourhood Planning Regulations 2012](#)
 - [Neighbourhood Planning Roadmap Guide](#)
 - [Otterton Neighbourhood Plan and Examiner's Report](#)
 - [EDDC Local Plan 2013-2031](#)

- Link to Council Plan:** Neighbourhood planning helps to deliver the priorities identified in the Council Plan by actively encouraging, promoting and supporting the development of:
- Outstanding place and environment
 - Outstanding homes and communities
 - Outstanding economic growth, productivity and prosperity

1.0 The Examination

- 1.1 The Otterton Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Jill Kingaby, was chosen by EDDC in consultation with Otterton Parish Council.
- 1.2 The examination was undertaken on the basis of considering the written material which forms the Plan, its appendices and accompanying statements as well as any representations received in response to the formal consultations. The Examiner did not consider it necessary to hold a public meeting. The Plan and Examiner's report are available to download on our website:

1.3 The legislation, reflected in the Council’s Neighbourhood Planning Protocol (excerpt below), requires the Policy Team to notify Members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. This response will then be published as a decision notice.

Task in Neighbourhood Plan Production, Commentary and Formal Processes	Role of the Policy Team at the Council	Role of Other Services at the Council
<p>12b – Consideration of and response to the Examiner’s Report <i>(Paragraph 12 of Schedule 4B of TCPA 90)</i></p> <p>The legislation requires the Council to consider and respond to the Examiner’s recommendations.</p> <p>In addition, and before moving on to the next stage, the Council must be satisfied that the draft plan;</p> <p>(1) meets the ‘basic conditions’ being,</p> <ul style="list-style-type: none"> -Complies with national policy and guidance from SoS -Contributes to sustainable development -General Conformity with the strategic policy of the Development Plan for the area or any part of that area -Doesn’t breach and is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment Directive of 2001/42/EC -The making of the NP is not likely to have a significant effect on a European site (as defined in the Habitats Regulations or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 9(e) (either alone or in combination with other plans or projects)” <p>(2)is compatible with the Convention rights, and (3)complies with the other legal requirements set out in Sections 38A & 38B of the TCPA 90</p> <p>12c - Produce and publish a Decision Statement <i>(Regulation 18)</i></p>	<p>Consider each of the Examiner’s recommendations and decide what action to take in response.</p> <p>This could be to accept the Examiner’s recommendations to progress to a referendum or to refuse the proposal. It could be to accept recommendations to make modifications or make our own modifications, so as to make the NP meet the ‘basic conditions’, Convention rights or other legal requirements. It could also be to extend the area for the referendum. We could also decide we are not satisfied that the plan meets the minimum requirements notwithstanding the Examiner’s view.</p> <p>We will need to consider if our proposed decision differs from the Examiner’s recommendations and whether this is as a result of new evidence or new fact. If so, and prior to making the decision, we will notify the plan producers and those making representations on the NP and invite further representations. This may entail referring this matter back to the Examiner.</p> <p>A report will be taken to the Determining Committee notifying members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. In the event of the Officers recommending refusal of the proposal it will not be necessary for the matter to be considered by the Determining Committee unless a Ward Member requests the committee consider the matter.</p>	<p>The Policy Team & Legal Services will assess each of the Examiner’s recommendations and decide what action to take in response.</p> <p>Legal Services will advise whether they are satisfied that the draft plan meets the basic conditions, is compatible with the Convention rights and complies with the other legal requirements</p>

1.4 The Examiner has recommended nine textual modifications to the Plan. The Examiner’s recommendations are as follows:

Proposed modification number (PM)	Page no./ other reference	Modification (strike-through text = recommended for deletion; Text in bold italics = recommended for addition)

PM1	Pages 3 & 4	<p>2.3 Major events during the project</p> <p>9 Formal Plan inspection and revision examination and modification</p> <p>Modify the dates for items 9, 10 and 11, as appropriate.</p>
PM2	Page 37	<p>4.4.4 River Flooding</p> <p>River flooding.....</p> <p>As such no development will be supported that might exacerbate flooding issues. Strategy 5 of the Local Plan aims to protect areas that are vulnerable to surface water runoff and flooding from development. Local Plan Policy EN22 has specific requirements for new development that creates surface water runoff implications, and this Plan endorses these requirements. Policy EN21 addresses river and coastal flooding with a sequential approach. Wherever possible developments should be sited in Flood Zone 1(low probability), as defined in the East Devon District Council Flood Risk Assessment.</p> <p>Otterton has recently experienced significant surface water runoff during the wet winter months. This has particularly been the case following autumn maize harvesting, following which land has been left bare; the resulting unrestrained runoff has given rise to a serious loss of valuable topsoil from the land. This practice should be discouraged as it represents poor land management, and has resulted in several overtopping incidents along Otterton Brook through the village.</p>
PM3	Page 49	<p>PO.4 – Economy/Business/Employment</p> <p>Support small businesses including home working, small scale tourism and farming as the main economic activities in the parish. Farm and rural diversification with re-use of existing buildings will be supported, as will new and start-up small businesses, especially those engaging skilled and higher paid workers. Such support would only be given if there is Development to provide new or expanded businesses should have no significant detrimental effect on the natural or the built environment.</p>
PM4	Pages 50 & 51	<p>6.1 Sustainable Development – Policy ONP1</p> <p>Development proposals to meet</p> <p>b. are located so as to avoid areas at risk of river and coastal flooding, and incorporate sustainable drainage</p> <p>Relevant policies: NPPF</p> <p>EDLP Policies D1, D6, D7, D8, E5, EN21, EN22,</p>
PM5	Pages 51 & 52	<p>6.2 Protecting and Enhancing the Conservation Area and other Heritage Assets</p> <p>Development within or adjacent to the Conservation Area or any heritage assets must preserve as described in sections 3.1 and 4.3 above, and, where possible, enhance the historic or architectural character and appearance of the sitefrom its setting or that of any heritage assets. Development across the Parish should not cause harm to the designated listed buildings or structures, or to local heritage assets, having regard to their significance.</p>

		Justification: Heritage assets existing and future generations. Appendix I of this Plan provides information as to the significance of individual heritage assets. It names the designated listed buildings and proposed local heritage assets.
PM6	Pages 52 & 53	<p>6.3 Protecting and Enhancing the Built Environment – Policy ONP3</p> <p>Development must not detract</p> <p>1) The open green spaces ...that define its character, should be retained,</p> <p>4) The green open spaces its character should be retained, safeguarded</p> <p>6) Protection, enhancement and creation (Devon Banks) toshould form an integral...</p> <p>10) Off road parkingisshould be integral to any new development.</p>
PM7	Pages 54 & 55	<p>6.5 Protecting and Enhancing Wildlife in the Natural Environment – Policy ONP5</p> <p>Development must follow the following key principles to help protect and enhance the fauna and flora, and secure net gains in biodiversity:</p> <p>Justification: Otterton Parish has two Sidmouth. Such sites have to consultConsultation with Natural England has to take place before any operations</p> <p>Add a new final sentence to Justification:</p> <p>Any harmful effects on designated and undesignated sites should be avoided by new development, or mitigated by appropriate measures.</p> <p>Relevant policies: EDLP Policies EN4, EN5, EN21, EN22</p>
PM8	Page 56 & 57	<p>6.6 Encouraging Small-scale Economic Development – Policy ONP6</p> <p>Small scale economic expansion of existing businesses providing jobs for local people will be supported where</p> <p>3. If for agriculture, ... in sustainability terms to have no detrimental environmental impact on the farm and surrounding areas.</p> <p>ii. the local highwayforecast increase in traffic;</p> <p>Both i and ii should be demonstrated through a Traffic Assessment.</p> <p>iii. There will be no detrimental impact</p> <p>Relevant policies:</p> <p>EDLP policies D1, D2 EN18, EN21, EN22</p>
PM9	Pages 57 & 58	<p>6.7 Ladram Bay Holiday Park Development – Policy ONP7</p> <p>Development will only be permitted within the area outlined in red on the map below if it is for the replacement of an existing structure or pitch, is designed to be sustainable and does not harm the landscape or setting of the East Devon AONB, the Jurassic Coast World Heritage Site and Coastal Protection-Preservation Area. No new development of any kind will be</p>

		<p>permitted anywhere Outside the existing site red line boundary defined on the map below, <i>new development must be limited and should not provide any additional holiday units or visitor accommodation.</i> Support will be given for any proposal <i>meeting the above criteria</i> that</p> <p>The map of Otterton – Ladram Bay Holiday Park and associated infrastructure boundaries, on Page 58, should be modified to show the recently constructed depot at the northern end of the site, and a revised site boundary as proposed by EDDC.</p>
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- 1.5 Under para 12 of the Town and Country Planning Act it is for the Local Planning Authority (EDDC) to consider the recommendations made in the report and the reasons for them and decide what action to take in response to each recommendation.
- 1.6 The District Council must be satisfied that the Neighbourhood Plan meets the ‘Basic Conditions’, compatible with the convention rights and complies with the provisions under section 38A and 38B of the Act, or that the draft Neighbourhood Plan would meet those conditions, be compatible with those rights, and comply with those provisions if modifications were made to the draft Neighbourhood Plan (whether or not recommended by the Examiner) before a referendum is held.
- 1.7 The regulations go on to state that if-
- a) the Local Planning Authority propose to make a decision which differs from that recommended by the Examiner, and
 - b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, the authority must notify prescribed persons of their proposed decision (and reason for it) and invite representations.
- 1.8 The legislation, which is reflected in our protocol, requires the Council to consider and respond to this report. The amendments suggested by the Examiner, mean that the Council can be satisfied that the Plan:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies of the Development Plan for the area;
 - does not breach, and is compatible with European Union obligations and the European Convention of Human Rights and therefore meets the ‘Basic Conditions’.

Given that this is the case and the ‘Basic Conditions’ are met, there are not considered to be any grounds to reject the findings of the report. Members are asked to agree to accept the recommendations of the Examiner’s report and agree that a notice to this effect be published.

- 1.9 A revised version of the Plan (known as the ‘Referendum Version’), incorporating the recommended changes, is available to view on the [East Devon District Council website](#).

2.0 Next Steps

- 2.1 The District Council will be responsible for arranging a referendum where all electors within the Parish of Otterton will be invited to vote on whether the Neighbourhood Plan should be used to

make planning decisions in the Parish. If more than 50% of those who vote say 'yes', the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon, where it will carry full weight in the planning decision making process.

- 2.2 It should be noted that due to the Coronavirus Act 2020 and the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 made in response to the coronavirus crisis, the referendum will not currently be able to take place until after 6 May 2021. However, in recognition of the hard work undertaken in communities like Otterton to progress plans to such an advanced stage, updated Government guidance has clarified that where the local planning authority has issued a decision statement detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight as a material consideration in decision-making on planning applications. If accepted, this will be the effect therefore of the recommendation of this report.



Report to: Cabinet
Date of Meeting: 21 July 2020
Public Document: Yes
Exemption: None

Review date for release None

Subject: **Response to the Newton Poppleford & Harpford Neighbourhood Plan Submission**

Purpose of report: To formally agree the response by this Council to the Regulation 16 submission consultation for the Newton Poppleford & Harpford Neighbourhood Plan.

Recommendation:

- 1. That Members note the formal submission of the Newton Poppleford & Harpford Neighbourhood Plan and congratulate the producers of the plan on the dedicated hard work and commitment in producing the document.**
- 2. That this Council make the proposed representation set out at paragraph 5.2 in this report in response to the consultation.**

Reason for recommendation: To ensure that the view of the District Council is recorded and informs the consideration of the Neighbourhood Plan by the independent Examiner.

Officer: Angela King, Neighbourhood Planning Officer,
aking@eastdevon.gov.uk (01395 571740)

Financial implications: No specific financial considerations at this stage

Legal implications: The legal implications are fully set out within the report. It is important that EDDC comment on the content of the submitted Newton Poppleford & Harpford Neighbourhood Plan (given that it will form part of the Development Plan and therefore help guide decision making on planning applications) to ensure it sits within the strategic requirements of the East Devon District Council's Local Plan.

Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 requires EDDC, as local planning authority, to publicise the

neighbourhood plan proposal on our website and also in such other manner as we consider is likely to bring the proposal to the attention of the people who live, work or carry on business in the neighbourhood area. EDDC has been alert to the implications of the current pandemic on the publicising of the plan documents including problems which may arise from accessing the documents due the closure of the Council offices and public libraries.

EDDC has therefore, as well as publicising the neighbourhood plan documents on its website, endeavoured to ensure anyone who wished to view a hard copy of the plan documents could do so by contacting the Council or the Parish Council. The Neighbourhood Plan group also circulated posters around the parish, emailed businesses and members of the public as well as carried out a post drop to members of the public who commented with postal addresses and email addresses to the previous consultation. Together with the EDDC website, the Parish Council website also sign-posted the consultation.

Equalities impact: Low Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

Risk: Low Risk

There is a risk that the Neighbourhood Plan could fail the examination if it is considered to conflict with the Basic Conditions.

Links to background information:

- [The Localism Act](#)
- [Plain English Guide to the Localism Act](#)
- [National Planning Policy Framework \(2019\)](#)
- [National Planning Policy Framework: \(2012 version applies for the examination of this plan based on submission date\)](#)
- [Neighbourhood Planning Regulations](#)
- [East Devon Neighbourhood Planning](#)

Link to Council Plan: Neighbourhood planning helps to deliver the priorities identified in the Council plan by actively encouraging, promoting and supporting the development of:

Outstanding place and environment

Outstanding homes and communities

Outstanding economic growth, productivity and prosperity

- 1.1 Newton Poppleford & Harpford Parish Council submitted their Neighbourhood Plan to the District Council and the formal 'Regulation 16 submission' consultation commenced on 18 March 2020. The District Council was required to consult on the Plan for a minimum of 6 weeks before appointing an independent Examiner to inspect the Plan against a series of conditions that must be met in order for it to proceed to a referendum.
- 1.2 As part of this consultation the District Council has the opportunity to comment on the Neighbourhood Plan. The consultation period formally ended on 29 May 2020. The EDDC Officer observations, set out at the end of this report, have been supplied to the independent examiner as a draft response to enable the examination to commence. This report is brought before Members at the earliest opportunity with a request that they endorse the Officers' observations as the formal representation on the plan.

2.0 Background to the Newton Poppleford & Harpford Neighbourhood Plan

- 2.1 Newton Poppleford & Harpford Parish Council commenced work on their Neighbourhood Plan following their Neighbourhood Area being designated on 14 June 2014.
- 2.2 Since then, the Parish Council and volunteers from the local community have spent considerable time and effort consulting with residents of the parish and producing a plan which reflects the aspirations of the community with regards to the use of land until 2031.
- 2.3 The Newton Poppleford & Harpford Neighbourhood Plan contains 29 policies designed to protect and enhance the special qualities of the Parish of Newton Poppleford & Harpford. The policies relate to: the strategic transport network; environmental protection; housing, heritage and design; education, community facilities and leisure; local green space, trees and hedgerows; local medical facilities, and; employment and business. The Plan aims to secure a sustainable future for the area in environmental, economic, and social terms.
- 2.4 Prior to submitting the Plan to East Devon District Council, Newton Poppleford & Harpford Parish Council have held their own 6 week public consultation on a draft version of the plan; a step which is also required by the Neighbourhood Planning (General) Regulations 2012 (Regulation 14). The group took into consideration comments made during this stage and updated the plan for submission to East Devon District Council.

3.0 Submission of the Newton Poppleford & Harpford Neighbourhood Plan

- 3.1 The District Council has received a Neighbourhood Plan from Newton Poppleford & Harpford Parish Council. The Plan and its supporting documents are available to view of the [planning pages](#) of the EDDC website.
- 3.2 This is the twentieth neighbourhood plan to reach submission stage in the District. The Parish Council has received regular support from the District Council and additional financial support from the Ministry for Housing Communities and Local Government.
- 3.3 The statutory regulations require that the District Council organise and undertake a consultation on a plan when it reaches this stage. This is commonly referred to as the submission or 'formal' 6 week consultation. The consultation period commenced on 18 March and finished on 29 May 2020, after a 4 week extension. The Plan proposal has been publicised through notices on the District Council website and an email sent to all the bodies mentioned in the consultation statement, including adjoining authorities and the

statutory consultees of Devon County Council, Natural England, Historic England and the Environment Agency. It was also widely publicised locally through the Parish Council.

- 3.4 One of the statutory roles of the District Council is to consider whether the Plan meets the legislative requirements, in production process terms. Cabinet has previously endorsed a protocol for District Council involvement into neighbourhood plans and in accordance with this protocol an officer review has been completed. Officer assessment is that legislative requirements are met.
- 3.5 Anyone may comment on a neighbourhood plan. It is particularly important that the District Council comments, given that (if adopted) the plan will form part of the Development Plan, and should conform to the strategic policies of the Local Plan. This report provides the recommended representations on the Plan, made by officers of this authority, to be formally submitted to the Examiner undertaking the Plan examination.

4.0 Neighbourhood Plan Examination and Referendum

- 4.1 Following the formal consultation period, the District Council has confirmed the appointment of Jill Kingaby as the 'appropriately qualified and independent Examiner'. This appointment was agreed with Newton Poppleford & Harpford Parish Council. Jill Kingaby has extensive experience in examining Neighbourhood Plans including in East Devon.
- 4.2 All responses from the consultation (including any made by this council) are forwarded to the Examiner who will consider them, either by written representations or at an oral hearing (if she decides one is necessary). The District Council is responsible for paying the costs of the examination although the District Council can recoup these expenses by claiming funding from Central Government of £20,000. This claim can currently be made once the District Council issue a decision statement detailing their intention to send the plan to referendum, following a successful examination.
- 4.3 The Neighbourhood Plan examination is different to a Local Plan examination. The Examiner is only testing whether the plan meets the Basic Conditions and other relevant legal requirements – they are not testing the soundness of the plan or looking at other material considerations. The Examiner will be considering whether the plan:
- has appropriate regard to national policy and advice contained in guidance issued by the Secretary of State
 - contributes to the achievement of sustainable development
 - is in general conformity with the strategic policies in the development plan for the local area
 - is compatible with human rights requirements
 - is compatible with EU obligations.
- 4.4 As part of the Development Plan used in future planning decisions, it is in the interests of the District, Town and Parish Councils to produce high quality neighbourhood development plans.
- 4.5 Following the examination, the Examiner's Final Report will set out the extent to which the draft plan proposal meets the Basic Conditions and what modifications (if any) are needed to ensure it meets the Basic Conditions. The Examiner has 3 options for recommendation:

- A. That the Plan proceeds to referendum as submitted.
- B. The Plan is modified by the District Council to meet Basic Conditions and then the modified version proceeds to referendum.
- C. That the Plan does not proceed to referendum.

If the Examiner chooses A or B above they must also consider whether the referendum area should be extended beyond the boundaries of the Plan area (this could be applicable if plan proposals could impact on a larger area). The report must give reasons for each recommendation and contain a summary of its findings. It is the responsibility of the District Council decide what action to take in response to the recommendations of the Examiner.

4.6 Once the Plan has been modified it will be subject to a referendum where everyone on the electoral roll (for the defined area) will have a right to vote for or against it. If at least half of votes cast support the Plan then it can be brought into legal force. It should be noted that due to the Coronavirus Act 2020 and the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 made in response to the coronavirus crisis, the referendum will not be able to take place until after 6 May 2021.

5.0 The Newton Poppleford & Harpford Neighbourhood Plan Response

5.1 As part of the current 6 week consultation the District Council can comment on the Plan. In terms of meeting the Basic Conditions, the Parish Council has produced a statement setting out how the Plan complies with the conditions which the Examiner will assess.

5.2 **After reviewing the Neighbourhood Plan contents, it is recommended that the following representation of East Devon District Council be formally submitted to the examiner. The comments have been supplied in advance as a draft response following the cancellation of the May 2020 Cabinet meetings that had been due to consider this report. It should be noted that comments we make at this stage are primarily restricted to land use planning policy matters rather than background text/reasoned justification or the community policies and are made on the basis of:**

- **Do Newton Poppleford & Harpford Neighbourhood Plan policies comply with strategic policies in our adopted Local Plan and have appropriate regard to National Planning Policy?**
- **Do we have concerns about policy given the wider objectives of the council?**
- **Are the policies workable and enforceable - could they be reasonably applied through the Development Management process? and**
- **Are they otherwise appropriate or desirable?**

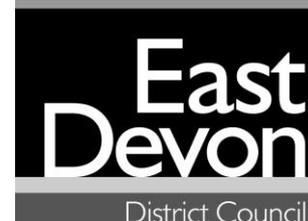
EDDC Comment No.	Reference / Policy No.	Comment
1	Policy T1	Adequate Parking The Policy should state the specific requirements, in place of the examples given, in order to clarify what they are for developers and the LPA and therefore increase the ability to apply and enforce the policy. As previously agreed, replace 'e.g.' with 'This means that'.
2	Policy T2	Traffic Calming

		<p>Criterion a) road safety – change to ‘road safety will be a priority in design terms...’</p> <p>Criterion c) HGV movements - suggest replace the term increase with ‘will generate new’ and suggest that ‘existing’ is deleted, as these are not known, so that new movements can be assessed as part of the application and refused if it is deemed to be excessive.</p> <p>The requirement for parish council sign off of a Transport Statement or Assessment should be removed as final sign off is the role of the Local Planning Authority, following consultation with the Parish Council.</p>
3	Policy T3	<p>Rights of Way Suggest move the aspiration for a “future Parish “Footpath and Cycling Strategy” out of the Policy and into an Objective.</p>
4	Policy EP1	<p>Conservation and enhancement of the East Devon AONB and Natural Environment The reference to Map 9 detailing cherished public views is welcomed but the map title only describes them as seven ‘sample views’. The map should make direct reference to the policy and describe the views as ‘cherished public views’.</p> <p>Suggest the penultimate sentence be amended to state “Proposals to facilitate the RSPB taking over management of the Old Quarry in Venn Ottery will be supported, subject to compliance with other policies.”</p> <p>Suggest a further revision of the wording of criteria (f) for clarity to: “not protrude above, or appear dominant when viewed against, skylines or significant lines or groups of large, mature trees”</p>
5	EP2	<p>Development on designated Floodzones This policy is not considered to fully reflect the sequential test approach as set out in the NPPF. However, in line with prior comments, Policy EP2 is considered to be made redundant by Policy EP4 and should therefore be deleted.</p>
6	EP3	<p>Minimise damage to existing properties Would query whether this policy needs to apply to <u>all</u> development – including changes of use and small house extensions.</p> <p>Suggest minor re-word of the policy title to “Minimising damage to existing properties”.</p>
7	EP4	<p>Flood Risk Assessment As above, we would suggest that having regard to the contents of Policy EP4, Policy EP2 is made redundant and should be deleted.</p> <p>The policy should give appropriate emphasis to the sequential test which must always be applied. The Policy should be re-worded to make clear the sequential text must be done first with references to the advice in the PPG.</p> <p>To this end, the following amendments are suggested:</p> <p>Amend policy title to “Flood Risk”</p>

		<p>Amend wording to avoid pre-empting the outcome of an FRA to: “...Flood Risk Assessment that establishes whether the development will be safe, without increasing flood risk elsewhere and, whether it is possible for flood risk overall to be reduced”.</p> <p>Amended wording to reflect the most up to date information available on flood risk as follows, “Residential developments within flood zones 2 or 3, in flood zone 1 (over 1 hectare in size), or in areas affected by other sources of flooding (for example surface water flooding), as identified in the Strategic Flood Risk Assessment for the area, or other more recent information, should be subject to a site-specific flood risk assessment.” The source of information currently quoted has been superseded.</p> <p>Minor wording change to reflect the distinction in the role of the FRA from that of the LPA to, “The findings of the Flood Risk Assessment will show whether the Exception Test can be satisfied.”</p> <p>Suggest add the following concluding statement to the last sentence of the Policy: “The Exception Test also requires development to provide wider sustainability benefits to the community that outweigh the flood risk.”</p> <p>Suggest replace “wet spots” with “at risk of flooding” as more appropriate terminology</p>
8	EP7	<p>Local Amenity</p> <p>Suggested further revision to assist application of policy by removing reference to ‘nuisance’, to read: “Development proposals that adversely impact on residential amenity will not be supported.”</p>
9	EP8	<p>Protect Agricultural Land</p> <p>To note that this repeats Local Plan policy EN13</p> <p>Suggest amending policy title to “Protecting Agricultural Land” and definition of agricultural land should be amended to reflect the NPPF definition.</p>
10	H1	<p>Meeting Demand for Smaller Dwellings</p> <p>Suggest minor wording amend for clarity to “Residential development will be supported within the Built-up Area Boundary providing that dwellings are small, defined as a maximum 93 square metres* internal space (<i>Gross Internal Area</i>), and have no more than three bedrooms. All dwellings should provide a high standard of amenity for the occupants.”</p>
11	H3	<p>Outside the Built-up area boundary</p> <p>In accordance with prior comments, suggest the policy title is amended to “<u>Housing</u> Outside the Built-Up Area Boundary” for clarity.</p> <p>In addition:</p> <p>Assuming this policy is intended to relate to new dwellings and not housing extensions as it currently would via using the term all ‘residential development’, suggest the policy is amended to make that explicit to say “Any <u>new dwellings</u> outside the BUAB:”</p>

		<p>Suggested further revision of wording to criteria d) to say “meet the need <u>as demonstrated by a Housing Needs Survey</u>” to reflect Strategy 35 of the Local Plan and clarify the requirement.</p> <p>In respect of the 3 particular needs highlighted, suggest re-wording to “Subject to the criteria above and the other policies of this plan, proposals that help meet the following particular needs will be more favourably considered...”</p>
12	Guidance Note 1	<p>Affordable Housing</p> <p>Suggest policy be amended to reflect the broader definition of affordable housing (to include social-rented dwellings and affordable rent dwellings) as set out in the NPPF.</p>
13	TD2	<p>Affordable homes to meet Local Need through a Community Land Trust</p> <p>For clarity and to facilitate application and further the intention of the policy, suggest revision to the wording to:</p> <p>“In suitable locations within the Built-up Area Boundary and outside, but adjacent to, the Built-up Area Boundary, Community Land Trusts <u>may be supported</u> to bring forward small schemes of up to 5 <u>affordable and/or</u> self-build dwellings for people who meet the local connection criteria set out in Strategy 35 of the Local Plan.</p> <p>Such schemes must comply with other policies in this plan including those relating to flood risk, protection of the East Devon AONB and dwelling size.</p> <p>To <u>assist in ensuring</u> that these dwellings remain [delete relatively] affordable in perpetuity, planning conditions will be <u>sought</u> to restrict future extensions and outbuildings.”</p>
14	HQD1	<p>Maintain the built character of our parish through High Quality Design</p> <p>In line with prior comments, at criterion g) replace ‘should’ with ‘would’ for consistency.</p> <p>In addition, suggest minor amends to:</p> <p>Remove reference to modern design from within criterion t) and reinstate it as a separate new criterion or statement within the policy, stating “Modern design will be supported provided the local character is respected or enhanced”</p> <p>Amend last sentence of the policy to: “All major developments within the Neighbourhood Development Plan Area should be of a high standard of design reflecting the principles set out in BfL(12) (Building for Life 12).</p>
15	EM1	<p>Conversion from residential use</p> <p>We support the aims of the employment use policies EM1 and EM2. We recognise that there is limited scope to create new business premises and would support more positive wording to promote employment uses, if there were opportunities to do so without conflicting with other Plan policies.</p>

		Suggest pre-submission version of Policy EM1 wording is reinstated to include use B1b (light industrial).
16	EM2	Development of Small Business Enterprises General observation applies as per EM1 above.
17	EM3	Superfast Connectivity Suggest further minor amend to facilitate application of policy to “Suitable ducting to accommodate FTTP broadband <u>should be provided</u> in all new development.”
	Other:	
18	Appendix 6 Map 7	Agricultural Land Classification This map is based on the <u>provisional</u> agricultural land classification data held by Natural England. Where the map is referenced after Policy EP8, it should say that the classification is provisional.
19	Various	As a matter of style, ‘e.g.’ should be replaced with ‘For example,’; ‘etc.’ should be replaced with ‘and so on’ and ‘i.e.’ should be replaced with ‘in other words’ or ‘that is’. Full stops should not be used in policy headings
20	Various	Noted multiple instances of references within policies to applying other policy either from the Neighbourhood Plan (for example in Policy EP3 it states “Policy EP6 should also be applied”) or from the Local Plan (for example, Policy H2 which refers to Strategy 36). Noted these can be deleted as this will happen as a matter of course.



Report to: Cabinet

Date of Meeting: 21 July 2020

Public Document: Yes

Exemption: None

Review date for release: None

Subject: Future Place and Garden Communities programme

Purpose of report: The purpose of this report is to notify Members of the use of an Exemption from Standing Orders to enable the appointment of a team comprising LDA, Hilton Barnfield and David Hawes Urban Design to undertake a visioning exercise for future strategic development in the north west quadrant of the District in conjunction with the Garden Communities programme. The attached form provides the full background and business reasons for the exemption.

Recommendation: It is recommended that Members note the use of an Exemption from Standing Orders to enable the appointment of the LDA/Hilton Barnfield/David Hawes Urban Design team.

Reason for recommendation: To enable the appointment of the LDA/Hilton Barnfield/David Hawes Urban Design team in conjunction with support from the Garden Communities programme.

Officer: Andy Wood, Service Lead – Growth, Development and Prosperity, email adwood@eastdevon.gov.uk, Tel 01395 571743

Financial implications: The details are set out in the exemption and the funding is in place.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly relied upon pursuant to the Council's Contract Standing Orders Rule 3.2. The reason for using the exemption in this case appears justified

Equalities impact: Low

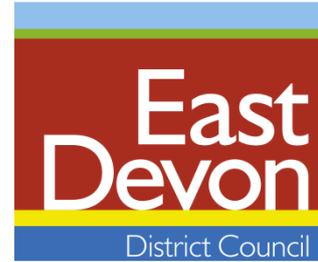
Climate change: Low Impact

Risk: Low Risk

Links to background information:

- [Future Place programme](#)
- [Garden Communities programme – Cabinet November 2019 item 16](#)

Link to Council Plan: Encouraging communities to be outstanding; Developing an outstanding economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding Council



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

Contract Standing Orders (CSOs) requires certain steps to be followed when carrying out procurement exercises. Exemptions to CSOs can be authorised by Council / Cabinet upon report and separately by officers with the approval of certain senior officers. An exemption can only be relied upon in certain circumstances (as detailed in CSOs Rules 3.1 – 3.5) but in any event cannot be used where the EU Procedure applies.

This form is intended to be used by officers to obtain an exemption to using CSOs.

Name: Andy Wood	Date: 30 th April 2020
Service: Growth, Development & Prosperity	Team:
	Total contract value: £39,807

Background (including product and supplier details, costs etc):

The Cabinet meeting on the 27th November 2019 confirmed the Council's support for being part of MHCLG's Garden Communities programme. The background to this started with the publication of a prospectus in August 2018 including the following text;

This prospectus sets out our vision and expectations for high-quality place-making across this country. It's a fresh opportunity to stimulate economic growth in new places, and a chance to aspire beyond identikit housing and town centres that look like anywhere and nowhere. It's a call to developers, investors, local authorities and local enterprise partnerships to build communities with local character, good employment opportunities, strong services, integrated and accessible transport, innovative uses of technology – and beautiful green spaces

The prospectus invited bids for ambitious, locally supported, proposals for new garden communities at scale. These would need to meet a number of key principles including a strong local vision for how a place would develop.

The deadline for the submission of bids was November 2018. A bid was jointly developed with Exeter City Council and Teignbridge District Council which anticipated the delivery of circa 20,000 homes under garden community principles both within and outside of Exeter. In terms of development within the City this subsequently developed in to the Liveable Exeter vision which anticipates the delivery of circa 12,000 new homes on key brownfield sites and was launched in to the public domain in February 2019. The potential for strategic scale development in the North West Quadrant area of the District was also identified and the discussion concept of a network of linked villages, referred to as Clyst Villages, was put forward in order to satisfy the requirements of the application process.

Government announced in May 2019 that this bid had been successful. This was accompanied by an award of £750k of capacity funding to the City Council as the lead applicant.

The Future Place programme is a joint initiative of the Royal Institute of British Architects (RIBA), Chartered Institute of Housing (CIH), Local Government Association (LGA), Local Partnerships, Homes England (HE) and Royal Town Planning Institute (RTPI). It seeks to unlock place making potential at local level through quality in design, future thinking, and knowledge sharing. The programme, designed to promote best practice and the potential of innovative delivery, design and funding models, cross-sector collaborations capacity building, and knowledge sharing at a local level, was launched in December 2018.

The local authorities of East Devon, Exeter, Mid Devon and Teignbridge and Devon County Council ('the Greater Exeter Councils') were successful in an application for support under the programme. This was confirmed in March 2019 as one of five areas nationally. In order to deliver meaningful change which will enhance people's lives, improve community wellbeing and create sustainable environments each of the five areas selected have been working with the programme partners to identify where support is required to develop and advance innovative place making strategies.

A team comprising Hilton Barnfield Architects and David Hawes Urban Design were commissioned by RIBA as part of the Future Place initiative. Their initial focus has been on developing a tool kit for place making in relation to the Liveable Exeter programme.

There is an opportunity to harness this expertise in conjunction with consultants LDA (who undertook much of the preparatory work for the Garden Community bid) to define a powerful vision for future strategic growth in the District. Their proposals anticipates a workshop based approach which will engage key stakeholders to develop a preferred growth scenario. This will involve preparing a conceptual masterplan and indicative visualisations to convey the character and nature of growth at a level of detail similar to the Liveable Exeter Vision. Key place making drivers will be identified and in response to these the team will develop a number of possible development typologies to explore and identify locally appropriate development forms that could be codified into a specific Future Place toolkit for the area to support the delivery of place

making. This will also help to inform the development of the Greater Exeter Strategic Plan and future consultation exercises.

The LDA/Hilton Barton/David Hawes team are considered to be uniquely placed to undertake this work. An exemption from Standing Orders is sought to enable this team to be commissioned. The majority of the work would be paid for from funds awarded through the Garden Communities programme with the remainder (circa £7k) coming from existing EDDC budgets. Progressing this work will put the Council in a better position to access further capacity support from the Garden Community programme in the future.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	X	
To utilise the expertise available through the Future Place programme and to make full use of the initial work already undertaken including the associated knowledge and understanding. .		

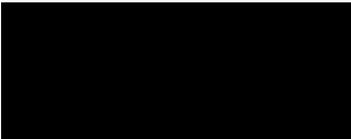
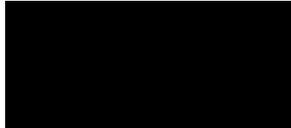
Business Benefits for an Exemption:

The total cost of this commission is expected to be £39,807 plus VAT. The majority of this cost will be met through funding already awarded through the Garden Communities programme. Progressing this work will enable a clear vision to be developed, a critical foundation for future place making. Undertaking this work now will increase the Council's chances of being able to access further capacity funding in the future, for example to undertake detailed master planning and infrastructure assessment work.

The LDA/Hilton Barnfield/David Hawes team are considered to be uniquely placed to undertake this work. Using the Future Place team is also a requirement of Homes England, a key partner in the programme.

<u>What are the implications to the following:</u>
Finance: the majority of the budget will from the Garden Community funding award with the remainder coming from existing budgets.
Human Resources: None
ICT: None
Asset Management: None
Strategic and/or Operational Objectives: Having a clear vision is critical to future place making. This work will provide an important foundation for a wide range of activity including helping to inform the development of the Greater Exeter Strategic Plan. This will sit alongside work already commissioned with the support of the Future Place programme to explore delivery vehicles and structures necessary to engrain high quality outcomes. There is considerable learning from the delivery of the current programme of strategic development in the West End of the District. Together these pieces of work will enable this learning to be put in to practice.

<u>Risk Assessment:</u>
Low
Detail risks here: <p style="text-align: right;">Or attach print from the RM system</p>

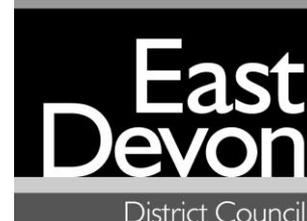
<u>Signature of line manager or service head</u>
<u>Supporting signature of Strategic Lead – Finance</u>  4/5/2020
<u>Supporting signature of Strategic Lead – Governance and Licensing</u>  5/5/2020

PLEASE NOTE:

Where the Contract value is £20,001 or above then Rule 3.2 requires you to prepare a report for Cabinet to note their support for the action taken.

The Council is required to keep a Register of Exemptions. **Please ensure that a signed copy of this form is provided to the S.151 Officer.**

Report to: Cabinet
Date of Meeting: 21 July 2020
Public Document: Yes
Exemption: None
Review date for release: None



Subject: Re-opening High Streets Safely Programme

Purpose of report: This report provides further information to members on the Re-opening High Streets Safely Fund (RHSS) programme that has recently been announced by central Government and the responses that have been received from Town and Parish Councils to questionnaires that were issued.

Recommendation: That cabinet approves option 2 (hybrid approach)

Subject to the Council entering into a grant funding agreement with the Reopening High Streets Safely Fund for the activities to be claimed:

1. That Service Level Agreements are entered into with Town and Parishes as delivery partners in the project where relevant and as required by the funding where they are seeking to recover costs already incurred.
2. To engage with those towns that have responded and have requested assistance.
3. To engage with those remaining towns that have not responded but where our own risk assessments have identified areas for action.
4. That a small element of the funding (£10,000 in the first instance) is retained by East Devon District Council to lead on the measures identified as needed from the risk assessments (signage and stencilling), working alongside the towns and parishes that have responded.
5. That where possible and with the support of the Town or Parish, elements of delivery (signage and stencilling) are undertaken by East Devon District Council using the funding allowance retained by East Devon District Council.

6. That activities focus upon Temporary public realm changes to ensure that reopening of local economies can be managed successfully and safely.
7. In consultation with the towns and parishes we will seek to identify if there is a need for Business-facing awareness raising activities to ensure that reopening of local economies can be managed successfully and safely and small scale public facing safety messaging in the Action Plan areas.
8. If further activities are identified that the Council could usefully implement that would take expenditure in excess of £10,000, that delegated authority is given to the Service Lead for Place, Assets and Commercialisation in consultation with the Strategic Lead for Finance and the Portfolio Holder for Economy and Assets to approve such an uplift.

Reason for recommendation:

Following the responses received from a number of towns and parishes and our own town risk assessments, there is an emerging programme of works. We can put in place the necessary formalities required to facilitate the processing of financial claims, publicity requirements and record keeping to support those towns and parishes that are progressing with works.

We can offer assistance to those towns that have requested this.

We can approach those remaining towns that have not responded to our questionnaire and offer assistance.

Where issues have been identified we shall work with towns and parishes to implement small scale measures (signage and stencilling) that East Devon District Council can claim directly for (without the need for formal Service Level Agreements).

Local Authorities in receipt of RHSS funding allocations (East Devon District Council) must have financial management and control procedures put in place for the RHSS Fund activity together with a process that any Delivery Partners (potentially other tier authorities) must also follow.

Officer:

Tim Child, Service Lead – Place, Assets & Commercialisation
tchild@eastdevon.gov.uk

01395 571692

Financial implications:

Financial implications are highlighted within the report. Financial risk includes those around the complex claiming process and the risk of subsequently not meeting the strict criteria of the ERDF funding requirements resulting in claimed funds being clawed back.

Legal implications: The scheme is complex in detail and care must be taken to ensure that all of the requirements of the scheme are complied with and actioned accordingly to reduce and mitigate risk, Legal Services can assist with this as instructed.

Equalities impact: Low Impact

Climate Change impact: Low Impact

Risk: Medium Risk

Activity:

- There are risks with many aspects of the programme in terms of delivery of high street/ neighbourhood shopping area adaptations e.g. changes to highway layouts, flow, parking and pedestrian routes.
- The activities deemed to be within scope of the programme are blunt i.e. they are aimed primarily at safety. Place making and place marketing activities are out of scope.
- There is no way of knowing how long social distancing measures will have to be in place and when they may change (either by being relaxed or tightened)
- Not all public areas need adaptation and inappropriate interventions could be detrimental.

Reputation and Communication:

- As high streets and neighbourhood shopping areas are already opening (from 15th June) it may be perceived as too little too late.
- In terms of communications, there is a fine balance between a message of welcoming people to towns and neighbourhood centres and the requirement to keep our communities safe.
- Stakeholder engagement – stakeholders may consider that they have either not been engaged or that this process takes too long.
- Press coverage has been slightly misleading suggesting it's a more general support fund for all high streets. Government requires quarterly reporting which may lead to negative PR if funds are not drawn down/deployed.
- Perception that the Council is prioritising some areas over others.

Financial:

- The money allocated is from the European Regional Development Fund (ERDF) and has to be reclaimed in arrears. East Devon District Council does not have an 'in-house' external funding team or ERDF claim officers. The expenditure has to be within the scope of the fund, must be deemed to be eligible (have complied with the timescale of the fund and ERDF procurement and publicity requirements where applicable) together with a fully evidenced audit trail.
- If we are to process claims by another tier authority; the expenditure would have to be identified in an action plan and

there must be a Service Level Agreement between East Devon District Council and that Delivery Partner Local Authority. Even if successfully claimed, works and expenditure could be subject to verification and potential clawback.

- Risk can be lowered (not removed) by East Devon District Council directly undertaking a number of the smaller interventions identified by the risk assessment and action plan process. For smaller, low cost works (signage and stencilling) we can work within the scope of the programme and perhaps shield other tier authorities from the bureaucracy of the programme and some financial risk.
- For larger interventions, if found to be required or already commenced, the action plan process must clearly set out the interventions and delivery parties which in turn will be set out in a Service Level Agreement between the authorities.

Links to background information:

[Reopening High Streets Safely Fund guidance](#)

[Reopening High Streets Safely Fund - Frequently Asked Questions](#)

[Covid-19-Recovery Framework](#)

[Safer Public Places – Urban Centres and Green Spaces guidance](#)

Link to Council Plan:

Outstanding Economic Growth, Productivity and Prosperity

The funding programme allows local authorities in England to put in place additional measures to establish a safe trading environment for businesses and customers, particularly in high streets.

Report in full

1. Background

- 1.1 The Re-opening High Streets Safely Fund (RHSS) programme has recently been announced by central Government (further detail is provided in Appendix 1). East Devon District Council has been given an allocation of £130,992 (based on population as a proxy for footfall). The monies are from the European Regional Development Fund (ERDF). East Devon does not have a single large town that is the main retail centre for the district. Instead it has one medium sized town (Exmouth) and a number of smaller towns (Office for National Statistics: Understanding towns in England and Wales: an introduction, published July 2019). There are no Business Improvement Districts (BIDs) in East Devon. It should also be acknowledged that many of the district's shops selling essential items have remained open throughout the Covid-19 crisis, providing an essential lifeline to our communities and making the necessary adaptation to be Covid-19 compliant.
- 1.2 East Devon District Council have already implemented extensive measures to support retailers, manage our public spaces and communicate effectively. Environmental Health's Commercial team has been providing business advice and updates on the latest government advice and contributing to a Better Business for All project preparing a Covid 19 recovery toolkit for business that is hosted by the SW Growth Hub <https://www.heartofswgrowthhub.co.uk/covid-19-support-for-business/>

- 1.3 The EDDC website has all the latest links for advice <https://eastdevon.gov.uk/environmental-health-and-wellbeing/food-hygiene-and-safety/coronavirus-updates/coronavirus-advice-for-food-businesses/> In addition, Streetscene have been implementing a range of measures to support social distancing in our public spaces and the Council's Operational Health and Safety Officer has been approaching town's offering support with high street risk assessments
- 1.4 This is an opportunity to prepare for the next phase of recovery, so that our places are safe and welcoming and support our businesses.
- 1.5 There is an onus in the guidelines on the receiving Local Authority to **'ensure that it is engaging businesses, business organisations, lower tier authorities such as parish councils and other relevant stakeholders'** and the documentation states that 'Our (the Government's) expectation is that **funding should be managed at the lowest responsible tier of local government where it is possible and appropriate to do so'**.
- 1.6 To that end and following Cabinet Briefing on 15th June, East Devon circulated a letter (Appendix 2) and questionnaire (Appendix 3) to all Town and Parish Councils the findings of which would enable us to consider how best to utilise how and where financial and more practical support is most needed.

2 Responses received

- 2.1 The following summarises the responses received:
- 7 towns and parishes have responded to say that they either don't have any shops or clusters of shops and/or do not wish to participate in the programme.
 - Axminster, Beer, Budleigh Salterton, Exmouth, Seaton and Sidmouth have responded. Seaton and Axminster requesting assistance in terms of developing risk assessments/ action plans. Budleigh Salterton, Sidmouth and Beer having developed plans, and starting to implement a number of measure wish to access funding and work with us to ensure the continued robustness of their interventions. Exmouth have undertaken a walk around audit, and would like to work with us to develop interventions. Note that we have not received responses from the towns of Honiton and Ottery St Mary.
 - At the moment, there is no full quantification of the financial costs of the measures that have been identified as appropriate.
- 2.2 What we have now is quite a complex picture, clearly there are towns and a village that want to work with us but also potentially a small number of towns that have not made contact (to date) but where our own town risk assessments have highlighted issues. Added to that is the complexity (and potential risk) of meeting the ERDF funding requirements.
- 2.3 The feedback from some of the councils was that they have not undertaken their own risk assessments and are keen to work with the District council to ensure the safety of their High Streets.

3 Options.

3.1 There are two options for moving forward with the allocation of this funding. These are set out below with the benefits, risks and considerations for each option.

3.2 OPTION 1

- (i) Allocating an ERDF claim expenditure limit to the towns and parishes that have responded, on the basis of funding per no. of town centre retail units.
- (ii) The expenditure and subsequent claim would have to be eligible, within the funding programme scope, identified by an Action Plan, and would require necessary formal Delivery Partner arrangements are put in place to facilitate claims (e.g. enter into a Service Legal Agreement with the council).

3.3 The **benefit of Option 1** is that the towns and parishes are able to have direct control over the implementation and expenditure in relation to their Reopening High Street Safely fund activities. However this would be subject to ERDF eligibility and would still require the administration of claims to be made through the District council.

3.4 The **risks and considerations for Option 1** are:

- (i) Whilst the number of retail/other businesses is an indicator of potential need/scale, it does not necessarily highlight the extent of the physical issues necessary to achieve a Covid compliant high street/ neighbourhood shopping area and as indeed identified in our own risk assessments of each town. Equally it is for the towns and parishes in consultation with their business/wider community to agree what are the most appropriate activities in their area. This is a requirement of the funding programme. It is this that identifies the nature and quantum of activity.
- (ii) ERDF monies are subject to a claims process on eligible expenditure. It should be emphasised that this is not a grant that has been allocated to the council to distribute out from this point to other tier authorities. East Devon District Council in its role as the local authority in receipt of the Reopening High Streets Safely Funding will have to enter into Service Level Agreements with other tier authorities that are identified as delivery partners. Activities and claims for expenditure must be eligible in accordance with strict criteria.

3.5 OPTION 2

This is a hybrid approach, as follows:

- (i) That a small amount of funding (£10,000) is retained by East Devon District Council to co-ordinate and procure the delivery of small-scale activities (signage and stencilling) identified in each High Street, in consultation with the towns and parishes that have responded.
- (ii) To engage with those remaining towns that have not responded but where our own risk assessments have identified areas of concern.

- (iii) In circumstances where Town and Parishes have already commenced delivery of activities, that the necessary formal Delivery Partner arrangements are put in place to facilitate their financial claims.
- (iv) That activities would focus upon Temporary public realm changes to ensure that reopening of local economies can be managed successfully and safely.
- (v) In consultation with the towns and parishes that have responded, we will seek to identify if there is a need for Business-facing awareness raising activities to ensure that reopening of local economies can be managed successfully and safely and small scale public facing safety messaging in the Action Plan areas.

3.6 The benefit of Option 2 is that it takes into account the fact that a number of towns and parishes are already undertaking a programme of works but also that a number of towns may wish to implement much smaller scale interventions (signage and stencilling) that, with their agreement could be implemented directly by East Devon District Council. By East Devon retaining a small budget it will enable there to be a degree of agility in responding to changes in circumstances i.e. changes in social distancing guidelines.

3.7 The risks and considerations for Option 2 are considered to be:

- (i) Utilisation of ERDF funding and the requirements for claiming has an inherent risk of claims being denied or clawed back.

4 Conclusion and Next Steps.

4.1 From the previous discussion at Cabinet Briefing on June 15th the favoured approach was that the funding be allocated to the towns and parishes, most likely on the pro rata basis, according to retail business numbers (as outlined in option 1).

4.2 However, in the intervening time, there are three new issues which have come to the fore. First, the responses received from the towns and parishes has now placed an emphasis on the need for taking control of the delivery of this work in isolation. Second, the further guidance received from government earlier this week has identified a greater administrative burden for both the District Council and the towns and parishes with the requirement for Service Level Agreements to be in place with each organisation. Thirdly, the council's own risk assessments that have been undertaken since that Cabinet Briefing have identified work that could be undertaken within towns, some of which have not responded, and may need to be addressed to ensure public safety.

4.3 Taking these issues into account, on balance, it is therefore considered that option 2 is the recommended approach to facilitating the needs of our towns and parishes and drawing down the funding allocation.

4.4 If this recommendation is approved, officers from relevant teams will prepare and submit an Action Plan to the funding body. This will set out a clear proposed

programme of interventions that are assessed to be eligible across the towns and parishes and will enable us to enter into formal funding discussions with the Reopening High Streets Safely Fund.

- 4.5 The feedback that has been received so far suggests that this funding allocation will not be fully utilised due to the limited extent of activities found to be required and within the eligibility criteria.

APPENDIX 1

An Overview of the Re-Opening High Streets Fund

This summary is based on our best interpretation of the information that is currently available. We expect the release of further information and guidance to be ongoing.

Activities covered by the Fund

- **Support to develop an action plan for how the local authority may begin to safely reopen their local economies.** See comment below regarding baselines.
 1. **Communications and public information activity to ensure that reopening of local economies can be managed successfully and safely** (Must use ERDF and HMG Publicity Guidance);
 2. **Business-facing awareness raising activities to ensure that reopening of local economies can be managed successfully and safely;** and
- **Temporary public realm changes to ensure that reopening of local economies can be managed successfully and safely** - To ensure that public spaces that are next to businesses are as safe as possible, temporary changes will need to be made to the physical environment. These changes can help improve consumer confidence and increase, safely, the number of active consumers. It should be noted that these measures are focused specifically at High Streets* and Neighbourhood Shopping Areas**.

Outputs and Outcomes

When submitting claims for the funding, we will be required to provide information on the outputs and outcomes that have been achieved through the spending. There will be a need to set baselines against which outcomes can be measured particularly relating to the current footfall or the number of businesses reopening in our high streets. (*Cost of incurring these baselines, assuming they are not already available, can be covered as part of the costs associated with developing an action plan.*) Upon seeking further clarification from the RHSSF team they have stated that 'We recognise, however, that not all councils will be able to provide footfall counts nor will they have access to a count for each High Street or Neighbourhood shopping area where RHSS fund activity is taking place'. And a very recent communication now offers the number of businesses reopening and the number of businesses closed as outcome measures together with an option to suggest other outcome measures.

The **Outputs** that we need to provide information on are set out in the table below:

No. of CV-19 Action Plans
No. of CV-19 Public Information Campaigns

No. of CV-19 Business Facing Campaigns
No. of CV-19 Communication Officers
No. of CV-19 High streets* with temporary CV-19 adaptations
No. of CV-19 Neighbourhood shopping areas** with temporary CV-19 adaptations

*A High Street is defined as a cluster of 15 or more retail addresses within 150 metres.

**A neighbourhood shopping area is defined as a cluster of 14 or less retail addresses within 150 metres. A request for further clarification regarding this definition has indicated that the minimum number of retail addresses is 2.

Expenditure and reimbursement

Expenditure for reimbursement under this grant will be eligible from **1 June**. Given the nature of the funding and size of the award 'the Government' would encourage use of the funding by the end of this calendar year to address immediate needs in 2020, the end date for claims however is the end of March 2021.

Financial Partnering with other Tiers of Authority

Local Authorities (LA) in receipt of RHSS funding are able to deliver activity in support of the fund through Delivery Partner arrangements with other tiers of authority, if they are identified as the most appropriate provider for the in scope activity.

To allow other tiers of authority to deliver activity and defray RHSS funding the follow is required:

- Where a LA in receipt of RHSS funding identifies a different tier of authority as a Delivery Partner, this must be reflected in any action plans, set out within the information RHSS will capture for the LA via a Grant Plan Form and in the Grant Funding Agreement. The Grant Plan Form will required the:
 - Names of those Delivery Partner LA tiers
 - The activity they will undertake
 - Brief details of why they are best placed to deliver it
- The LA will need a Service Level Agreement (SLA) with the Delivery Partner LA tiers
- The LA in receipt of the RHSS funding maintains responsibility for the full ERDF and RHSS compliance of any Delivery Partner.
- Full defrayal of costs will be required by the Delivery Partner LA tiers and payment will be in arrears by the LA in receipt of the RHSS funding.
- All expenditure must be at cost.

Records and Use of Branding

It will be essential that all evidence/records of activities undertaken and spend made must be kept for the life of the project and for the relevant retention period.

All publicity material, press releases, posters, marketing activity – must be in the correct format and have the correct EU and HMG logos.

ACTIVITIES IN SCOPE AND OUT OF SCOPE OF THE PROGRAMME

Activities out of scope

There are some activities that will not be eligible for funding. These include:

- Activity that provides no additionality
- Capital expenditure
- Grants to businesses

• **Activity that provides no additionality** - For example, if there is already a communications officer on staff then this funding cannot be used to subsidise their salary, but it can support a new temporary role to support the implementation. Similarly, if the authority's own in-house public works department undertakes works (e.g. additional road markings) the staff costs associated with this activity would not be eligible, although additional materials purchased for this purpose would be eligible.

• **Capital expenditure** – This funding is intended to help local authorities address the short-term issue of re-opening their local economies. It can support some temporary changes to the physical environment, but those changes should not be anticipated to last beyond 12 months, or until no longer required for social distancing.

• **Grants to businesses** – Funding cannot provide direct financial support to businesses to make adaptations to premises, purchase PPE, purchase goods or equipment or offset wages or other operating costs.

The Reopening High Streets Safely Fund Team are regularly issuing updates and revising their list of Frequently Asked Questions. In addition to the general out of scope principles listed above, Below is the table of specific activities that are either in scope or out of scope (from v4 of the FAQs revised 10.07.2020)

In Scope	Out of Scope
Updates to public realm changes, if social distancing rules are updated.	Place marketing signage or activity
Signage aimed at increasing safety <ol style="list-style-type: none"> 3. Pavement markings 4. Lamppost banners 5. Hoardings 	Cleaning <ul style="list-style-type: none"> • Staff or contractor costs for cleaning • Consumables Pressure washing
Financial Partnering with other Tiers of Authority <ul style="list-style-type: none"> • LA's in receipt of RHSS funds can where appropriate establish formal Delivery Partner arrangements with other Tiers of Local 	Financial support to businesses on the High Street / NSA <ul style="list-style-type: none"> • Grants to businesses • Provision of PPE / cleaning / shop adaptations

<p>Authority.</p>	<ul style="list-style-type: none"> • Financial support for a business to extend their licensing / permissions (e.g. for outdoor tables and chairs). • Business to business or Business to customer campaign collateral
<p>Traffic management on the High Street or NSAs</p> <ul style="list-style-type: none"> • Pedestrianisation of High Streets / NSAs • One way traffic systems that are temporary and linked to the pedestrianisation <p>Note the exclusion criteria for outputs P18 and</p> <p>P19:</p> <p><i>The CV-19 action plan must be focussed on activities that help ensure that Small and Medium Sized Enterprises, including Social Enterprises (see Notes below) in the area covered by the plan are able to build their resilience and adaptability in the context of the economic impact of CV-19. For example, ensuring that they can trade safely whilst CV-19 nonpharmaceutical interventions (NPIs) are in place such as social distancing measures.</i></p> <p><i>Action plans will be targeted at domestic and foreign-owned Small and Medium Sized Enterprises, including Social Enterprises; however, given the broad nature of this activity it is likely that they may indirectly benefit large companies too.</i></p>	<p>Staff or agency costs for traffic management</p>
<p>Widening footpaths</p> <ul style="list-style-type: none"> • Temporary barriers • Markings outside shops to manage queuing 	<ul style="list-style-type: none"> • Greening of streets • Artwork, planters, vinyls etc to increase attractiveness of area or disguise empty shops <p>Seating areas</p>
<p>On-street parking, where the temporary change is to remove existing parking facilities to allow for social distancing (e.g. by widening pedestrian routes)</p>	<p>Car parks</p> <ul style="list-style-type: none"> • Changes to signage • Changes to layout <ul style="list-style-type: none"> • Both public and private car parks are out of scope
<p>Information Officers working with SMEs to provide advice on safe reopening</p> <ul style="list-style-type: none"> • Employed by the Local Authority • External consultants which have been procured in an ERDF-compliant manner <p>1-2-1 advice to SMEs is eligible as long as it is available to all businesses on that High Street / NSA</p>	<p>Staff to manage or support the public on the High Street</p> <ul style="list-style-type: none"> • High Street ambassadors • Hosts • Stewards • Security staff • Public information officers

<p>Adaptations to existing cycle lanes within the defined high street and NSA areas linked to change to footpaths (to enable social distancing)</p>	<p>New cycle lanes Provision of cycle racks / storage</p>
<p>Hand sanitiser stations on supported High Streets / Neighbourhood Shopping Areas (NSAs) including the sanitiser for these stations only.</p>	<p>Toilets</p> <ul style="list-style-type: none"> • Adaptations to public or private toilets • New toilet facilities <p>Staff costs to clean or manage toilets</p>
<p>Communications and public information activity to ensure that reopening of local economies can be managed successfully and safely</p> <ul style="list-style-type: none"> • Digital • Media and press • Print and publications 	
<p>Creation or development of a Local Authority action plan to reopen High Streets safely</p>	
<p>Planters to be used as temporary public safety measures (barriers)</p>	

Date: 17 June 2020
Direct phone: 01395 517509
Direct email: PlaceandProsperity@eastdevon.gov.uk



To all Town/ Parish Clerks

Dear Town/ Parish Clerk

Coronavirus (COVID-19) Recovery

The Reopening High Streets Safely Fund

The Reopening High Streets Safely Fund is providing funding from the European Regional Development Fund (ERDF) to councils across England to support the safe reopening of high streets and neighbourhood shopping areas.

East Devon District Council is to receive an allocation of £130,992 (from the European Regional Development Fund) and from 1st June will be able to make claims for **eligible expenditure**. This is an opportunity to prepare for the next phase of recovery, so that our local economies are able to open safely and are welcoming. We are aware from a number of Town and Parish Councils that work is well underway, focusing on ensuring high streets and neighbourhood shopping areas are welcoming for the benefit of businesses, visitors and residents and ensuring long term viability. For the Council to consider how best to utilise this funding and where financial and more practical support is most needed, we'd ask that you review the attached document, complete and return to PlaceandProsperity@eastdevon.gov.uk by no later than **5pm, Friday 3rd July**.

By completing the attached, the Council will be better able to understand what measures are already in place or being arranged, can facilitate the sharing of best practice across the District **and can start to identify how and where the European Regional Development Fund allocation can best be used**, but also where other practical support from the District Council might be needed.

The funding provided to East Devon District Council is very small but it might be that where necessary it can help fund signage, communication support etc. The criteria for eligible activity is strict and many works may not be eligible. Activities that are potentially eligible include:

Blackdown House, Border Road, Phone: 01395 516551
Heathpark Industrial Estate, Email: csc@eastdevon.gov.uk
Honiton, EX14 1EJ [@eastdevon](http://eastdevon.gov.uk)
DX 48808 Honiton

Download the free East Devon App
to access council services at
eastdevon.gov.uk/app

- Support to develop an action plan for how you can begin to safely reopen your local economy;
- A communication and public information campaign to ensure that the reopening of the local economy can be managed successfully and safely;
- Business-facing awareness raising activities to ensure that reopening of your local economy can be managed successfully and safely; and
- Practical temporary public realm changes to ensure that reopening of the local economy can be managed successfully and safely e.g. signage, temporary changes to public realm, street markings and temporary barriers. These measures are focused specifically at High Streets* and Neighbourhood Shopping Areas**

*A High Street is defined as a cluster of 15 or more retail addresses within 150 metres.

**A neighbourhood shopping area is defined as a cluster of 14 or less retail addresses within 150 metres. *(we are currently seeking further clarification on the minimum number of retail addresses in a cluster)*

Below are links to the guidance notes on the fund and answers to frequently asked questions together with links to the Covid -19- Recovery Framework, Government guidance for safer public places and the High Streets Task Force.

[Reopening High Streets Safely Fund guidance](#)

[Reopening High Streets Safely Fund - Frequently Asked Questions](#)

[Covid-19-Recovery Framework](#)

[Coronavirus \(COVID-19\): Safer Public Places – Urban Centres and Green Spaces](#)

[High Streets Task Force](#)

We look forward to receiving your completed questionnaire in due course.

Yours sincerely

Cllr Paul Hayward

Portfolio Holder Economy and Assets

Tim Child

Service Lead – Place, Assets & Commercialisation

Please complete the questions below and email to placeandprosperity@eastdevon.gov.uk

Town/Locality:

Main contact details:

PLEASE NOTE THAT THE QUESTIONNAIRE IS TO GATHER INFORMATION TO INFORM EAST DEVON DISTRICT COUNCIL ABOUT WHAT ACTIONS PARISH AND TOWN COUNCILS ARE ALREADY IMPLEMENTING, SHARING BEST PRACTICE AND WHAT, IF ANY, FURTHER INTERVENTIONS ARE NEEDED TO MOST EFFECTIVELY RESPOND TO THE NEEDS OF OUR HIGH STREETS AND NEIGHBOURHOOD SHOPPING AREAS. **NOT ALL OF THE MEASURES LISTED BELOW ARE WITHIN THE SCOPE OF THE FUND.**

QUESTIONS	COMMENTS
Have you considered what actions are needed for your High Street or Neighbourhood Shopping Area? Y/N	
Is there a risk assessment/ Action Plan that the Council can see? Y/N	
Do you need assistance with undertaking and preparing a risk assessment/ action plan? Y/N	

Communications to retail businesses	
<p>Our Environmental Health team is already busy offering a range of East Devon businesses advice and support on how to operate in a covid compliant and secure way and in particular we offer a toolkit that should assist.</p> <p>Have your businesses completed the toolkit?</p> <p>Is there a need for additional district wide communications to your retail businesses, on how they can make temporary adjustments to their business premises, implement good practice for social distancing and build consumer confidence in your area?</p>	
Communications to the Public	
<p>East Devon District Council could Commission a short and focussed media campaign to inform residents and visitors how our town centres will be made safe as we re-open, building consumer confidence in your area. Is this something that you would support?</p>	

Temporary adaptations to public realm

Managing the space for, and flow of pedestrians in busy areas/ pinch points, by graphics, signage, barriers or other measures.

Has a walk around of the High Street/Neighbourhood shopping area been carried out assessing what temporary changes are needed to the physical environment and where these are most needed?

Has this considered the inclusivity of these proposed measures to ensure the space is accessible, for example, for visually impaired people, wheelchair and push chair users and any other users with specific accessibility needs?

If you have already undertaken a risk assessment/Action Plan, have you identified the need for any of the following adaptations **as detailed below**?

<p>EXAMPLES OF ADAPTATIONS.</p>	<p>Please provide details of your progress in planning for any of these adaptations (if identified as needed). For example: who is installing, by when, cost estimates, resources needed, what priority you give this adaptation – high, medium or low</p>
<p>Have you considered a one way system for pedestrians?</p>	
<p>Have you considered temporary barriers, changes to street furniture or changes to parking arrangements?</p>	
<p>Have you considered a central dividing line along pedestrianised streets (keep left – example below)</p> 	

Have you considered the use of **signage for communicating safety information?**

Have you identified suitable locations for signage?

How many would be required?

Have you procured any?

This could be lamppost signage, banners and/or stickers, graphics, stencils on the pavement, other tools that remind people of the need for social distancing.



<p>Have you considered if pavements will be used for queuing outside buildings and if so how will this be defined – (e.g. barriers, pavement stickers or stencils?)</p>	
<p>Have you considered using Marshalls to assist in the implementation of these measures?</p> <p>Do you have volunteers you could access to do this?</p> <p>Have you thought about where they might be positioned?</p>	
<p>Have you considered using a map of your centre/a leaflet to show the public how they can access information across the town?</p>	

Have you considered free **standing public health information points**?

Where might these go?



What information would you want displayed.

Empty response area for the first question.

Cleanliness/Hygiene

Have you considered installing public hand sanitizing stations in the High Street? - How many would you need – this should be included on your map. How would they be stored at night?

Empty response area for the second question.

Other Assistance	
<p>Devon County Street Café Licences Temporary Permits (COVID-19) To support local businesses planning for reopening in the coming weeks, the County Council is introducing an informal temporary licence which, if the application is not contentious, will enable businesses to provide outdoor seating, in line with the County Council’s terms and conditions, whilst the consultation is undertaken rather than once the consultation is complete. For more information see here.</p> <p>Are you aware of any street café licences having been requested by your businesses as a direct consequence of covid social distancing requirements?</p> <p>Please provide further details.</p>	
<p>Interest in utilising EDDC owned land for businesses to comply with social distancing requirements</p> <p>Are you aware of any requirements by your businesses to use East Devon District Council owned land to assist with social distancing requirements?</p> <p>Please provide further details.</p>	